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Connah's Quay Low Carbon Power

Applicant's Response to Local Impact Report

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1. Introduction

1.1 Overview

- 1.1.1 This document has been prepared on behalf of Uniper UK Limited. It forms part of 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 (the Proposed Development).
- 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 Report

- 1.2.1 This document provides the Applicant's comments on the **Local Impact Report (LIR) [REP2-021]** from Flintshire County Council (FCC) dated 10th February 2026 in relation to the Proposed Development.
- 1.2.2 The structure of this document follows the order in which topics are raised within the **LIR [REP2-021]**.
- 1.2.3 When responding to the **Local Impact Report (LIR) [REP2-021]**, 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 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. Applicant's response to Local Impact Report (LIR)

2.1.1 **Tables 1-18** detail the Applicant's comments on the **LIR [REP2-021]** submitted by Flintshire County Council (FCC) dated 10th February 2026.

Table 1: Response to Part A of LIR (Background and Context)

Reference	Source Document Text	Applicant's Response
1.1	<p>INTRODUCTION</p> <p>Uniper UK Limited ('the Applicant' / 'the developer') have applied for an Order granting development Consent for a low-carbon combined cycle gas turbine electricity generating station of up to 1,380 megawatts net electrical output with post-combustion carbon capture; natural gas, cooling water and electricity connections; carbon dioxide connection to the HyNet CO₂ Pipeline Project; above ground installations; utilities; construction laydown areas; access; and other associated and ancillary development. This project is known as the Connah's Quay Low Carbon Power Project and is considered to be a Nationally Significant Infrastructure Project (NSIP).</p>	<p>The Applicant acknowledges the context and scope of FCC's LIR [REP2-021] and that its purpose is to advise the Examining Authority (ExA). The Applicant further acknowledges that the LIR [REP2-021] has had regard to those changes made in the Change Notification [AS-006] (submitted on 16th January 2026). Should an addendum be provided by FCC at a later stage, the Applicant will review and respond to that, as appropriate.</p> <p>The Applicant remains committed to working constructively with FCC throughout the Examination to ensure that any identified local impacts are fully understood and, where necessary, appropriately mitigated.</p>
1.2	Flintshire County Council's Cabinet Member for Transformation, Place and Growth agreed this Local Impact Report (LIR) on 10 February 2026 and as such the matter can be considered under Delegated Powers	
1.3	The purpose of the LIR is for the Council to advise the Examining Authority (ExA) on local impacts it considers the proposed development will have on the local area by reference to specific issues and material considerations. Details of how negative impacts can be overcome and mitigated will be provided where relevant or possible. The LIR will also appraise the proposed development's compliance with local planning policy and guidance and offer views on the DCO provisions, and proposed requirements. The scope of this LIR only relates to the impacts of the proposal as it affects the administrative area of the Council.	
1.4	On the 16 January 2026 the Applicant submitted a Change Notification which the ExA accepted. This LIR has some regard to the proposed changes to the DCO application, and this has been made clear where this is the case. Should it be necessary, an addendum may be offered by the Council to supplement this LIR.	
2.1	<p>DESCRIPTION OF THE PROPOSED DCO DEVELOPMENT</p> <p>The DCO proposed development is for a low-carbon combined cycle gas turbine electricity generating station of up to 1,380 megawatts net electrical output with post-combustion carbon capture; natural gas, cooling water and electricity connections; carbon dioxide connection to the HyNet CO₂ Pipeline Project; above ground installations; utilities; construction laydown areas; access; and other associated and ancillary development. The objectives of the Project are to reduce CO₂ emissions from industry, homes and transport and support economic growth.</p>	The Applicant acknowledges FCC's overview description of the Proposed Development and confirms that this is accurate.
2.2	The Applicant states in their submission that the DCO Proposed Development forms part of a long-term replacement strategy for our existing unabated power station and if realised, the new combined cycle gas turbine (CCGT) power station could be operational by 2030.	
2.3	<p>The DCO Proposed Development would comprise:</p> <ul style="list-style-type: none"> • Main Development Area is an area of around 56.45 ha that includes operational parts of the existing Connah's Quay Power Station and agricultural fields. Areas of the Main Development Area would be developed for the proposed CCGT and CCP and used for temporary laydown areas during construction. It is bordered generally to the north by the Dee Estuary, to the east by the existing National Grid Electricity Transmission plc (NGET) 400 kV Substation, and to the south by the North Wales Main Line railway; 	The Applicant acknowledges FCC's descriptions of the Proposed Development, however, the Applicant wishes to clarify that the Alternative Access to Main Development Area and Access to Construction & Indicative Enhancement Area (C&IEA) runs from the B5129 and that Chapter 3: Location of the Proposed Development (EN010166/APP/6.2.3) , submitted at Deadline 3, approximates the Main Development Area to be 56.5 ha.

Reference	Source Document Text	Applicant's Response
	<ul style="list-style-type: none"> • Repurposed CO2 Connection Corridor is an area between the southwest corner of the Main Development Area and the north-east corner of the Proposed CO2 Connection Corridor. It comprises around 4.34 ha and is largely agricultural fields and hedgerows. It follows 3 km of the route of an existing underground gas pipeline between the existing Connah's Quay Power Station and Point of Ayr Gas Terminal to the north-west; • Proposed CO2 Connection Corridor mirrors the area consented for the proposed Flint Above Ground Installation (Liverpool Bay CCS Ltd's Flint AGI) and Newbuild CO2 Pipeline works within the HyNet CO2 Pipeline Project (refer to Section 2.4). It comprises 6.21 ha within which a new CO2 export pipeline approximately 422m in length for the Proposed Development would be constructed linking the Repurposed CO2 Connection Corridor at one end, with the area consented for the proposed Liverpool Bay CCS Limited's Flint AGI at the other end; • Water Connection Corridor is an area of around 1.60 ha which includes the existing abstraction and discharge infrastructure for cooling water sourced from the River Dee for the existing Connah's Quay Power Station. It includes both intertidal mudflat and saltmarsh habitats of the Dee Estuary and the River Dee itself. Subject to minor modification and alteration, the Proposed Development would utilise the existing Connah's Quay Power Station cooling water abstraction and discharge infrastructure located within the River Dee; • Electrical Connection Corridor is an area of 3.40 ha which includes the existing electrical export transmission cable(s) that interface with the Main Development Area and the existing NGET 400 kilovolt (kV) Substation; • Construction and Indicative Enhancement Area (C&IEA) is an approximate 12.58 ha area of vacant land under the Applicant's ownership south-east of the Main Development Area which currently comprises derelict hardstanding with scrub / grass vegetation, open grassland and small trees. Following use during construction as a laydown area, the C&IEA would be used for ecological mitigation. The Outline Landscape and Ecological Management Plan (LEMP) (EN010166/APP/6.9) sets out plans to identify these areas and the implementation plan for these measures; • Main Development Area Access Works Area comprises Kelsterton Road, including a bridge over the North Wales Main Line railway, and part of a former junction between the A548 and Kelsterton Road. This area comprises around 0.24 ha of existing hardstanding with small areas of roadside, kerbs, trees and grass; • Alternative Access to Main Development Area and Access to C&IEA is an existing hardstanding road that runs from the B5112 towards the Electrical Connection Corridor beneath the A548 Flintshire Bridge; and • Surface Water Outfall Area is the area including and surrounding the existing artificial outfall for surface water drainage from the existing Connah's Quay Power Station into the Dee Estuary. A new surface water outfall would be required. 	
3.1	<p>DESCRIPTION OF THE PROPOSED DCO DEVELOPMENT SITE AND SURROUNDINGS</p> <p>It is understood from the application documents that 'The Site' refers to the land within which the DCO Proposed Development, and if consented and developed would be located, and bounded by the Order Limits.</p>	<p>The Applicant acknowledges FCC's descriptions of the Proposed Development site and surroundings and notes the use of the term 'The Site', throughout the LIR [REP2-021]. The Applicant further acknowledges that the descriptions, as set out in the Planning Statement [APP-262], have been used to inform the LIR [REP2-021] and notes the clarifications made in the response above. The explanation of appendices provided by FCC is noted.</p>
3.2	<p>The Council's LIR relies upon the Applicant's s description of the site and surrounding area as set out in the Applicant's Planning Statement, (document reference APP-262).</p>	
3.3	<p>The various appendices of this LIR set out environmental constraints, Local Development Plan LDP allocations, built conservation constraints and public rights of way associated with each section of the proposed DCO.</p>	

Reference	Source Document Text	Applicant's Response
4.1	<p>RELEVANT PLANNING HISTORY AND COMMITTED DEVELOPMENTS</p> <p>Planning applications which are extant or pending determination within the DCO order limit, are set out below. It is noted that these proposals have not been identified within the Applicant's planning statement:</p>	<p>The Applicant would clarify that planning application Ref. Nos. COU/000791/23, OUT/000021/26 and OUT/000566/25 are not within the Order limits. Sheet 6 of 10 of the Site Location Plan [APP-008] demonstrates that the 'red lines' shown on the site location plans associated with these applications are not within the Order limits.</p>
4.2	<p>Planning applications <u>pending</u> determination that lie within the DCO Order limit:</p> <p>COU/000791/23 - Change of use of land to form a 3 pitch traveller family site, along with the erection of a day room, boundary fencing, the installation of a septic tank and landscaping with access from Chester Road (existing access).</p> <p>OUT/000021/26 - Outline application for construction of new affordable dwelling.</p>	<p>Application Ref. No. DEM/000807/25 is within the Order limits. This relates to a decision by FCC on 15 October 2025 (i.e. after the DCO Application was submitted) that prior approval is not required in connection with the demolition of the decommissioned GTP and associated foundations connecting pipework (below and above ground) to the above ground gas installation pursuant to permitted development rights. The demolition of the GTP is scheduled to have been completed by summer 2026.</p>
4.3	<p>Planning applications <u>determined in the last 6 months</u> that lie within the DCO Order limit:</p> <p>DEM/000807/25 - Demolish the decommissioned Gas Treatment Plant (GTP) and associated foundations connecting pipework (below and above ground) to the above ground gas installation</p> <p>OUT/000566/25 - Outline application for construction of residential dwelling.</p>	

Table 2: Response to Part B, Section 5 (UK Government Planning Policy and Legislation) of LIR

Reference	Source Document Text	Applicant's Response
5.1	<p>The main material consideration in the determination of Nationally Significant Infrastructure Projects are National Policy Statements (NPS), NPSs for energy infrastructure were published by on 22 November 2023 and came into force in England and Wales on 17 January 2024. The following energy NPSs are relevant to the Proposed Development and are considered below:</p> <ul style="list-style-type: none"> - Overarching NPS for Energy (EN-1) - NPS for Natural Gas Electricity Generating Infrastructure (EN-2) - NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN4) - NPS for Electricity Networks Infrastructure (EN-5) 	<p>As detailed within the Planning Statement [APP-262], including paragraph 3.2.6, the NPSs are the primary policy used by the SoS to examine and determine relevant applications for nationally significant infrastructure projects (NSIPs). Paragraph 3.2.6 details other reports/matters that the SoS should consider, including any other matters that are both 'important and relevant' to their decision. Section 3.3 of the Planning Statement confirms that NPSs EN-1, EN2, EN-4 and EN-5 are relevant to the Proposed Development.</p> <p>The Applicant notes that whilst revised versions of NPS EN-1 and EN-5 came into force on 6 January 2026, those revised versions do not apply to the DCO Application for the Proposed Development as the application was accepted for examination before 6 January 2026.</p>
5.2	<p>The Council considers that Welsh Government and Local planning policies are also material considerations to be afforded appropriate weight. The policies and legislation the Council consider relevant are set out in the sections below.</p>	<p>As summarised at paragraph 3.6.1 of the Planning Statement [APP-262], Section 104 of the PA 2008 requires the SoS to determine DCO applications in accordance with the relevant NPSs, where these are in place, having regard to a number of specified matters including any matters which the SoS thinks are both "important and relevant" to their decision. Paragraph 5.1.1 of the Planning Statement explains that matters that the SoS may consider important and relevant may include national and regional planning policy and local development plan policy. Therefore, in the case of the Proposed Development, Welsh national and regional planning policies and the local development plan, in the form of the Flintshire LDP, could be relevant. This is for the SoS to determine. The Planning Statement assesses the conformity of the Proposed Development with those policies within Section 6.3 and the Policy Assessment Tables at Appendix 2. Paragraph 4.1.15 of the Overarching National Policy Statement (NPS) for Energy (EN-1) confirms that in the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of SoS decision making given the national significance of the infrastructure.</p>

Table 3: Response to Part B, Section 6 (Welsh Government Planning Policy and Legislation) of LIR

Reference	Source Document Text	Applicant's Response
6.1	The Site lies entirely within the administrative area of Flintshire County Council therefore should also be considered against Welsh Government Policy and the Development Plan within Flintshire.	Please note the response above within Table 2, Reference 5.2.
6.2	The Council considers the following Welsh Government legislation, policy documents and guidance are relevant:	This is noted by the Applicant.
6.3	<p>Legislation</p> <p>The provisions within the following Acts are considered to be material considerations:</p> <ul style="list-style-type: none"> • The Wales Act 2017 • Well-being of Future Generations (Wales) Act 2015 • The Environment (Wales) Act 2016 • The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 which set an amended target of reducing carbon emissions in Wales to net zero by 2050. 	
6.4	The Wellbeing of Future Generations Act 2015 puts in place seven well-being goals guiding sustainable development, one of which endeavours to achieve 'A prosperous Wales' in which: <i>"An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing fairwork."</i>	
6.5	It is considered that the proposed development would contribute to achieving the long term goal of the Wellbeing of Future Generations Act of achieving a prosperous Wales.	This is noted by the Applicant.
6.6	<p>Prosperity for All: Low Carbon Wales (2019).</p> <p>This Plan sets out the Welsh Government's approach to cut emissions and increase efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society. It sets out 100 policies and proposals that directly reduce emissions and support the growth of the low carbon economy. Its aim is to assist Wales to meet 2016 to 2020 carbon budget, and 2020 emissions reduction targets. The plan:</p> <p>Focuses on future skills needed to ensure we transition our workforce to maximise the opportunities presented by global clean growth.</p>	The Applicant notes that subsequent carbon budgets have been published since 2019.
6.7	<p><u>Policy 34 - Maximise Welsh benefit from major infrastructure projects in Wales</u></p> <p>States that although the Wales Act 2017 delivers increased powers to Welsh Ministers, there are still many major infrastructure decisions made by UK Government and others. Welsh Government's approach is to ensure we understand the impacts on Wales and ensure we derive the maximum social and economic benefit from the development.</p>	
6.8	<p><u>Policy 57 – Energy Efficiency Schemes UK Government</u></p> <p>UK Government's Clean Growth Strategy sets out policies and proposals to accelerate the pace of clean growth. It includes the development of a package of measures to support businesses to improve energy productivity by at least 20% by 2030 including working with the Carbon Capture Usage and Storage (CCUS) Council to consider options to deploy CCUS in the UK and maximise its industrial opportunity</p>	
6.9	<u>Policy 60 – Carbon Capture Utilisation and Storage</u>	

Reference	Source Document Text	Applicant's Response
	<p>The UKCCC assumes that CCUS could significantly reduce Welsh emissions by 2050 but the deployment of CCUS in its Welsh scenarios does not commence until the late 2030s and will be towards the end of the window of UK deployment. This reflects the greater practical difficulty and cost in the Welsh context relative to other parts of the UK. UK Government's industry led CCUS Council will need to work with Welsh Government when considering steps required to reduce the cost of deploying CCUS in the UK. In July 2018 the Group published its independent report setting out industry's view on how best to progress CCUS in the UK in order to enable the UK to have the option of deploying CCUS at scale during the 2030s, subject to costs coming down sufficiently.</p>	
6.10	<p><u>A Carbon Capture, Utilisation, and Storage Network for Wales (2021)</u></p> <p>This sets out the approach that the Welsh Government would like to see regarding Carbon Capture Storage (CCS). The document recognises CCS as "a feasible technical option to support Wales in achieving its statutory emissions reduction targets".</p>	This is acknowledged by the Applicant.
6.11	<p><u>Planning Policy Wales (Edition 12, February 2024)</u></p> <p>Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. The following sections of PPW are considered of relevance to this development:</p> <ul style="list-style-type: none"> • Chapter 5 – Production and Enterprising Place. In particular Section 5.7 – 5.9 inclusive, which sets out the policy framework for renewable and low carbon energy development. • Chapter 6 - Distinctive and Natural Places. In particular Section 6.1: The Historic Environment; Chapter 6.3: Landscape; Chapter 6.4: Biodiversity and Ecological Networks; Chapter 6.6: Water and Flood Risk; Chapter 6.7: Air Quality and Soundscape; and Chapter 8: Lighting. 	Please note the response above within Table 2, row 5.2 regarding the relevance of this policy. The Planning Statement [APP-262] outlines key policies from PPW at Section 5 and assesses the Proposed Development's compliance with those policies in Section 6.3 and Table 2.5 of the Policy Assessment Tables at Appendix 2.
6.12	<p>PPW sets out the overriding requirement for sustainable development. The document sets out a number of planning principles as follows:</p> <ul style="list-style-type: none"> • Growing our economy in a sustainable manner • Making best use of resources • Facilitating accessible and healthy environments • Creating and sustaining communities <p>Maximising environmental protection and limiting environmental impact</p>	These principles are acknowledged by the Applicant.
6.13	<p>Paragraph 2.26 advises that planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.</p>	This is noted by the Applicant. Section 7.2 of the Planning Statement [APP-262] outlines the key benefits of the Proposed Development.
6.14	<p>Paragraph 3.30 onwards explains climate change, decarbonisation and the sustainable management of natural resources (SMNR). This section recognises that the planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. One of the key features of the SMNR is recognised as 'facilitating the move towards decarbonisation of the economy'.</p>	

Reference	Source Document Text	Applicant's Response
6.15	The guidance which is key to the consideration of this proposed development is in section 5.7 relating to Energy. Paragraph 5.7.1 states <i>'The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen'</i> .	The Planning Statement [APP-262] at Appendix 2, Table 2.5 outlines and assesses the Proposed Development against PPW, including paragraph 5.7.1.
6.16	Paragraph 5.7.2 states <i>'In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales'</i> .	The Planning Statement [APP-262] at Appendix 2, Table 2.5 outlines and assesses the Proposed Development's compliance with PPW, including paragraph 5.7.2.
6.17	PPW provides guidance on the electricity grid network and also associated energy storage. Paragraph 5.7.10 states <i>'Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority'</i> .	This policy is noted by the Applicant.
6.18	Although not specifically stated it would appear that this statement is applicable to all energy networks and not just electricity.	
6.19	Paragraph 5.9.19 provides guidance in respect of development management and advises that planning authorities should take into account: <ul style="list-style-type: none"> • <i>'the contribution a proposal will make to meeting identified Welsh, UK and European targets;</i> • <i>the contribution to cutting greenhouse gas emissions; and</i> • <i>the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development'</i>. 	The Planning Statement [APP-262] at Appendix 2, Table 2.5 outlines and assesses the Proposed Development's compliance with PPW, including paragraph 5.9.19. In addition, Section 7.2 of the Planning Statement [APP-262] outlines the key benefits of the Proposed Development.
6.20	Paragraph 5.9.20 advises that: <p><i>'Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development'</i>.</p>	The Planning Statement [APP-262] at Appendix 2, Table 2.5 outlines and assesses the Proposed Development's compliance with PPW, including paragraph 5.9.20.
6.21	It further advises that: <i>'The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:</i> <ul style="list-style-type: none"> • <i>the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;</i> • <i>the impact on the natural and historic environment;</i> • <i>cumulative impact;</i> • <i>the capacity of, and effects on the transportation network;</i> • <i>grid connection issues where renewable (electricity) energy developments are proposed; and</i> • <i>the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts'</i>. 	
6.22	<u>Future Wales: The National Plan 2040 (February 2021)</u> <p>Future Wales is the Welsh Government's national development framework, setting direction for development in Wales to 2040. Future Wales forms part of the statutory development plan for</p>	Future Wales has been considered within the Applicant's Planning Statement [APP-262] in Section 5.2, Section 6.3 and Table 2.4 in Appendix 2.

Reference	Source Document Text	Applicant's Response
	Wales. It is the highest tier of development plan and regard has been had to Future Wales as part of the preparation of Flintshire LDP in terms of ensuring general conformity. It has development plan status and therefore forms part of the planning framework, used as a basis for making planning decisions in Flintshire.	
6.23	Future Wales draws attention on page 13 to the Natural Resources Policy which identifies the need to: <i>'facilitate the decarbonisation of the economy, including energy and transport choices, and promote the principles of a circular economy'</i> .	This is noted by the Applicant.
6.24	Future Wales sets out some 11 outcomes and outcome 11 on page 56 is: <i>'A Wales where people live ... in places which are decarbonised and climate-resilient'</i> .	The Applicant has provided an assessment of the Proposed Development's compliance with this policy within Table 2.4 of Appendix 2 of the Planning Statement [APP-262] .
6.25	The accompanying text is as follows: <i>'The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation commitments and renewable energy targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors. New homes will be energy efficient and will help communities adapt to the changing climate'</i> .	
6.26	Future Wales sets out a number of policies. Policy 1 is the overarching framework for where development and growth will be focused in each region. 'Where Wales will Grow' identifies that Wrexham and Deeside is a National Growth Area where <i>'there will be growth in employment and housing opportunities and investment in infrastructure'</i> . Policy 1 drives the delivery of the Future Wales Outcomes and ensures Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.	This is noted by the Applicant.
6.27	Policy 17 'Renewable Energy and Low Carbon Energy and Associated Infrastructure' strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet future energy needs. The policy states: <i>'In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency'</i> .	The Applicant has provided its assessment of the Proposed Development's compliance with this policy within Table 2.4 of Appendix 2 of the Planning Statement [APP-262] .
6.28	It further states: <i>'Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities'</i> . The policy also, and of relevance to this proposed development, recognises the importance of infrastructure stating <i>'New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure'</i> .	
6.29	Policy 20 'National Growth Area – Wrexham and Deeside' recognises that <i>'Wrexham and Deeside will be the main focus for growth and investment in the North region'</i> .	The Applicant has provided an assessment of the Proposed Development's compliance with this policy within Table 2.4 of Appendix 2 of the Planning Statement [APP-262] .
6.30	Policy 21 'Regional Growth Area – North Wales Coastal Settlements', recognises and identifies that the North of Wales will play a role in decarbonising society and supports the realisation of new infrastructure projects.	This policy relates to regionally important towns along the coast, and is not considered to be directly relevant to the Proposed Development.
6.31	<u>Technical Advice Notes (TANs) and Welsh Government Planning Guidance</u>	Please note the response above within Table 2, row 5.2 regarding the relevance of this policy. Paragraph 5.2.7 of the Planning Statement [APP-262] confirms that NPS EN-1 (paragraph 4.1.11) states that the NPSs for energy have taken account of PPW in addition to the Technical Advice Notes (TANs) for Wales,

Reference	Source Document Text	Applicant's Response
	<p>The following TANs and Welsh Government Practice Guidance are considered to be material considerations:</p> <ul style="list-style-type: none"> • Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009) • Technical Advice Note (TAN) 11 – Noise (1997) • Technical Advice Note (TAN) 12 – Design (2016) • Technical Advice Note (TAN) 15 – Development and Flood Risk (2004) • Technical Advice Note (TAN) 18 – Transport (2007) • Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2017) • Technical Advice Note (TAN) 21 – Waste (2014) • Technical Advice Note (TAN) 23 – Economic Development (2014) • Technical Advice Note (TAN) 24 – The Historic Environment (2017) 	<p>where appropriate. Given the relevant policies of PPW and the NPSs have been fully considered by the Applicant, it is considered that the TANs have also been adequately considered.</p>

Table 4: Response to Part B, Section 7 (Local Planning Policy) of LIR

Reference	Source Document Text	Applicant's Response
7.1	<p>The Flintshire LDP was adopted by the Council on 24 January 2023 and covers the period 2015 to 2030. It forms part of the statutory development plan alongside Future Wales: The National Plan 2040.</p>	<p>Paragraph 5.4.1 of the Planning Statement [APP-262] concurs with this statement.</p>
7.2	<p>The LDP does not contain a specific policy in respect of infrastructure projects and would rely on the framework of strategic and detailed development management policies to be read as a whole. Policy STR6 does recognise the need for infrastructure but is in the context of this supporting particular forms of development such as housing, rather than freestanding infrastructure development. The key relevant policies in the adopted LDP are listed below:</p> <ul style="list-style-type: none"> • STR4 sets out strategic principles in respect of sustainable development, design and placemaking and is clearly signposted to subsequent detailed policies. • STR13 strategic principles in respect of natural, built environment, green networks and infrastructure and is signposted to subsequent detailed policies. • STR14 sets out strategic principles in respect of climate change and environmental protection. • PC1 guidance on development within and outside of settlement boundaries. • PC2 sets out general requirements for all developments. • PC3 addresses design matters. • PC4 sets out guidance on the sustainability and resilience of new development. • EN1 seeks to protect existing sports recreational and cultural facilities. • EN2 addresses green infrastructure. • EN4 seeks to ensure new development respects landscape character. • EN6 provides guidance on sites of biodiversity importance. • EN7 provides guidance on trees, woodlands and hedgerows. • EN8 provides guidance on the built historic environment and listed buildings. • EN13 provides guidance on renewable and low carbon energy development. • EN14 provides guidance in respect of flood risk. • EN15 seeks to ensure new development does not harm water resources. 	<p>The LDP policies that the Applicant considers could be relevant to the Proposed Development are listed at paragraph 5.4.2 of the Planning Statement [APP-262] and those are summarised and assessed in Table 2.6 of the Policy Assessment Tables (Appendix 2). The Applicant has included all the policies within the list at 7.2 of the LIR [REP2-021], as well as other policies that could be relevant, except for Policy EN1 Sports, Recreation and Cultural Facilities. It is considered that this policy is not relevant because the Proposed Development would not result in loss of existing open space, sports and recreation facilities.</p>

Table 5: Response to Part B, Section 8 (Supplementary Planning Guidance) of LIR

Reference	Source Document Text	Applicant's Response
8.1	<p>SUPPLEMENTARY PLANNING GUIDANCE NOTES</p> <p>Flintshire's Supplementary Planning Guidance Notes (SPGs) were adopted in line with national guidance including involving public consultation and formal resolution to adopt. It is accepted that the SPGs were prepared in line with the previous Unitary Development Plan (UDP) and it is acknowledged that the UDP no longer forms part of the Development Plan for Flintshire. However, most of the SPG's are still applicable to the broad thrust of relevant LDP policies and reasonably up to date in terms of PPW. It is considered therefore that it would be reasonable that in those instances where the guidance in an existing SPG is both relevant and helpful, the SPG's should continue to be afforded appropriate weight.</p>	<p>The Applicant would refer to the response provided in Table 2 above in relation to row 5.2. The SPG LPGN 29 - Management of Surface Water for New Development is referred to in Chapter 13: Water Environment and Flood Risk [APP-051] and Chapter 20 Climate Change [APP-058].</p>
8.2	<p>It will be necessary when using a particular SPG to ensure that it still remains consistent with the relevant LDP policy and with PPW 12th Edition (PPW12). Any inconsistencies would then need to be addressed in terms of relative weight to be attached.</p>	
8.3	<p>The Council has a set of adopted Supplementary Planning Guidance (SPG) Notes. The relevant SPGs for this application are as follows:</p> <ul style="list-style-type: none"> • SPG3 Landscaping • SPG4 Trees and Development • SPG8 Nature Conservation & Development • SPG8a Great Crested Newt Mitigation Requirements • SPG28 Archaeology 	

Table 6: Response to Part B, Section 9 (Other Material Considerations) of LIR

Reference	Source Document Text	Applicant's Response
9.1	<p>The Council consider the following technical sources and guidance documents to be material planning considerations:</p> <ul style="list-style-type: none"> • Welsh Government LANDMAP: the all-Wales Geographical Information (GIS) based resource for assessing landscape character and quality. LANDMAP is the formally adopted methodology for landscape assessment in Wales and informs planning related uses and landscape baseline conditions at both local and landscape scale. • Welsh Government Practice Guidance: Planning Implications of Renewable Energy and Low Carbon Energy (February 2011) • Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015) 	<p>LANDMAP data is included at Figure 15-4B1: Landmap [APP-147] of the Environmental Statement and is considered to be a relevant background information document that may be of relevance. FCC have also raised a number of comments in relation to LANDMAP which are addressed within Table 13.</p> <p>The renewable energy guidance listed does not refer to the technology of carbon capture and storage and therefore is not considered by the Applicant to be of direct relevance to the Proposed Development.</p>

Table 7: Response to Part C, Section 10 (Noise and Vibration Residential / Public Amenity) of LIR

Reference	Source Document Text	Applicant's Response
10.1	<p>Information reviewed</p> <p>In undertaking this review, the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Chapter 9 Noise and Vibration [APP-047] • Figure 9.1 Noise Sensitive Receptors and Sound Monitoring Locations [APP-120] • Figure 9.2 Main Development Area and Construction Laydown Noise Contours [APP-121] • Figure 9.3 Main Development Area Operational Sound Contours [APP-122] • Appendix 9A Noise and Vibration Methodology [APP-184] • Appendix 9B Baseline Sound Level Survey [APP-185] • Appendix 9C Construction Noise Effects and Assumptions [APP-186] • Appendix 9D Operational Sound Information [APP-187] • Framework Construction Environmental Management Plan (CEMP) [APP-246] 	<p>The Applicant acknowledges FCC's review of the submitted application documents notes the following documents have been updated at Deadline 3:</p> <ul style="list-style-type: none"> • Chapter 9: Noise and Vibration (EN010166/APP/6.2.9); • Figure 9-2: Main Development Area and Construction Laydown Noise Contours (EN010166/APP/6.3); and • Appendix 9-C: Construction Noise Effects and Assumptions (EN010166/APP/6.3). <p>In addition, the Applicant notes that the following document submitted at Deadline 2 is also relevant to noise and vibration: Chapter 9: Noise and Vibration [REP2-005] (noting this has been updated further Deadline 3, as per the above).</p> <p>The Applicant highlights that Requirement 13 of the Draft DCO (EN010166/APP/3.1) requires the operational and maintenance environment management plan(s) for each stage of the authorised development to be prepared in general accordance with the Operation and Maintenance Mitigation Register [APP-177], which includes mitigation relevant to the operation of the Proposed Development in relation to noise and vibration.</p> <p>The Design Principles Document [APP-264], secured by Requirement 3 of the Draft DCO (EN010166/APP/3.1), also identifies two principles related to how the detailed design of the Proposed Development would seek to minimise noise and disturbance.</p>
10.2	<p>Policy STR14 of the adopted Flintshire LDP: Climate Change and Environmental Protection states that:</p> <p><i>"The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through: vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution"</i></p>	<p>Policy STR14 is considered within the Planning Statement [APP-262] at Table 2.6 (pp197-205), Appendix 2. It is considered that the Proposed Development has fully considered the effects of climate change and ensures appropriate environmental protection, and there is no conflict with this policy.</p>
10.3	<p>Policy PC2 General Requirements for Development states that <i>"All Development should: not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution"</i></p>	<p>Policy PC2 is considered within the Planning Statement [APP-262] at Table 2.6 (pp206-7), Appendix 2. The assessment concludes that the Proposed Development has been designed in line with these principles, and there is no conflict with this policy.</p>
10.4	<p>This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction noise and vibration, and operational noise.</p>	<p>The Applicant confirms that dust and lighting matters would be effectively managed through the final CEMP(s) to be produced in general accordance with the Framework CEMP (EN010166/APP/6.5) secured through Requirement 4 of the Draft DCO (EN010166/APP/3.1), which requires approval from the relevant planning authority (FCC).</p>
10.5	<p>This section will not assess specific details relating to dust or light. It is considered that future engagement in the Framework CEMP [APP-246] can effectively mitigate any concerns in these areas and ensure protection of public amenity.</p>	
10.6	<p>Request for Clarification:</p> <ul style="list-style-type: none"> • The Council consider that further justification and consideration is required by the Applicant with regards to the operational noise assessment, as outlined in the Summary. 	<p>The Applicant responds to each point raised below.</p>
10.7	<p>Assessment methodology and baseline</p> <p>Overall, the noise and vibration assessment reported is appropriate and has applied methods in line with current guidance and best practice. Section 9.1 of APP-047, from paragraph 9.1.4 provides a summary of relevant legislation; national and local policy; standards; and guidelines. The Council consider that this is an accurate and full review.</p>	<p>The baseline values were derived from reviewing the mean, mode, and median of the measured LA90 data for each long term monitoring location (see Appendix 9-B: Baseline Sound Survey Level [APP-185]), as explained in Chapter 9: Noise and Vibration [APP-047], along with the histogram plots for statistical analysis for the day and night-time periods. This is following the guidance in BS 4142:2014+A1:2019 and Association of Noise Consultants (ANC) technical note on BS 4142:2014+A1:2019. The Applicant has provided</p>

Reference	Source Document Text	Applicant's Response
10.8	A baseline sound survey has been undertaken combining long-term and shortterm measurements. The measurement locations (shown in Figure 9-1 [APP- 120]) are appropriately distributed in relation to noise sensitive receptors and the proposed development site to provide a sufficient representation of the sound environment.	the histogram plots that show the distribution of the L_{A90} data in Appendix A of this document.
10.9	Paragraph 9.4.6 [APP-047] states that <i>"the LA90,T values presented are those deemed to be representative of Background Sound Levels, for use in the BS4142 assessment"</i> which it is stated have been calculated through analysing the mean, mode and 10th percentile of the measured data. No information or analysis is provided to illustrate how the baseline values derived have been arrived at, however, compared with a visual inspection of the time history plots of the sound level data presented in Appendix 9-B [APP-186], the selected LA90,T values appear to be satisfactory.	
10.10	<p>Construction noise assessment, mitigation and conclusions</p> <p>The construction noise assessment follows the relevant British Standard (BS5228:20191) and makes assumptions about plant and working methods. Further consideration will be required if the proposed development goes ahead to ensure that agreed noise limits are achieved. This is normal practice at the application stage of projects, and the Council acknowledge their role as consultee on the CEMP under Requirement 4 of the DCO [APP-019].</p>	The Applicant confirms that construction noise matters would be effectively managed through the final CEMP(s) to be produced in general accordance with the Framework CEMP (EN010166/APP/6.5) secured through Requirement 4 of the Draft DCO (EN010166/APP/3.1) , which requires approval from the relevant planning authority (FCC).
10.11	<p>Construction vibration assessment, mitigation and conclusions</p> <p>Appendix 9-A [APP-184] Table 8 provides magnitude of impact criteria for construction vibration building damage. The table is based on BS7385-2:1993 guidance, although it is acknowledged that this is incorrectly developed and presented. However, it is not considered that this has a material impact on the outcomes of the construction vibration assessment.</p>	Table 8 has been updated in Appendix 9-A Noise and Vibration Methodology (EN010166/APP/6.4) at Deadline 3; the Applicant concurs that this was presented incorrectly. The corrected table does not change the construction vibration assessment as the amendment only relates to the heading columns rather than the values within the table.
10.12	Appendix 9-A [APP-184] Table 6 provides construction vibration threshold of impacts on people, which are adapted from BS5228-2:2009+A1:2014 and are appropriate for the assessment. These vibration levels are those which are experienced by people within their buildings therefore there needs to be consideration of any structural amplification by the building within which the vibration is experienced. The empirical predictors from BS5228-2 for construction vibration yield estimates of vibration on the ground surface outside any property, which will typically be lower than inside buildings, particularly vibration experienced on suspended floors.	Chapter 9: Noise and Vibration [APP-047] was updated and submitted at Deadline 2 [REP2-005] (reflected in the updated revision provided at Deadline 3 (EN010166/APP/6.2.9)) and provides vibration predictions at the first floor of the closest residential receptors. The updated assessment indicated that without mitigation there is the potential for moderate adverse effects at the closest residential receptors. However, the guidance in BS 5228-2 states <i>'it is likely that vibration of this level in residential environments will cause complaint but can be tolerated if prior warning and explanation has</i>

Reference	Source Document Text	Applicant's Response
10.13	<p>Request for Clarification:</p> <ul style="list-style-type: none"> • Construction vibration impacts on people may therefore be underpredicted, although vibration has been identified as a potentially significant effect ([APP-047], paragraph 9.7.4). 	<p><i>been given to residents'</i>. Where possible, the use of vibratory rollers in close proximity to the NSRs would be avoided. Where vibratory rollers 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 within 28 m of NSRs. Potentially significant vibration effects would be controlled by requirements set out in the Final CEMP, to prevent significant adverse impacts at sensitive receptors.</p> <p>The vibration levels predicted are considerably below the thresholds for damage to buildings.</p> <p>This update was provided in response to ongoing discussions with FCC. The Applicant welcomes further engagement to confirm that this matter is resolved.</p>
10.14	<p>It is noted that the Framework CEMP [APP-246] sets out that a further, more detailed <i>"noise and vibration assessment would be undertaken, which will identify specific mitigation measures for the Proposed Development."</i> The Councils acknowledge their role as a consultee on the final CEMP, as secured under Requirement 4 of the DCO, and would expect to see further detail particularly with regards to proposed mitigation measures in the vicinity of laydown areas.</p>	<p>The Applicant notes the expectation to see further detail with regards to proposed mitigation measures and confirms that this matter would be effectively managed through the final CEMP(s), to be produced in general accordance with the Framework CEMP (EN010166/APP/6.5) secured through Requirement 4 of the Draft DCO (EN010166/APP/3.1), which requires approval from the relevant planning authority (FCC).</p>
10.15	<p>Operational noise assessment, mitigation and conclusions The assessment of operational noise has been undertaken in line with BS4142:2014+A1:2019 which is appropriate for a proposed development of this nature. The method used is to compare the rating sound level from the proposed development, predicted at the noise sensitive receptors, with the existing background sound level.</p>	<p>The Applicant acknowledges this comment.</p>
10.16	<p>A magnitude of impact scale is provided in Appendix 9-A [APP-184] which defines seven categories. The middle of the range is 'low/medium' impact, corresponding to a rating level (i.e. the sound level from the plant) of 7-8dB above the background sound level. Paragraphs 9.6.40 to 9.6.42 of Chapter 9 [APP-047] uses this to define a significant adverse effect threshold at a rating level 8dB or more above background. Chapter 9 [APP-047], Table 9-5, on additional relevant engagement, states that <i>"FCC indicated agreement with the proposed +8dB rating level target and stated that the ES chapter would need to explain and justify the +8dB rating level"</i>, to which the response is that Section 9.6 of the chapter presents the explanation.</p>	<p>The Applicant acknowledges FCC's position regarding the +8 dB rating level excess over the background sound level target and notes that during discussions in January 2025 on this matter, no concerns were raised at that point in time. The Applicant has engaged with representatives of FCC on this matter, in a meeting held on 28th November 2025, which identified an action for the Applicant to share the justification for the '+8 dB rating level' target. This justification was provided on 19th January 2026. The Applicant acknowledges that FCC and their representatives may not have been able to review this information prior to submitting the LIR [REP2-021], given the time between receiving the justification and</p>
10.17	<p>The Council does not agree with this conclusion, nor does it agree with the proposed +8dB rating level target. It is considered that the rationale provided does not lead to an appropriate outcome, for the reasons outlined below:</p> <ul style="list-style-type: none"> • BS4142 notes that a difference between the rating and background sound levels of "around +5dB is likely to be an indication of an adverse impact, depending on the context" and a difference of <i>"around +10dB"</i> a significant adverse impact. A difference of 8dB is closer to 'around +10dB' than it is to 'around +5dB', particularly noting the inclusion of 'around' in these criteria. • The baseline weekday daytime ambient sound levels presented in Chapter 9 [APP-047] Table 9-9 range between 44 and 59dBLAeq. For most receptors, these are already well above the World Health Organization (WHO) Community Noise Guidelines (1999)² recommendation for daytime outdoor noise levels of 55dBLAeq to protect the majority of people from being seriously annoyed by noise and 50dBLAeq to protect the majority of people from being moderately annoyed by noise. The specific sound levels from the proposed development (refer to Table 9-17 [APP-047]) will add to these levels, further increasing the likelihood of annoyance and consequential impacts on health and wellbeing. 	<p>Deadline 2. Once FCC and their representatives have reviewed the justification, the Applicant welcomes further engagement with FCC on this matter.</p> <p>The justification provided to FCC and their representatives (provided in Appendix B) to address these concerns is summarised as follows:</p> <ul style="list-style-type: none"> • Concern 1: The +8 dB rating level was treated as the 'middle ground' between +5 dB (likely to be an indication of an adverse impact, depending upon the context) and +10 dB (likely to be an indication of a significant adverse impact, depending upon the context) and that with context reduces the significance to not significant. • Concern 2: The ambient sound environment is dominated by roads, rail, and industrial sources, with industrial use at Connah's Quay dating back to 1954. The existing context already contains high sound levels that are pre-existing from non-project-related sources. It should be noted that the specific sound levels (defined as the "equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval") referenced from Table 9-17 of Chapter 9: Noise and Vibration [APP-047] are in the absence of any additional mitigation. Appendix B Table 3 shows that significantly lower estimates of specific sound and rating

Reference	Source Document Text	Applicant's Response
	<ul style="list-style-type: none"> Similarly for night time, the baseline levels range between 42 and 57dB LAeq. The proposed development will operate 24 hours so the night time levels would again increase the overall sound level. The existing ambient level is already well in excess of the WHO Night Noise Guidelines for Europe (2009) guideline of 40dB Lnight and for some receptors, above the interim target of 55dB Lnight to protect public health. The assessment criteria in BS4142 (i.e. around +5dB and +10dB compared to the background (dBLA90) sound level) clarify that the effect experienced is dependent not only on these levels but also on the context in which the exposure to them occurs. To provide context, the Applicant has considered a comparison of the baseline ambient sound level (quantified as the LAeq) with the calculated total LAeq that would exist if the predicted specific sound from the proposed power station is added to the baseline ambient sound level; this summation indicates an increase well below 1dB. While this approach may be appropriate for some situations, the Council does not agree that it can be applied here. It is apparent from the baseline data and the observations of the baseline survey team that the baseline sound environment is dominated by road traffic noise. Addition of a higher, comparatively steady, background sound from the proposed power station would be very likely to be noticeable against the existing background sound, irrespective of the small increase in the LAeq. Properties on Kelsterton Road that are already exposed to high levels of sound from the A548 Chester Road to the south west may have a degree of respite from noise on the north eastern sides of the dwellings. This would be the side most exposed to the proposed development so likely to reduce any existing respite benefit in these locations. 	<p>levels (–defined as the “specific sound level plus any adjustment made for the characteristic features of the sound”) will occur after application of enhanced mitigation measures.</p> <ul style="list-style-type: none"> Following the inclusion of appropriate mitigation in the design, the Proposed Development is unlikely to alter the existing mixed industrial and transport related noise character of the area. Concern 3: Appendix B presents Table 4, which shows predicted changes in LAeq at night are ≤0.4 dB, classed as Low impact using the relevant guidance. Although the World Health Organisation guidance is not referenced, night-time levels are dominated by traffic noise (e.g., 52 dB LAeq at LT2). Concern 4: BS4142 must consider context when determining significance, including absolute levels and prevailing noise character. Appendix B explains why LAeq increases are <1 dB but still examines rating levels and the nature of local sound sources (i.e., mixed transport and industrial). The steady noise from the existing Connah's Quay Power Station has not generated recent complaints (whilst acknowledging there have been complaints over its operational lifetime) and the Proposed Development would have similar perceptibility characteristics. Concern 5: Whilst not referring specifically to ‘respite zones’, Appendix B does address conditions at Kelsterton Road and provides specific sound levels and their relationship to background levels. The existing Connah's Quay Power Station already contributes 41-45 dB LAeq at this location and the Proposed Development would produce a similar noise magnitude. <p>The Applicant reaffirms its commitment to continued engagement with FCC.</p>
10.18	<p>The Council notes that no consideration has been given to specific risks from low frequency sound and BS4142 states that the standard is not applicable to the assessment of low frequency sound. The standard refers to NANR45, a University of Salford report prepared for Defra³. Given the nature of the plant and the high sound power levels at lower frequencies stated in Table 1 of Appendix 9-D [APP-187], the Council considers that the Applicant should also consider the impacts of low frequency sound to address the risk that likely significant adverse effects may have been overlooked. The Council agrees with the Applicant that this could be addressed through provision in an Operational Environmental Management Plan and recommend that the Applicant considers the risk of low frequency sound during the design process.</p>	<p>Low frequency sound has been discussed as part of the ongoing engagement with FCC. It was explained that there is not enough information to consider low frequency operational sound at the current time and this will not be available until the detailed design stage. Chapter 9: Noise and Vibration [APP-047] was updated and submitted at Deadline 2 [REP2-005] (reflected in the updated revision provided at Deadline 3 (EN010166/APP/6.2.9)), now states that sound of low frequency nature would be designed out of the Proposed Development during the detailed design stage (paragraph 9.5.13). This updated wording has been reflected in the Commitments Register (EN010166/APP/6.10) submitted at Deadline 3. The Design Principles Document [APP-264] will be updated to reflect this. The Applicant acknowledges this should have been reflected at Deadline 2. As this amendment is not related to the Change Application, the update will be undertaken at Deadline 4 to avoid confusion with the updates to that document being made as part of the Change Application.</p> <p>The Applicant welcomes further engagement to resolve this matter.</p>
10.19	<p>Proposed mitigation measures are described in Chapter 9 [APP-047], Table 9.22. It is acknowledged by the Applicant that even to achieve a target of 8dB above the background sound level, significant levels of mitigation are required – 15 to 20dB for eight different (22 in total) plant items. The Council acknowledges that assurances have been provided by the Applicant with regards to the proposed mitigation measures, which are being developed through the FEED. However, the Council acknowledge their role as consultee on Requirement 12 (control of noise – operation) of the DCO and do not consider the currently proposed noise target to be acceptable. The Council notes that the proposed development will require an environmental permit, for which a lower impact may be required by Natural Resources Wales.</p>	<p>As mentioned in the Applicant's response to 10.17 of the LIR [REP2-021] (above), regarding the +8 dB rating level target, justification was circulated to those who attended the meeting on 19th January 2026 and is provided in this document as Appendix B. The Applicant acknowledges that FCC and their representatives may not have been able to review this information prior to submitting the LIR [REP2-021], given the time between receiving the justification and Deadline 2. Once FCC and their representatives have reviewed the justification, the Applicant welcomes further engagement with FCC on this matter.</p>

Reference	Source Document Text	Applicant's Response
10.20	<p>Summary</p> <p>Overall, the guiding information used to inform the assessment of construction noise and vibration and operational noise, and the approaches taken to assessment are appropriate. However, the following issues have been identified.</p> <ul style="list-style-type: none"> • Construction noise will be clearly audible in many locations, although it is likely working within appropriate criteria should be achievable. Sensitive and early engagement with local communities will be essential to minimise complaints. • Construction vibration impacts and effects on people in their properties has been incorrectly assessed through the omission of considering structural amplification of vibration. The magnitude and extent of impacts and effects have therefore been underestimated, however, the Council accepts that this can be addressed through a CEMP. • The criterion of 8dB above the background sound level for the identification of potential significant effects from operation of the plant is high. In an environment already exposed to sound levels above WHO guidance from existing sources, this would lead to a further increase in sound exposure for residents. The Council does not agree that this is an appropriate criterion for identifying a likely significant effect. • Low frequency operational sound from operation of the plant needs to be considered and if required, adequately mitigated. This should be considered during the design and secured through an Operational Environmental Management Plan. 	<p>A noise impact assessment and initial noise management plan have been submitted to NRW as part of the bespoke permit application. The noise impact assessment and initial noise management plan have been prepared following the guidance published by Environment Agency, Scottish Environmental Protection Agency (SEPA), NRW and Northern Ireland Environment Agency 'Noise and vibration management: environmental permits.'</p> <p>The Applicant has responded to these issues in the rows above (responses to 10.15 to 10.19 of the LIR [REP2-021]).</p>
10.21	<p>A single point of contact is required to be identified in the detailed CEMP to ensure clarity on who and by what methods communities should direct concerns/queries to. The Council's Environmental Protection Officer would also need to discuss further with the responsible person the application submitted by the developer (for the controls of noise on site in accordance with the Control of Pollution Act 1974) so that the Council can authorise this once mitigation is approved during construction and at the decommissioning.</p>	<p>The Applicant confirms that a single point of contact forms part of the role of the Community Liaison Officer (as originally explained in the Framework CEMP [APP-246]).</p> <p>In relation to future discussion on the control of noise on site, Table 3 of the Framework CEMP (EN010166/APP/6.5), secured through Requirement 4 of the Draft DCO (EN010166/APP/3.1), notes: "Appropriate measures would be confirmed through further detailed assessment, as necessary, once construction plant and methods and construction traffic management, have been confirmed. If necessary and agreed with the Local Authority, noise monitoring can be undertaken to assess the potential impacts of construction traffic along Kelsterton Road." This process would include liaison with FCC's Environmental Protection Officer.</p>
10.22	<p>Section 61 of the Control of Pollution Act 1974 allows the project to apply for consent. Given potential noise complaints this is deemed a necessary step and as explained in the DCO. Early dialogue with the Council's Environmental Protection Team is required and approval given. The Council would serve the appropriate notice at each required stage, once we have all the information about secondary mitigation measures, which currently is not available.</p>	<p>The Consents and Agreements Position Statement [APP-021] references Section 61 and identifies that, if needed, it "Would be applied for prior to the start of construction, or prior to specific construction activity." The Applicant notes FCC's preference for Section 61 applications.</p>
10.23	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEGATIVE 	<p>The Applicant acknowledges the conclusions made by FCC, and summarises its responses below:</p> <p><u>Construction Phase:</u></p>

Reference	Source Document Text	Applicant's Response
	<ul style="list-style-type: none"> Operational Phase: NEGATIVE 	<p>Construction related noise and vibration impacts will be appropriately controlled through the final CEMP, to be prepared in general accordance with the Framework CEMP (EN010166/APP/6.5) and submitted to FCC for approval under Requirement 4 of the Draft DCO (EN010166/APP/3.1). This includes further detailed assessment, identification of specific mitigation measures, management of construction activities, and ongoing liaison with FCC; to which the Applicant remains committed to ensure concerns are fully addressed at the detailed design and construction planning stages.</p> <p><u>Operational Phase:</u> The Applicant has:</p> <ul style="list-style-type: none"> explained the justification for the +8 dB rating level target and shared supporting technical evidence (Appendix B); clarified how context, baseline conditions, and predicted acoustic changes have been assessed; confirmed that low-frequency noise will be addressed through detailed design and that it will be designed out, with commitments reflected in updated revisions of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), the Commitments Register (EN010166/APP/6.10), and Design Principles Document [APP-264] (to be updated at Deadline 4); outlined operational mitigation embedded into the design; and welcomed further engagement with FCC.

Table 8: Response to Part C, Section 11 (Traffic and Transport) of LIR

Reference	Source Document Text	Applicant's Response
11.1	<p>In undertaking this review, the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Access, Streets, Rights of Way and Rights of Navigation Plans [APP-013] • Traffic Regulation Measures Plans [APP-014] • Draft Development Consent Order [APP-019] • ES Chapter 10 Traffic and Transport [APP-048] • Figure 10.1 Local Highway Network [APP-123] • Appendix 10A Transport Assessment [APP-188] • Framework Construction Management Travel Plan [APP-247] • Framework Construction Workers Travel Plan [APP-248] • Commitments Register [APP-251] 	<p>The Applicant acknowledges FCC's review of the submitted application documents and notes the following documents have been updated at Deadline 3:</p> <ul style="list-style-type: none"> • Access, Streets, Rights of Way and Rights of Navigation Plans (EN010166/APP/2.6); • Traffic Regulation Measures Plans (EN010166/APP/2.7); • Draft Development Consent Order (EN010166/APP/3.1); • Figure 10.1 Local Highway Network (EN010166/APP/6.3); and • Commitments Register (EN010166/APP/6.10). <p>In addition, the following documents submitted at Deadline 1 is also relevant to traffic and transport:</p> <ul style="list-style-type: none"> • Framework Construction Traffic Management Plan (CTMP) [REP1-025]; and • Appendix 10-A: Transport Assessment [REP1-016].
11.2	<p>The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.</p>	<p>As explained in paragraph 7.5.1 of the Planning Statement [APP-262], as with all development proposals, it is necessary to weigh the Proposed Development's benefits and residual adverse impacts (the adverse effects as assessed in the ES) against each other. It is noted that no likely significant effects on traffic and transport have been identified in Chapter 10: Traffic and Transport [APP-048].</p>
11.3	<p>LDP Policy PC2 states that: <i>"All development should, ...</i></p> <p><i>a) not have an unacceptable effect on the highway network or highways safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring;"</i></p>	<p>Policy PC2 is considered within the Planning Statement [APP-262] at Table 2.6 (p206-7), Appendix 2.</p>
11.4	<p>This reflects general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.</p>	<p>The aim of ensuring no unacceptable impacts on highways as part of sustainable development in PPW and TAN 18 is noted.</p>
11.5	<p>This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction and operational traffic.</p>	<p>The Applicant responds in turn to each point below.</p>
11.6	<p>Assessment methodology and baseline</p> <p>Overall, the traffic and transport assessment reported is appropriate and has applied methods consistent with industry standards. Sections 10.5 and 10.8 of APP-048 provides a summary of the relevant legislation; national and local policy; standards; and guidelines</p>	<p>The Applicant notes that additional commitments relating to Active Travel will be explored through the detailed construction worker travel plan to be submitted for approval pursuant to Requirement 5 in Schedule 2 to the Draft DCO (EN010166/APP/3.1).</p>
11.7	<p>The Council consider that this is an accurate and full review, however, consider that the Applicant should introduce further commitments to ensure compliance with the Active Travel (Wales) Act (2013) and Local Development Plan Policy PC6: Active Travel.</p>	
11.8	<p>The Council note that the Applicant has relied on Census 2021 data for light vehicle distribution and journey-to-work data which has informed the baseline. The Council consider that this may not fully reflect the current and future commuting patterns following the COVID-19 pandemic or indeed, contractor accommodation strategies during construction.</p>	<p>It is recognised that commuting patterns have evolved after the COVID-19 pandemic and that the principal contractor(s) accommodation strategies may further influence worker travel behaviour during the construction phase of the Proposed Development.</p> <p>The assessment presented in Appendix 10-A: Transport Assessment [APP-188] has already taken steps to ensure the Census dataset is applied in a robust and appropriate manner. Specifically, respondents who reported 'Working From Home' were removed from the dataset so that the analysis reflects only those who regularly travel between home and a place of work. This approach ensures that the</p>

Reference	Source Document Text	Applicant's Response
		<p>distribution of light vehicle movements is based on the best available evidence of actual commuting rather than pandemic related anomalies.</p> <p>In the absence of finalised contractor accommodation strategies, which will be refined as part of the detailed construction worker travel plan to be submitted for approval pursuant to Requirement 5 in Schedule 2 to the Draft DCO (EN010166/APP/3.1), the assessment represents a precautionary and robust scenario. The mechanism of preparing the final CTMP(s) and construction worker travel plan will allow for incorporation of any further detail once a principal contractor(s) is / are appointed, and travel arrangements are confirmed, and is secured under Requirement 5 of the Draft DCO (EN010166/APP/3.1).</p>
11.9	<p>Construction assessment, mitigation and conclusions</p> <p>The Council welcomes the commitments outlined in APP-048 with regards to car sharing targets and HGV related restrictions. However, it is noted that there is no monitoring or compliance mechanism proposed and therefore requests further information or clarification from the Applicant as to how this will be enforced in practice. The Council suggests a commitment is added to the Framework Construction Traffic Management Plan [APP-247], which is subject to further approval from the Council as the relevant highway authority, secured via Requirement 5 of the draft Development Consent Order [APP-019].</p>	<p>The Framework CTMP [REP1-025] and Framework Construction Worker Travel Plan (CWTP) [APP-248] are intentionally presented as frameworks, with the detailed plans required to be in general accordance with those frameworks. The principal contractor(s)'s operational requirements and logistics strategies will inform the detailed plans. The Applicant recognises the importance of providing confidence that the proposed measures, such as carsharing targets, worker shuttle strategies, and HGV routing re-strictions, will be implemented and monitored effectively.</p> <p>When preparing the detailed construction worker travel plan, the appointed principal contractor(s) will review the targets (see Section 8 of the Framework CWTP [APP-248]) to consider if further targets can be added in the plan at that stage.</p>
11.10	<p>Similarly, the Council welcomes the commitments outlined in the Framework Construction Workers Travel Plan [APP-248], however raises concerns that there are no compliance mechanisms proposed to ensure uptake on the proposed approach within the framework. The Council notes that the anticipated targets rely on a voluntary uptake only, and therefore there has been no quantified assessment of the potential benefits of the modal shift. The Council suggests that this quantitative assessment is undertaken, and that a commitment is added to the Commitments Register [APP-251] to ensure compliance with the Framework.</p>	<p>Additionally, as set out within Section 9 of the Framework CWTP [APP-248], a CWTP Co-ordinator will be appointed, with a specific responsibility to monitor delivery of the CWTP and refine measures and targets, where necessary. The final measures and targets would be included in the detailed construction worker travel plan which would be submitted to FCC for approval pursuant to Requirement 5 in Schedule 2 to the Draft DCO (EN010166/APP/3.1).</p> <p>When preparing the final CTMP(s), the appointed principal contractor(s) will provide further details of proposed monitoring of HGV related restrictions in the final CTMP(s).</p> <p>Regarding FCC's request for a quantified assessment of potential modal shift, the Applicant considers that such assessment would not be proportionate at this stage. It is considered that the assessment of the peak construction phase, as presented in Chapter 10: Traffic and Transport [APP-048], has been based on a worst-case scenario and no likely significant effects on traffic and transport have been identified. Refinements to the assessment can be made once a principal contractor(s) is / are appointed, and more-specific and measurable targets are included, as appropriate.</p>
11.11	<p>Sections 3.2 – 3.4 of APP-248 establishes agreeable principles for site accessibility, in theory, however the Council is concerned that the practicalities relating to personal protective equipment and shift patterns for construction workers mean that there will be a low uptake in walking and/or cycling to site. Similarly, the Council agrees with the suggestion that bus and rail travel options should be encouraged, however notes that this is heavily reliant upon integration with shuttle and/or mini-bus schemes to the site.</p>	<p>As noted in the Framework CWTP [APP-248], while theoretical accessibility by walking and cycling is recognised, it is accepted that the practical constraints, such as personal protective equipment requirements and the nature of construction shift patterns, are likely to limit the extent of which these modes could be utilised.</p> <p>The Applicant agrees that public transport options for travel represent more realistic alternatives for construction workers. The Framework CWTP [APP-248] proposes the use of coordinated worker travel strategies, including shuttle and / or minibus</p>

Reference	Source Document Text	Applicant's Response
11.12	<p>The Council considers that the reliance on Kelsterton Road for routing all construction worker traffic poses congestion and safety issues, which have not been accounted for or considered within the Applicant's assessment or in the mitigation measures outline in the APP-248. Similarly, no cumulative impact modelling has been undertaken to understand the true impact of the Proposed Development coupled with other developments in the area, or to take into account seasonal variations. The Council therefore request that cumulative modelling is undertaken and shared with the Council as the relevant highway authority.</p>	<p>services which would link local bus stops and railway stations to the Main Development Area, with the intention to specifically facilitate integration with the wider transportation network and support more sustainable modes of travel.</p> <p>Kelsterton Road currently serves as the primary access to the existing Connah's Quay Power Station and is the most appropriate and practical route for both construction and operational phases of the Proposed Development. Consequently, some degree of concentration of worker traffic on this route is unavoidable given the local network layout and the Proposed Development's access constraints.</p> <p>Notwithstanding the above, the Applicant has assessed the impacts on Kelsterton Road using the IEMA Guidelines and has determined effects to be 'minor adverse' for severance, pedestrian amenity and fear and intimidation, and 'negligible' for highway safety, hazardous / large loads and driver delay, as reported in Chapter 10: Traffic and Transport [APP-048]. This classification reflects both professional judgement and the embedded mitigation measures incorporated within the Framework CWTP [APP-248], which includes measures to manage construction traffic, route vehicles appropriately, and avoid sensitive peak periods such as school start and finish times.</p> <p>Appendix 10-A: Transport Assessment [APP-188] and Chapter 10: Traffic and Transport [APP-048] already consider cumulative effects through the inclusion of all committed developments within a 15 km radius of the Main Development Area (see paragraph 10.4.19 of Chapter 10: Traffic and Transport [APP-048]), with developments scoped in or out based on available information, relevance to the study network, and forecast years for traffic generation. The full list of developments considered is presented in Appendix 24-A Long List of Proposed Schemes [APP-244] which was developed in consultation with stakeholders, including FCC. The Applicant considers that cumulative effects have been assessed in a proportionate and robust manner.</p> <p>The Applicant does not consider further detailed cumulative junction modelling to be necessary or justified given the temporary / reversible nature of construction impacts, the scale of predicted worker movements, and the embedded mitigation measures already proposed.</p>
11.13	<p>Additionally, the Council highlight that no modelling of driver delay or network resilience has been undertaken to identify the potential effects of this during the peak construction period, and suggests that this is undertaken and the results shared with the Council as the relevant highway authority.</p>	<p>The construction traffic assessment presented in Appendix 10-A: Transport Assessment [APP-247] and Chapter 10: Traffic and Transport [APP-048] was undertaken in accordance with the IEMA Guidelines, which are proportionate to the scale and duration of construction movements anticipated and reflect the nature of the local highway network. The assessment concluded that effects relating to driver delay and network operation would be 'negligible', taking into account the forecast volume of construction worker and HGV traffic and the embedded mitigation proposals.</p> <p>In line with the above, it is considered to be appropriate and in line with industry best practice for modelling not to have been undertaken in relation to the assessment of the temporary impact of the construction phase of the Proposed Development. The Applicant does not consider detailed microsimulation or capacity modelling necessary or proportionate, particularly in the absence of specific</p>

Reference	Source Document Text	Applicant's Response
		<p>principal contractor(s) - specific logistics information that would inform more granular traffic distribution assumptions.</p> <p>The Applicant remains committed in its engagement with FCC and to incorporating additional detail into the final CTMP(s) and construction worker travel plan where it is both feasible and appropriate.</p>
11.14	<p>Operational assessment, mitigation and conclusions</p> <p>The Council note that there is anticipated to be a minor adverse impact on Kelsterton Road during the operational period, as set out in APP-048. Acknowledging the absolute increase of approximately 10 vehicles per day, the Council question the conclusion of this assessment given the scale of increase compared to the baseline, coupled with the potential safety implications of a traffic increase of this magnitude.</p>	<p>The assessment of Kelsterton Road during the operational phase is set out within Section 10.6 of Chapter 10: Traffic and Transport [APP-048]. Following IEMA assessment methodology for traffic, the Classification of Effect on Kelsterton Road was determined to be Negligible (not significant) in relation to all assessed traffic and transport receptors. Specifically considering the increase in daily vehicles, there was noted to be a 29% increase in daily two-way vehicles on Kelsterton Road during operation, which results in a 'Very Low' magnitude of impact, when applying IEMA methodology. Coupled with the designation of Kelsterton Road as being of 'Low' sensitivity, this results in a Negligible (not significant) effect.</p> <p>This was also deemed to be the case for Highway Safety, whereby the forecast daily increases on Kelsterton Road during operation were not considered likely to result in a material impact, given the low number of incidents recorded on Kelsterton Road over the most recent five-year period, as detailed within Section 10.4 of Chapter 10: Traffic and Transport [APP-048].</p>
11.15	<p>Summary</p> <p>Overall, the guiding information used to inform the assessment and the approaches taken to assessment are appropriate. However, the Council remains concerned that many of the commitments outlined by the Applicant are not secured via relevant Management Plans or via a Requirement of the DCO, and therefore requests further assurances and updates to application documents as outlined below to secure these commitments.</p> <ul style="list-style-type: none"> • The Council considers that junction capacity modelling should be undertaken so that the impact of peak construction traffic can be fully understood, particularly for Kelsterton Road where a 393% increase is forecast during the peak construction period. • The Council suggest that a monitoring and compliance commitment is added to the Framework Construction Traffic Management Plan [APP247], to ensure that the car sharing targets and HGV restrictions are implemented during the construction period as proposed. • The Council suggests that a quantitative assessment is undertaken with regards to the potential benefits of the modal shift outlined in the Framework Construction Workers Travel Plan [APP-248], and that a commitment is added to the Commitments Register [APP-251] to ensure compliance with the Framework. • The Council request that cumulative modelling is undertaken for the forecasted construction workforce traffic and shared with the Council as the relevant highway authority. 	<p>The Applicant has responded to these points in the rows above.</p>
11.16	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEGATIVE • Operational Phase: NEUTRAL 	<p>The Applicant summarises its responses in the table above as follows:</p> <p><u>Construction Phase:</u> The Applicant confirms that construction-related traffic impacts will be managed through the final CTMP(s) and construction worker travel plans, each to be prepared in accordance with their respective framework documents and submitted to FCC for approval under Requirement 5 of the Draft DCO (EN010166/APP/3.1).</p>

Reference	Source Document Text	Applicant's Response
		<p>The Applicant has addressed FCC's concerns regarding:</p> <ul style="list-style-type: none">• the use of Census 2021 commuting data and the approach to representing travel patterns;• the need for additional clarity on monitoring and compliance mechanisms for car-sharing, shuttle provision, public transport integration and HGV routing;• the methodology for cumulative effects assessment; and• concerns about driver delay, Kelsterton Road capacity, and network resilience. <p>The Applicant has welcomed additional engagement with FCC on these points.</p> <p><u>Operational Phase:</u> The Applicant acknowledges the conclusions provided by FCC.</p>

Table 9: Response to Part C, Section 12 (Public Rights of Way) of LIR

Reference	Source Document Text	Applicant's Response
12.1	<p>Information reviewed</p> <p>In undertaking this review, the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Access, Streets, Rights of Way and Rights of Navigation Plans [APP-013] • Draft Development Consent Order [APP-019] • ES Chapter 10 Traffic and Transport [APP-048] • Framework Construction Management Travel Plan [APP-247] • Framework Construction Workers Travel Plan [APP-248] • Commitments Register [APP-251] 	<p>The Applicant acknowledges FCC's review of the submitted application documents submitted application documents and notes the following documents have been updated at Deadline 3:</p> <ul style="list-style-type: none"> • Access, Streets, Rights of Way and Rights of Navigation Plans (EN010166/APP/2.6); • Draft Development Consent Order (EN010166/APP/3.1); and • Commitments Register (EN010166/APP/6.10). <p>In addition, the following documents submitted at Deadline 1 is also relevant to traffic and transport: Framework Construction Traffic Management Plan (CTMP) [REP1-025].</p>
12.2	<p>This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction and operational traffic specially in terms of the Public Rights of Way (PRoW).</p>	<p>The Applicant notes the request for clarification which is provided in the rows below.</p>
12.3	<p>Request for Clarification</p> <ul style="list-style-type: none"> • The Council consider that further justification and consideration is required by the Applicant with regards to the temporary and operational impact on PRoW as outlined in the Summary. 	
12.4	<p>Assessment methodology and baseline</p> <p>Document APP-013 provides plans showing the public right of way network in relation to the proposed DCO application. Generally speaking, it is considered that the Applicant has identified all the affected public rights of way that would be affected by the proposal and they propose to making provision for temporary diversions during construction, which is welcomed.</p>	<p>There are no further works proposed to Public Footpath 28, in its current form, as demonstrated in Chapter 10: Traffic and Transport [APP-048]. The section of the path managed by the Applicant is being maintained and work to improve access and security has recently been completed.</p>
12.5	<p>There is a designated footpath (comprised of sections of Flintshire County Council Footpaths 27, 28, and 42) that lies in close proximity to the south-eastern extent of the Construction & Indicative Enhancement Area boundary. The footpath connects to the B5129, approximately 90 m to the east of its junction with Golftyn Lane and continues in a south-east direction, before terminating at Quay Business Park.</p>	<p>As Public Footpath 28 is located outside of the Order limits, no direct effects would occur on this route during the construction or operation of the Proposed Development. In addition, as identified in Chapter 10: Traffic and Transport [APP-048] the Proposed Development would only temporarily affect Public Footpath 66 associated with a nine month temporary diversion during the construction of the Proposed CO₂ Connection Corridor. As there would be no other effects on the PRoW network, mitigation in the form of amendments to Public Footpath 28 are not considered required or directly related to the Proposed Development.</p>
12.6	<p>The Council's main concern surrounds Construction & Indicative Enhancement Area and the lack of assessment of an improved permanent access to facilitate the area and Footpath 28.</p>	
12.7	<p>This interest was referenced to the ExA in the response to scoping consultation dated 8 March 2024.</p> <p><i>"With regard to Public Footpath 28 in Connah's Quay. The route connects to Public Footpath No. 27 in Connah's Quay, which is shown crossing the Chester - Holyhead railway line. The status of both Public Footpath 27 & 28 have been subject to scrutiny in recent years and there is doubt over their physical existence (moreso Public Footpath 27). The alignment of Public Footpath 28 doesn't appear to be affected necessarily by the Indicative Enhancement Area, however the proposal as a whole project represents an opportunity to improve the network at this location as part of a wider community benefit. We would welcome engagement from the Applicant further on in the process to discuss this matter."</i></p>	<p>Extending the path northwards is not practicable due to a number of factors. It would require access to the operational site which would not be acceptable from the perspective of the Applicant's Health and Safety obligations. It would also require the crossing of land other than the Applicant's and would, therefore, require the agreement of those landowners. Access to the nature reserve is also restricted, in agreement with NRW and the DNS.</p>
12.8	<p>APP-048 states on page 11 and 17 that <i>'this point has been acknowledged and is discussed within Section 10.4'</i>. However, the Council cannot find reference to consideration of this opportunity in Section 10.4.</p>	
12.9	<p>Sheet 11 – APP-013 2.6 CQLCP Access, Streets, Rights of Way and Rights of Navigation Plans Rev 00 is clear that Footpath 28 is in fact outside of the Order Limit. However, that the Order Limit was not drawn to the boundary of the site. In any event this does not preclude the Applicant from</p>	

Reference	Source Document Text	Applicant's Response
	providing access over the Order Limit to allow Footpath 28 access to the western area of the Construction & Indicative Enhancement Area and onward.	
12.10	<p>Request for Clarification</p> <ul style="list-style-type: none"> • Clarification is sought in regard to the assessment and consideration of improvements to Footpath 28 • Why was the Order Limit not drawn up to their boundary with Network Rail's land. 	
12.11	<p>Construction assessment, mitigation and conclusions</p> <p>APP-048 concludes that impact on Public Rights of Way (PRoW) during the construction period will be minor adverse, due to the temporary nature of the proposed diversions being limited to the construction period only. Owing to the change in environment in this area during this period, the Council would welcome discussion with the Applicant about what further mitigation measures could be implemented and secured through the Framework Construction Traffic Management Plan [APP-247], recognising the ~9-month duration of the proposed diversion. The Council acknowledge that they will be consulted on the Construction Traffic Management Plan as the relevant highway authority, secured via Requirement 5 of the draft Development Consent Order [APP-019].</p>	<p>The Applicant confirms that this matter would be effectively managed through the final CTMP(s), to be produced in general accordance with the Framework CTMP [REP1-025] secured through Requirement 5 of the Draft DCO (EN010166/APP/3.1). The Applicant remains committed in its engagement with FCC and will discuss further appropriate mitigation measures which may be incorporated into the Framework CTMP [REP1-025] and Framework CWTP [APP-248], prior to the close of examination.</p>
12.12	<p>Operational assessment, mitigation and conclusions</p> <p>The Council of the view that part of the site near Public Footpath No. 28 in Connah's Quay could see significant improvement. This area has been referenced 'Indicative Enhancement Area', however there has be very little information on the enhancement. While PRoW have no direct interest in the land itself, it does add to the case for a community benefit from this project and area of land.</p>	<p>Please see the responses to 12.4 to 12.10 of the LIR [REP2-021] (inclusive) above.</p>
12.13	<p>Enhancement of PRoW and minor access over the order limits could provide a tangible community benefit and would allow people to avoid the B5129 providing a safer route than currently exists. Footpath 28 on the Applicant's land is a culde-sac footpath. There is an opportunity to improve this by continuing Footpath 28 to an existing overbridge.</p>	
12.14	<p>The matter was again raised at the Issue Specific Hearing dated 14 January 2026. The ExA asked the Applicant confirm whether this footpath is within the Order limits "<i>and if this is something that can be delivered</i>" (emphasis added). In the 'Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 2 and Response to Action Points' we can find no reference to consideration of delivery. Just confirmation that the PRoW has been omitted from the order limits.</p>	
12.15	<p>Summary</p> <p>Overall, the guiding information used to inform the assessment and the approaches taken to assessment are appropriate. However, the Council remains concerned that improvements to the PROW network have not been adequately considered by the Applicant, and therefore the Council requests further assurances and updates to application documents – as outlined above – to secure these commitments.</p> <ul style="list-style-type: none"> • It is agreed that the order limit was drawn adjacent to the PRoW and therefore sits outside. However there still remains no rationale/assessment/consideration as to why this cannot be delivered given that allowing access on a few metres of the Order Limit would deliver a community benefit to local area. • The Council would welcome further engagement with the Applicant with regards to proposed mitigation measures for impacts on users of the PRoW network during the construction and operation period. 	<p>Please see the responses to 12.4 to 12.11 of the LIR [REP2-021] (inclusive) above.</p>

Reference	Source Document Text	Applicant's Response
12.16	Conclusion on assessment of impact: <ul style="list-style-type: none">• Construction Phase: NEUTRAL• Operational Phase: NEUTRAL	The Applicant acknowledges the conclusions provided.

Table 10: Response to Part C, Section 13 (Biodiversity and Nature Conservation) of LIR

Reference	Source Document Text	Applicant's Response
13.1	<p>TERRESTRIAL ECOLOGY AND BIODIVERSITY</p> <p>Information reviewed and limitations of review</p> <p>In undertaking this review the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Consultation Report [APP-028] s • Non-Technical Summary [APP-037] • Chapter 5: Construction Management and Programme [APP-043] • Chapter 11: Terrestrial and Aquatic Ecology [APP-049] • Cumulative and Combined Effects [APP-062] • Appendix 1-B EIA Scoping Opinion [APP-173] • Appendix 11-A: Ecological Impact Assessment Methodology [APP-189] • Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys [APP190] • Appendix 11-C: Botanical Technical Appendix [APP-192] • Appendix 11-D: Ornithology Technical Appendix [APP-194] • Appendix 11-E: Great Crested Newt Technical Appendix [APP-195] • Appendix 11-F: Reptile Desk Study [APP-196] • Appendix 11-G: Bat Technical Appendix [APP-197] • Appendix 11-H Badger Technical Appendix [APP-198] • Appendix 11-I: Water Vole Technical Appendix [APP-200] • Appendix 11-J: Otter Technical Appendix [APP-201] • Appendix 11-K: Terrestrial Invertebrate Technical Appendix [APP-202] • Appendix 11-L: Aquatic Ecology Technical Appendix [APP-203] • Framework CEMP [APP-246] • Outline Landscape and Ecological Management Plan [APP-250] • Green Infrastructure Statement [APP-252] • Report to Inform Habitat Regulations Assessment [APP-253] • Curlew Mitigation Strategy [APP-254] • Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] • Lighting Strategy [APP-278] • Relevant Representation by Natural Resources Wales [RR-027] • Connah's Quay Low Carbon Power - Change Consultation Newsletter (Wednesday 21 January 2026 - Wednesday 18 February 2026) 	<p>The Applicant acknowledges FCC's review of the submitted application documents and notes that the following documents have been updated at Deadline 3:</p> <ul style="list-style-type: none"> • Non-Technical Summary (EN010166/APP/6.1); • Chapter 5: Construction Management and Programme (EN010166/APP/6.2.5); • Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11); • Appendix 11-C: Botanical Technical Appendix (EN010166/APP/6.4); • Appendix 11-J: Otter Technical Appendix (EN010166/APP/6.4); • Framework CEMP (EN010166/APP/6.5); • Outline Landscape and Ecological Management Plan (EN010166/APP/6.9); • Green Infrastructure Statement (EN010166/APP/6.11); • Report to Inform Habitat Regulations Assessment (EN010166/APP/6.12); and • Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.14). <p>In addition, the following document submitted at Deadline 2 is also relevant to Terrestrial Ecology:</p> <ul style="list-style-type: none"> • Appendix 11-M: 2025 Reptile Survey Report [REP2-011].
13.2	<p>PPW12 Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.</p>	<p>Table 2.5 of Appendix 2 of the Planning Statement [APP-262] details how there are no conflicts with the relevant biodiversity policies within PPW12 (pages 162-167).</p> <p>Biodiversity is fully considered within the DCO Application, including the Planning Statement [APP-262] as well as Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p>
13.3	<p>PPW12 sets out that: "<i>planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of</i></p>	<p>and Chapter 12 Marine Ecology [APP-050], and the associated appendices and figures. The Planning Statement [APP-262] identifies at paragraphs 7.5.9-7.5.12 that overall there</p>

Reference	Source Document Text	Applicant's Response
13.4	<p><i>habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (Section 6.4.5).</i></p> <p>PPW12 also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).</p>	<p>would not be any adverse significant effects in terms of ecology in the medium to long term. Furthermore, the Proposed Development would provide a Net Biodiversity Benefit as detailed within Section 7.2.</p>
13.5	<p>LDP Policy STR13: Natural and Built Environment, Green Networks and Infrastructure sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire’s natural environment including biodiversity and it also aims to promote opportunities to enhance biodiversity and ensure resilience.</p>	<p>The Applicant has provided its assessment of the compliance of the Proposed Development with Table 2.6 at Appendix 2 of the Planning Statement [APP-262], which identifies that overall, there are no conflicts with the policy objectives.</p>
13.6	<p>LDP Policy EN6: Sites of Biodiversity Importance states: <i>“Development likely to significantly affect any site of international importance, either alone or in combination with other plans or projects, will be subject to a Habitat Regulations Assessment (HRA). Development will only be permitted where it is possible to ascertain no adverse effect on the integrity of the Site or where there are Imperative Reasons of Overriding Public Interest and compensatory measures are secured. Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided. Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:</i></p> <ul style="list-style-type: none"> <i>a. it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and</i> <i>b. it can be demonstrated that the development cannot reasonably be located elsewhere; and</i> <i>c. any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.</i> <p><i>Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.”</i></p>	<p>The Applicant notes that parts of the first part of the quoted text appear to be from a previous policy document draft (now superseded) “Flintshire Local Development Plan 2015 - 2030 Deposit Plan September 2019” which should therefore be disregarded.</p> <p>However, the latter part of the quote appears to reflect the wording of Policy EN6 from the “Flintshire Local Development Plan 2015 – 2030. Adopted Plan 24th January 2023” (the LDP 2023), which is the current adopted policy document.</p> <p>For ease of reference, the Applicant notes the EN6 policy text from the LDP 2023 is as follows in Italics:</p> <p><i>EN6: Sites of Biodiversity and Geodiversity Importance</i></p> <p><i>‘Development will not be permitted that would result in an adverse effect on the integrity of sites of international nature conservation importance. Proposals where adverse effects on site integrity cannot be ruled out would not be supported.</i></p> <p><i>Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided.</i></p> <p><i>Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:</i></p> <ul style="list-style-type: none"> <i>a. it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and</i> <i>b. it can be demonstrated that the development cannot reasonably be located elsewhere; and</i> <i>c. any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.</i> <p><i>Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.’</i></p> <p>The Applicant has provided its assessment of the compliance of the Proposed Development with the adopted wording of EN6 at Table 2.6 (pp 220-224) at Appendix 2 of the Planning</p>

Reference	Source Document Text	Applicant's Response
		Statement [APP-262], which identifies that overall there are no conflicts with the policy objective.
13.7	The reviewed information concerns the Construction and Operation Area as defined in ES Chapter 5 Construction Management and Programme [APP-043]. All 'Accommodation Work Areas' are not considered within this review, as these have been described as 'limited in scale and will not result in permanent changes to habitats.' It is noted that no ecological surveys have been conducted within these areas.	The Applicant welcomes FCC's input on the design of the Off-Site Delivery Area and confirms that the land required for the Off-Site Delivery Area has now been acquired and the Applicant is the landowner. The Applicant is currently exploring options for habitat delivery at the off-site location. As this off-site location will be used to deliver mitigation for the loss of Functionally Linked Land (FLL) within the Main Development Area and to achieve a Net Benefit for Biodiversity (NBB), the approach to habitat delivery at this site is complex. The Applicant is working to implement habitat enhancement and creation measures that will maximise benefits for biodiversity whilst also meeting the specific requirements of the FFL and Curlew mitigation. The Offsite NBB and Green Infrastructure Strategy (EN010166/APP/6.14) will be updated at Deadline 4 to confirm that any proposed measures will best support biodiversity and ecosystem resilience of the site. The Applicant will present the proposals for the Off-Site Delivery Area at Deadline 4.
13.8	Consideration of the selected off-site delivery area, located northwest of Gronant Fields, Prestatyn, which is land outside of the Order Limits has been considered. However, the Applicant is in the process of agreeing a voluntary agreement to purchase the required land, and details of how all the mitigation and compensation will be accommodated in this area was not available with the documents submitted. As such, general comments in relation this have been provided, and it is recommended that this area and how the mitigation and compensation is accommodated and designed within this area is considered prior to development consent. As such, the Council reserve the right to comment at a later date once the off-site compensation area has been agreed and designed to accommodate all ecological compensation to achieve NBB.	
13.9	Ecological survey methodology and baseline The Examining Authority (ExA) had concerns of survey scope and extent at the scoping stage of the application, as noted in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.4, where some areas had been excluded from scope and that: <i>'Inspectorate advises that consideration should be given to any vegetation clearance and/or maintenance activity required at the excluded connection corridors. Where such activity is proposed and could result in impact pathways to likely significant effects, the Inspectorate considers that these locations should also be subject to survey to establish sufficient understanding of the baseline'</i> .	The scope of all the ecological surveys that supported the assessment presented in Chapter 11: Terrestrial and Aquatic Ecology [APP-049] submitted as part of the DCO application was presented to NRW and FCC in meetings during the pre-application phase and no objections to the scope were raised at that time. This position was recorded in the original Draft Statement of Common Ground with Flintshire County Council [APP-280] . It is noted that updates were made to the Draft SoCG at Deadline 1 [REP1-031] to reflect further comments that were provided on review of the DCO Application. As stated within Table 11-2 of the Chapter 11: Terrestrial and Aquatic Ecology [APP-049] , all final survey extents and any limitations have been clearly described and illustrated within the supporting ecological technical appendices (refer to Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys and Study Areas [APP-190]). The survey scope and extents were presented to NRW and FCC in meetings, as dated in Table 11.5, and discussed and agreed.
13.10	The Applicant's response to this in Table 11-2 [APP-049] <i>'The Applicant has engaged with NRW through their discretionary advice service and FCC on survey scope, timing and extent as detailed in Table 11-5'</i> is noted. However, it is hard to see whether all of the survey scope and extents were agreed within the Table 11-5.	It is noted that the Change Application proposes an extension to the Order limits. The Applicant has undertaken an ecological survey of this area to inform the requirement for further survey and inform mitigation requirements (see Annex B of Appendix 5-B: Environmental Screening of the Hardstanding Expansion at Connah's Quay North Jetty (EN010166/APP/6.4) , submitted at Deadline 3).
13.11	Table 11-7 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] provides the survey area/scope for the ecological surveys, which appear reasonable although it is unclear how much of the site was not accessible and therefore the extent of missing data at application stage.	The full details of any access restrictions encountered, and species survey methodologies, are discussed in the relevant technical appendices (refer to Appendix 11-C to Appendix 11-L (EN010166/APP/6.4)). This information was not repeated in Chapter 11: Terrestrial and Aquatic Ecology [APP-049] , included as part of the DCO submission.
13.12	Request for Clarification: <ul style="list-style-type: none"> • Can the Applicant provide clarification and / or signposting to where the information on areas not accessible for the surveys is located? • Further comment on specific species survey methodologies, such as bats and otters, are provided if relevant under the following relevant ecological receptors. 	
13.13	Habitats and Botanical Surveys	The UK Habitat Classification (UKHab) survey methodology was used as it is a Chartered Institute of Ecology and Environmental Management (CIEEM) approved method. UKHab is

Reference	Source Document Text	Applicant's Response
	<p>NRW has raised concerns around survey methodology, as noted in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]: <i>'Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. We also advise that Habitats Directive Annex 1 habitats are identified as part of this assessment.'</i></p>	<p>designed to identify Annex 1 habitats. The best practice optimal period for UKHab survey is generally April to September (Joint Nature Conservation Committee (JNCC), 2010), which aligns with the Applicant's survey dates.</p>
13.14	<p>The Applicant responds that: <i>'UKHab habitat survey information has been translated into Phase 1 habitat survey information for the NBB assessment and translation tables have been included for reference within the Green Infrastructure Statement [APP-252].'</i></p>	<p>Areas 1 and 2 of the Open Mosaic Habitat (OMH) are the areas labelled U-42 (Area 1), U-43 and U-44 (Area 2) shown on Figure 11C-2 of Appendix 11-C: Botanical Technical Appendix [APP-191, APP-192]. This figure was correct; however, the associated report was not updated accordingly. Table 2 has been amended within Appendix 11-C: Botanical Technical Appendix (EN010166/APP/6.4), to reflect the correct area labels (Area 1 was incorrectly labelled U-67 and Area 2 was incorrectly labelled U-68 and U-69), which has been submitted at Deadline 3. The remainder of the content of Table 2 was correct for Area 1 and Area 2 within the revision of Appendix 11-C: Botanical Technical Appendix [APP-191, APP-192] submitted as part of the DCO application.</p>
13.15	<p>The Council agrees with NRW with regards to these concerns, and requests further information in relation to the habitat and botanical surveys. A lack of species lists, and habitat descriptions provided within both ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Appendix 11-C: Botanical Technical Appendix [APP-191/192] result in an insufficient Diversity, Extent, Condition, Connectivity and Aspects (DECCA) baseline provided. For example, for Open Mosaic Habitats (OMH) only three notable species (white mullein, annual beard-grass and wall bedstraw) are recorded along with some scrub species within the condition assessment sheets. Notably no further grass, forb, lichen or moss species are listed. It is not clear if further data is available from the surveys undertaken, due to data being collected in UKHab/BNG condition assessment format which lacks granularity for undertaking an assessment within the DECCA framework. The listed parcels of OMH (Area 1: U-67 and Area 2: U68 & U-69) also appear to be missing from ES Figure 11C-2 [APP-191/192], making further baseline and impact assessment difficult.</p>	<p>The justification for Area 1 and 2 being the priority habitat is provided in Table 2 of Appendix 11-C: Botanical Technical Appendix [APP-191] where each area has been assessed against each criterion for the OMH habitat type. This remains unchanged in the revision submitted at Deadline 3 (EN010166/APP/6.4).</p>
13.16	<p>The ExA had concerns of survey scope and extent at the scoping stage of the application, as noted in Table 11-2 of the ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] in relation to invasive non-native species: <i>'Paragraphs 9.4.27 and 9.4.37 of the Scoping Report refer to survey work considering potential for presence of terrestrial and aquatic INNS [invasive nonnative species] but the effects section does not include potential for spread of INNS as an impact pathway. Section 4.1 of the Phase 1 Habitat and Fauna Survey (Appendix B of the Scoping Report) states that there are records of Japanese Knotweed, himalayan Balsam and Cherry Laurel, although the site survey did not identify their presence. The Inspectorate advises that the ES should identify and describe any INNS present in the baseline and include an assessment where significant effects are likely to occur, or otherwise explain why significant effects are not likely with evidence of agreement with relevant consultation bodies.'</i></p>	<p>No invasive plant or animal species were found in habitats to be impacted by the Proposed Development.</p> <p>As per Table 1 of the Framework CEMP (EN010166/APP/6.5), secured by Requirement 4 of the Draft DCO (EN010166/APP/3.1), an Invasive Species Management Plan (ISMP) survey would be updated prior to construction to determine the current location and extent of plant Invasive Non-Native Species (INNS) and to inform the specification of the ISMP. If determined as necessary through this survey and after consideration of other available plant and animal INNS data, an ISMP would be prepared to accompany the final CEMP(s) and would be agreed with relevant stakeholders, including FCC. This is to be included within the final CEMP(s).</p>
13.17	<p>There is no reference to invasive non-native species that may be present within the botanical survey area (described as all habitats within 50m of the proposed development) within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Within the botanical report invasive species are noted to be present within woodland parcels (reference: W-22) which is labelled in several locations within the Construction & Operation Area. Further information is requested on the presence of invasive species, including the specific species and GPS extent/distribution of any stands, within the survey area. Where invasive species are recorded this should further be reflected in the DECCA/NBB assessment with measures for eradication incorporated into the LEMP, subject to approval from the Council under Requirement 10 of the DCO.</p>	
13.18	<p>Species Surveys</p> <p>Bats</p> <p>The survey area for both the automatic detector surveys and Night-time Bat Walkovers have been restricted to parts the Connection Corridor only. It is acknowledged that this area has been assessed as providing moderate suitability for foraging and commuting bats, and that the main development area has been assessed as having <i>'lower suitability'</i> within the Appendix 11G: Bat</p>	<p>As outlined in paragraphs 4.2.5 to 4.2.7 of Appendix 11-G: Bat Technical Appendix [APP-197] these areas (habitats north of Chester road located within works areas such as the Main Development Area and Construction and Indicative Enhancement Area) were deemed to have negligible potential for bats therefore Nighttime Bat Walkovers (NBW) were not deemed necessary as per the Bat Conservation Trust (BCT) Guidelines (2023):</p>

Reference	Source Document Text	Applicant's Response
	<p><i>Technical Appendix [APP-197] and 'negligible suitability' within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] due to existing lighting onsite. However, suitable habitat for bats appears to be present north of Chester Road including grassland, scrub, woodland, saltmarsh and OMH with other supporting assessments demonstrating a range of invertebrate populations present on which bats could forage.</i></p>	<p><i>The suitability assessment considered the lack of roosting features, industrial nature of the Main Development Area, exposed location adjacent to the Dee Estuary, high number of artificial light sources and low-quality habitat such as hard standing and grassland with uniform sward (due to grazing and maintained amenity grassland).</i></p>
13.19	<p>Request for Clarification:</p> <p>The Council has concerns about the bat activity survey effort undertaken within the site, and whether these are in line with the BCT guidelines. This is of particular concern noting that the majority of the site will be lost to the development, particularly when considering the nine year 'temporary loss' and the impact that temporary loss will have on invertebrate life cycles (as further detailed under the relevant heading below), which could result in significant losses of foraging prey for bats at the site.</p>	<p><i>Some areas of scrub and woodland are likely to provide foraging and commuting opportunities, however a lack of connectivity such as mature hedgerows reduce the suitability for foraging and commuting bats.'</i></p> <p>Due to its exposed nature and high level of artificial light sources and the lack of roosts the Water Connection Corridor was considered unsuitable for foraging and commuting bats therefore NBW surveys were considered unnecessary here. As noted in the Applicant's response to Reference 13.9 and 13.10 above, the survey scope and extents were presented to NRW and FCC in meetings, as dated in Table 11.5 of Chapter 11: Terrestrial Ecology and Aquatic Ecology (EN010166/APP/6.2.11) and discussed and agreed.</p>
13.20	<p>Whilst it is acknowledged that full access was not possible to the terrestrial components of the Water Connection Corridor in an area in the north-east of the Construction and Operation Area adjacent to the Dee Estuary, and that viewing the area from a vantage point identified no buildings or trees present within this area however, habitat suitability for bats should still be considered (in terms of commuting/foraging habitat). If safe access for further surveys is not possible (including consideration of alternative methods including deployment of automated detectors or vantage point surveys) this should be stated clearly, along with the limitations of the assessment.</p>	
13.21	<p>The report further states that all buildings have been assessed as Negligible suitability however details are only available for Daytime bat walkover surveys undertaken in February 2024. Similarly, a number of trees within the Construction and Operation Area have been assessed as supporting Potential Roost Features (PRF) for which further survey to categorise and assess are required under the BCT guidelines, particularly as these could be affected by additional noise, vibration and lighting during both construction and operation. Further information is requested on the results of any follow up Preliminary Roost Appraisal / inspection surveys.</p>	<p>As outlined in Appendix 11-G: Bat Technical Appendix [APP-197], due to the nature of the buildings within the Main Development Area (<i>the existing gas fired CCGT generating station and its supporting infrastructure, including settlement ponds, cooling towers, and water treatment plant, in addition to buildings for storage and workshops, administration and staff welfare and security facilities</i>) and the fact that the Main Development Area has a high level of artificial light present reducing its suitability for bats the Daytime Bat Walkover (DBW) was considered sufficient to rule out the potential for roosting bats within the buildings at the Main Development Area. As noted in the Applicant's response to Reference 13.9 and 13.10 above, the survey scope and extents were presented to NRW and FCC in meetings, as dated in Table 11.5 of Chapter 11: Terrestrial Ecology and Aquatic Ecology [APP-049] and discussed and agreed.</p> <p>The embedded mitigation detailed in paragraph 11.5.7 of the Chapter 11 Terrestrial and Aquatic Ecology [APP-049] states that a '<i>Minimum buffer zone of approximately 30 m (which may be reduced subject to findings and assessment by an appropriately qualified bat licensed ecologist) from any retained trees with suitability for roosting bats, or further surveys to be carried out where there is potential for direct impacts (where applicable)</i>' is considered sufficient to prevent any impacts to roosting bats within the trees present within the Order limits. Any information on follow up Preliminary Roost Appraisal / inspection surveys will be shared with FCC. This text remains unchanged in the updated revision of Chapter 11 Terrestrial and Aquatic Ecology submitted at Deadline 3 (EN010166/APP/6.2.11).</p> <p>As detailed in the Framework CEMP [APP-246], preconstruction update surveys would be carried out for protected species where relevant or necessary, for example to inform licensing or to identify potential additional features which may become established in the study area. This text remains unchanged in the updated revision of the Framework CEMP submitted at Deadline 3 (EN010166/APP/6.5).</p>
13.22	<p><i>Invertebrates</i></p>	<p>This is noted by the Applicant.</p>

Reference	Source Document Text	Applicant's Response
	No concerns over the survey approach for invertebrates are raised by the Council.	
13.23	<i>Fish</i> No concerns over the survey approach for fish are raised by the Council.	
13.24	<i>Dormice</i> No concerns over the survey approach for dormice are raised by the Council.	
13.25	<i>Amphibians</i> No concerns over the survey approach for natterjack toads are raised by the Council.	
13.26	<i>Great Crested Newts</i> There are concerns over the great crested newts (GCN) survey approach. The council advises that it is not sufficient to state that ponds have not been surveyed due to their Habitat Suitability Index (HSI) score falling below 0.5 (unless it can be demonstrated that they are totally unsuitable) - GCNs are regularly recorded in ponds with poor HSI scores. Within these, reasons must be specified for any consideration of unsuitability (e.g. significant populations of fish present, heavily polluted, severe waterfowl impact, isolated etc.).	<p>No ponds were scoped out of survey based on their Habitat Suitability Index (HSI) score. Ponds were scoped out of further survey in two stages.</p> <p>Stage 1: Table 3 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195] presents the results of the desk-based scoping exercise where ponds were scoped out if they were isolated from the Proposed Development by major roads such as the A548 or the River Dee.</p> <p>Stage 2: Some ponds were scoped out in the field when they were visited and found to no longer exist or be a flowing ditch unsuitable for great crested newt. The details of these ponds scoped out can be found in Table 5 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195].</p> <p>Discussion of ponds being scoped out based on HSI can be found in Table 4 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195]; this table is simply reporting the results of the HyNet CO₂ Pipeline Project that are relevant to the Proposed Development. Any mention of ponds scoped out by HSI only refers to the HyNet CO₂ Pipeline Project results and not the results of the surveys conducted for the Proposed Development.</p>
13.27	The council notes that a search for waterbodies has been only undertaken within 500m of the Proposed Development. GCN have been recorded transversing over 1.6km during breeding season and given the proximity of the Deeside and Buckley SAC designated for its populations of GCN the council recommends that further consideration be given to GCN connectivity across the wider landscape (as per guidance given in Flintshire Supplementary Planning Guidance 8a) with further consideration to connectivity to the SAC. Further consideration should also be given to historical records and population fluctuations as per the monitoring of SAC populations that have been undertaken.	<p>The scope (including study area) of the great crested newt surveys was discussed and agreed with NRW in a meeting on 5 March 2025. This was undertaken as part of the Discretionary Advice Service (DAS) screening prior to submission of the ES. All ponds within 500 m of the permanent habitat loss were found to either be unsuitable for great crested newt breeding or great crested newt were found to be absent through eDNA surveys.</p> <p>There are habitat connections through the surrounding landscape to the Deeside and Buckley Newt sites SAC; however, the A548 acts as a significant barrier to great crested newt movement and severs the permanent habitat loss generated by the Proposed Development from the SAC. Additionally, NRW have indicated in their Relevant Representation [RR-027] that they are content using a zone of influence around the SAC of 1.6 km.</p> <p>The remaining impacts are some small areas of temporary habitat loss (approximately 1.35 ha of grassland and 32 m of hedgerow) as a result of the Proposed CO₂ Connection Corridor. This habitat loss is within 250 m of a known great crested newt population which is considered unlikely to be utilising these habitats due to the presence of more suitable habitat closer to the pond and the small size of the population present. Due to the limited impacts of the Proposed Development, it is not considered proportionate to extend the survey area beyond 500 m for great crested newt.</p>
13.28	Furthermore, understanding the survey effort undertaken at the site is difficult due to inconsistencies present within both Appendix 11E: Great Crested Newt Technical Appendix [APP-195] and ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Table 11-13 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] states that 27 waterbodies within 500m of the Proposed Development were considered suitable for GCN, whereas 19 are noted to be suitable to require further survey from aerial mapping assessments in paragraph 4.2.3 of Appendix 11E: Great Crested Newt Technical Appendix [APP-195]. Table 6 of Appendix 11E: Great Crested Newt Technical Appendix [APP-195] goes on to list 20/21 ponds for further assessment with 9 subject to eDNA surveys. The limitations section in paragraph 3.7.3 states 'eDNA surveys were not possible on 18 water bodies that had been assessed through HSI surveys as potentially being suitable for great crested newt. This was for several reasons including being unable to access on health and safety grounds (P1, P7, P8, P14, P22, P23, P24 & P42) or was dry at the time of the survey and it was not possible to collect a water sample (P40).'	

Reference	Source Document Text	Applicant's Response
13.29	<p>This is in contradiction of paragraph 3.4.1 which states that P1 returned a positive eDNA result.</p> <p>Request for Clarification:</p> <p>Clarification is required on the identification of suitable habitat and subsequent survey effort undertaken at the site.</p>	<p>P1, as shown on Figure 11E-3 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195], did not return a negative eDNA result as it was dry when these surveys were carried out as detailed in Table 6. However, due to its close proximity and habitat connections to P2 it was assumed the great crested newt population present in P2 was occupying both ponds so P1 was included in the population class estimate surveys. This is what paragraph 3.4.1 is referring to.</p>
13.30	<p><i>Otter</i></p> <p>There are concerns over the otter survey approach. Surveys do not appear to have been undertaken in accordance with the agreed parameters with NRW 'Table 11-7 (Summary of species relevant to the ecological impact assessment) - Otters: features of the River Dee and Bala Lake Special Area of Conservation (SAC) include otter. We concur with the proposed survey approach in respect of the Dee and affected tributaries. The assessment should also consider the functional use of ponds as feeding sites for otters during the spring.' Table 11-7 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] states that the scope of the survey area was 'The Construction and Operation Area, focused on the River Dee and adjacent habitat within the Site extending up to 200 m up and downstream', however Appendix 11J: CONFIDENTIAL Otter Technical Appendix [APP-201] states accessible habitat up to 50m from the site has been assessed during the surveys. The surveys appear to have been limited to 50m buffers surrounding two watercourses and a small section of the northern boundary of the site, with some additional ponds surveyed along the northern boundary (for which no survey buffer area appears to have been assessed).</p>	<p>The terrestrial otter surveys considered watercourses and ponds that were potentially impacted by the Proposed Development. This included the ponds within the Connah's Quay Nature Reserve. The terrestrial otter survey scope was discussed with NRW in a meeting on 5 March 2025 and no objections were raised by NRW. This was undertaken as part of the DAS engagement with NRW prior to submission of the ES.</p> <p>The otter surveys extended 200 m up and downstream from the Order limits and the reference to a 50 m survey buffer in paragraph 3.2.3 of Appendix 11J Otter Technical Appendix [APP-201] is a typographical error which has been corrected in the revision provided at Deadline 3 (Appendix 11-J: Otter Technical Appendix (EN010166/APP/6.4)).</p>
13.31	<p>Request for Clarification:</p> <p>Clarification and justification for the survey area and the deviation from best practice is required.</p>	
13.32	<p><i>Reptiles</i></p> <p>Noting that in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP049], under comment ID 3.4.4, ExA 'agrees that - no further reptile survey is required, noting the surveys completed in April 2022 concluded potential for small numbers of common reptiles to be present within the Indicative Enhancement Area only and the habitat is largely unchanged since the survey. The Inspectorate advises that survey work should be summarised in the ES and survey reports should be provided as technical appendices to the ES.'</p>	<p>The reptile report has now been completed and was submitted at Deadline 2 as Appendix 11-M: 2025 Reptile Survey Report [REP2-011]. The additional surveys found a small population of both grass snake <i>Natrix helvetica</i> and common lizard <i>Zootoca vivipara</i> to be present within the Construction and Operation Area. This is in line with the previous assumptions and so it is considered that impacts to reptiles can be eliminated by conducting the works under a precautionary working method statement as detailed in Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11) and the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 3 .</p>
13.33	<p>The Applicant's response in Table 11-2 was; '<i>Whilst it has been confirmed that further reptile surveys are not required for the purposes of this EIA, after further engagement with FCC following scoping, it was agreed that reptile surveys would be repeated in 2025 to provide up to date population information. This information will be provided as supporting environmental information following submission of the Development Consent Order (DCO) Application but the absence of such survey data at the time of writing this ES chapter does not affect the validity of its findings.</i>'</p>	
13.34	<p>It is acknowledged that further reptile surveys in 2025 was requested by the Council. This report was not available at the time of preparing this LIR. Please can the Applicant provide this report to inform the reptile assessment?</p>	<p>The reptile report has now been completed and was submitted at Deadline 2 as Appendix 11-M: 2025 Reptile Survey Report [REP2-011].</p>
13.35	<p><i>Birds</i></p> <p>On request from NRW, and as reported in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.4:</p> <p><i>'The Applicant has undertaken nocturnal surveys to determine the use of the survey area by wading birds; this includes recording the presence of foraging barn owl <i>Tyto alba</i> which is readily detected by the use of a thermal imaging monocular. Further information is provided in Section 11.4 and Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4).'</i></p>	<p>The primary focus of the nocturnal surveys was to record usage of terrestrial areas by waterbirds associated with the Dee Estuary SPA/Ramsar site/SSSI. Any other observations of bird species during these nocturnal surveys were also recorded to assist with characterising the baseline in relation to the overall breeding bird assemblage. The timings of the surveys were appropriate for recording usage of the Order limits by waterbirds, i.e., coinciding with high water periods during hours of darkness.</p>

Reference	Source Document Text	Applicant's Response
13.36	Updated surveys, including nocturnal surveys, are reported in Appendix 11D CONFIDENTIAL Ornithology Technical Appendix [APP-194]. However, clarification and justification are needed regarding the survey area selection and the deviations from best practice guidance. The nocturnal surveys were conducted starting no earlier than 1.5 hours before high tide and finishing no later than 1.5 hours after high tide. Analysis of the survey times in Annex B of Appendix 11D CONFIDENTIAL Ornithology Technical Appendix [APP-194] indicates these surveys occurred entirely during hours of darkness and included some early pre-dawn twilight periods, but did not incorporate any dusk surveys as recommended by the Bird Survey Guidelines for detecting crepuscular species.	The scope and extent of the breeding bird surveys was determined by review of existing data, such as that available from Deeside Naturalist Society and requested from COFNOD, along with consideration of the habitats present within the Order limits. This suggested that the Order limits is unlikely to support a wide range of nocturnal bird species which would warrant targeted dusk/nighttime surveys. The undertaking of surveys around dawn and supplemented with observations, including recording any vocalisations, during the nocturnal surveys, were adequate to characterise the breeding bird assemblage.
13.37	<p>Request for Clarification:</p> <p>Rationale should be provided to explain these assessment methods, particularly how crepuscular species were considered, within any limitations around survey timings and assessments acknowledged regarding any considered under-detection of crepuscular species.</p>	
13.38	Furthermore, the nocturnal surveys were limited to only three fields west of the existing Connah's Quay Power Station. Justification should be provided for excluding other areas covered by breeding bird surveys from nocturnal monitoring. Additionally, reasons for the selected survey timings should be explained, and any limitations acknowledged regarding potential gaps in detecting crepuscular species.	The primary focus of the nocturnal surveys was to record any usage of the Order limits by waterbirds associated with the Dee Estuary SPA/Ramsar site/SSSI. The fields to the west of the existing Connah's Quay Power Station had previously been identified through existing datasets to support qualifying bird species and therefore, these areas were the focus of nocturnal surveys. The survey timings for breeding birds considered the habitats present and were informed by existing data sets. As such, surveys around dawn, along with any observations from nocturnal surveys, were considered adequate to record any crepuscular/nocturnal species present.
13.39	<p>Request for Clarification:</p> <p>Rationale should be provided as to why the remaining areas covered by the breeding bird surveys have not been included in any nocturnal survey.</p> <p>Clarification and justification for the survey area and the deviation from best practice is required.</p>	<p>The Applicant notes that the referenced Bird Survey Guidelines are just guidance and the scope and extent of surveys should be based on the habitats present and the likelihood of particular species to be present.</p>
13.40	The council is additionally aware of a large amount of further historical survey data held by the Deeside Naturalists Society (DeeNats). The council recommends that this data is used within the relevant assessments to help inform trends in bird populations, further contextualise the Applicant's survey results, and better understand the site's capacity to support key species.	The Applicant can confirm that data held by the Deeside Naturalists Society has been reviewed and informed the assessment presented in Chapter 11 Terrestrial and Aquatic Ecology [APP-047] . Reference to Deeside Naturalists Society data is provided in Annex B of Appendix 11-D CONFIDENTIAL Ornithology Technical Appendix [APP-194] .
13.41	<p>Assessment methodologies and impacts</p> <p>ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] has followed CIEEM guidance in so far as the assessment methods in valuing ecological receptors at a geographical scale and determine impacts as significant or not significant at this value. To provide consistency in terminology across other chapters, the residual effects of the Proposed Development are also translated to EIA significance level on a scale of neutral, minor, moderate and major as defined in ES Chapter 2 Assessment Methodology [APP-040]. This is acceptable (though the assessment methodology should note that this is not an approach provided within the CIEEM guidelines), however as detailed below there are major concerns over the assessment in terms of what constitutes a temporary and permanent impact associated with habitat loss and disturbance over a nine-year period; habitat loss and gain calculations; insufficient assessment in relation to noise and vibration impacts; and insufficient information provided relating to assessment in relation lighting proposals therefore requiring further assessment in justification of the stated conclusions with regards to ecological receptors.</p>	<p>The Applicant acknowledges FCC's position. Justification on what is determined as a temporary impact is provided in the Applicant's response to Reference 13.50.</p> <p>Regarding FCC's other concerns, the Applicant has addressed these matters elsewhere in this document as follows:</p> <ul style="list-style-type: none"> • Habitat calculations: see References 13.47 – 13.49 and 13.55 – 13.60; • Noise: see References 13.134 and 13.146; and • Lighting: see References 13.18 – 13.21.
13.42	The issues relating to the assessment of temporary impacts are further described below, however this concern has resulted in not all the significant assessments relating to habitat losses and impacts being fully reviewed with this LIR.	

Reference	Source Document Text	Applicant's Response
13.43	Request for Clarification:	
13.44	Further clarification is required from the Applicant to understand the justifications for determining a temporary impact which is likely to occur for at least nine years.	
13.45	The approach to use the Stepwise Approach and DECCA framework as the methodology to inform the mitigation strategy and justifications within the Green Infrastructure Statement [APP-252] was agreed by ExA in February 2024 as part of the EIA Scoping Process Appendix 1B EIA Scoping Opinion [APP-173], and in consultation with NRW and Flintshire County Council. Although, the Stepwise Approach is not stated to be used to inform the EclA assessment, there is reference to avoidance, prevention and reducing potential environmental impact with Section 11.5 Chapter 11 Terrestrial and Aquatic Ecology [APP-049], and reference is given to the mitigation hierarchy in Appendix 11A: Ecological Impact Assessment Methodology [APP-189].	The Applicant acknowledges FCC's position and addresses the comments as they are raised below.
13.46	The DECCA framework is not considered within the EclA reported within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] however, the EclA does reference the Green Infrastructure Statement [APP-252] for further details on measures to deliver Net Benefits for Biodiversity (NBB). This makes determining the assessment of likely impacts and effects somewhat confusing, plus Section 11.5 Development Design and Embedded Mitigation within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] provides limited information on the mitigation strategy to avoid, minimise and mitigate impacts to habitats, stating that <i>'A proactive, creative and holistic approach towards facilitating the delivery of biodiversity and ecosystem resilience has been taken'</i> . Further comments on the application and assessment relating to the Stepwise Approach and DECCA framework, and proposed NBB are provided further below, however these are limited due to concerns with the assessment and as such the Council reserves the right to comment on these further when clarification on the assessment (as requested within this LIR) has been provided by the Applicant.	
13.47	As noted above, the Applicant response that: <i>'UKHab habitat survey information has been translated into Phase 1 habitat survey information for the NBB assessment and translation tables have been included for reference within the Green Infrastructure Statement (EN010166/APP/6.11)'</i> ,	UKHab Classification conversions to Phase 1 Habitat Survey Classifications were presented in Appendix D of the Green Infrastructure Statement [APP-252] submitted as part of the DCO Application. Table 7 of the Green Infrastructure Statement [APP-252] includes discussion on ecosystem resilience. To provide additional clarity; an additional section will be added to the updated Green Infrastructure Statement (EN010166/APP/6.11) , which retains this information, to be reissued at Deadline 4.
13.48	This does not appear to have been actioned. The Council notes that the NBB/DECCA assessment undertaken in Table 7 of the Green Infrastructure Statement [APP-252] only references a selection of UKHab Habitat (not the JNCC Phase 1), with several habitats missing from the assessment, and additionally fails to assess ecosystems as a whole.	
13.49	Request for Clarification: The Council has concerns about the completeness of the Ecosystem Resilience assessment (DECCA assessment) and further information and clarification is sought on this point.	
13.50	The worst-case phased construction scenario has been applied to the NBB assessment as reported with the Green Infrastructure Statement [APP-252] which will involve one phase occurring after the other, lasting up to nine (9) years. Para 3.2.1 of the Green Infrastructure Statement [APP-252] states: <i>'It is assumed within the application that this construction method has the greatest impact on important ecological features (IEFs) as the effects will be experienced over a greater period. Habitats impacted within the 9-year construction phase (and reinstated post-construction) would be classified as permanently lost and created (hereinafter referred to as "temporary loss")' and 'All habitats within the footprint of the construction laydown areas have been considered as being</i>	The Applicant notes that the wording within paragraph 3.2.1 of the Green Infrastructure Statement [APP-252] may be a cause of confusion; and that this is unchanged in the Deadline 3 revision as it is not related to the Change Application. To address this, the Applicant will provide further clarification within an updated version of the Green Infrastructure Statement (EN010166/APP/6.11) at Deadline 4. The Applicant also acknowledges FCC's concern regarding the classification of habitat impacts lasting for a period of up to nine years as a temporary impact. While it is recognised that the duration of these impacts could be considered beyond what is regarded as

Reference	Source Document Text	Applicant's Response
	<i>temporarily lost for this assessment and either reinstated or created after 9 years. Areas within the operational footprint of the Proposed Development would be permanently lost'.</i>	temporary, the Applicant seeks to reassure FCC that all available ecological information has been considered in reaching this classification. The use of the term temporary has been taken as an approach to acknowledge that the habitats in these locations will be reinstated (i.e. the effect is reversible), the assessment does however take into account the duration of time over which these habitats will be removed (9 years, plus reestablishment time following habitat creation) and assesses impacts accordingly.
13.51	The 'all habitats' includes Section 7 Priority Habitats which are further discussed individually below.	
13.52	Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.1, ExA: <i>'advises that the ES should assess the significance of any permanent habitat loss from the construction phase that would continue into the operational phase, and any habitat loss or degradation that could arise from operational air quality and water changes'.</i>	Furthermore, there is no formal guidance within PPW 12, FCC SPG, or other suitable NBB specific guidance that defines or prescribes timeframes for the classification of temporary ecological impacts. The ES (EN010166/APP/6) identifies a likely significant effect during the construction phase as a result of the temporary loss of the OMH. However, it concludes that there will be a minor beneficial effect post construction phase following re-establishment. This is a result of the habitat being reinstated, with an additional area of OMH being created. Both habitat areas will be subject to active long-term management and will be of a better condition than the baseline habitat.
13.53	Furthermore, the CIEEM EclA guidelines ⁵ (para 5.15) assert that an impact duration should be considered in the context of the result effect not the actual time. For example, construction impacts and loss of habitats may have longer term or even permanent impacts on the species it supports, such as impacting the life-cycle of invertebrates or breeding failure for birds.	
13.54	Request for Clarification: Overall, the Council has concerns over the assessment of temporary versus permanent habitat loss, when some loss maybe for 9 years plus, when accounting for establishment time for reinstating and creating habitats, which for some habitats this could be several years. The Council requires further justification and clarification on the length of time the different habitat areas will be lost and the resulting impacts this would have on the species populations to determine whether the impact should be considered as temporary or permanent.	When considering the loss of these habitats on species the availability of surrounding habitat was taken into account. Where no significant effects were reported for species utilising habitat that would be lost for up to nine years and reinstated post construction it was because they had other habitat available to the population during the construction phase, enabling recolonisation post construction.
13.55	The Construction and Operation Area predominantly comprises modified grassland, other neutral grassland (here after referred to as ONG), coastal saltmarsh and open mosaic habitat (hereafter referred to as OMH). It is stated that the majority of the permanent impacts are attributed to the loss of 12 ha of modified grassland and that the majority of the works will result in retainment of habitat or temporary loss of habitat, with habitats impacted being reinstated to their original condition post-construction (within a 9 year post-construction) or enhanced/ created to facilitate a net benefit and maintained the draft Order Limits GI. However, see concerns above on the use of temporary loss in this context.	The Applicant will review the data presented in paragraph 6.1.2 and within Tables 4 and 5 and if required will provide corrections within the revision of the Green Infrastructure Statement (EN010166/APP/6.11) to be submitted at Deadline 4.
13.56	Paragraph 6.1.2 alongside Table 4 and 5 within the Green Infrastructure Statement [APP-252] provide the calculated areas of retained, lost and created or enhanced habitats for the Proposed Development. However, the areas of habitats lost and total area post-development within Table 4 of the Green Infrastructure Statement [APP-252] does not match the areas provided in the text above within para 6.1.2 of the Green Infrastructure Statement [APP-252]. Furthermore, the areas reported in Table 4 do not add up correctly for some of the habitats and it is hard to see how these were calculated. This is shown in the last two columns of the table below.	
13.57	The net loss or benefit post 9-year when habitats are being reinstated or created has also been provided, and for completeness this is reported based on that calculated from Table 4 and as reported in para 6.1.2 of the Green Infrastructure Statement [APP-252]. The Council have not included reported 'No net losses' from the information/tables provided by the Applicant in the table produced below. [Table [Error] Habitat losses considering 9 years loss during construction based on Table 4 of the Green Infrastructure Statement [APP-252] and indicating difference in reporting of net loss and benefits within the Green Infrastructure Statement [APP-252] (Table 4 vs paragraph 6.1.2)]	
13.58	The differences reported here are of concern and clarification of the differences and the calculations used to provide the areas of net loss and benefit are required, including the reported no net losses, to ensure all are reported correctly.	

Reference	Source Document Text	Applicant's Response
13.59	It is acknowledged that Table 5 in the Green Infrastructure Statement [APP-252] also provides habitats created or enhanced as part of the NBB and GI within the draft Order Limits, however these appear to be in Table 4 of the Green Infrastructure Statement [APP-252] and should be included in the overall total area (ha) of habitats post-development.	The DECCA assessment is intended as a tool for assessing proposed habitat enhancement and creation, rather than as an evaluative framework for baseline habitats. To establish the baseline, the Applicant has undertaken UKHab surveys in combination with Statutory Biodiversity Condition Assessments to identify existing habitats and their condition. This approach is considered to provide a greater level of detail than a traditional Phase 1 Habitat Classification survey and is therefore appropriate for informing enhancement opportunities within the Order limits.
13.60	<p>Request for Clarification:</p> <p>The DECCA assessment in Table 7 of the Green Infrastructure Statement [APP-252] should further account for this describing the changes from baseline as no separate baseline DECCA assessment has been completed.</p> <p>In its current format it is not clear if Table 7 of the Green Infrastructure Statement [APP-252] includes all enhancement measures (on top of the mitigation and compensation measures), and it is difficult to assess if these changes to the DECCA attributes to ecosystem resilience are net-positive (delivering a net benefit for biodiversity).</p> <p>It is also unclear whether the loss of habitats to create the 'new' compensation habitats have been considered within these total loss calculations. For example, has the loss of ONG grassland within the Construction and Indicative Enhancement Area (C&IEA) for the creation of OMH been considered? Further clarification or signposting to where this is explained within the application is required by the Council.</p>	<p>To further strengthen the baseline position, the Applicant will include additional references to botanical and species survey reports within the Green Infrastructure Statement (EN010166/APP/6.11) at Deadline 4.</p> <p>The Applicant will review the data presented in paragraph 6.1.2 and within Tables 5 and 7 and if required will provide corrections within the revision of the Green Infrastructure Statement (EN010166/APP/6.11) to be submitted at Deadline 4.</p>
13.61	<p>Designated Sites – Coastal Saltmarsh and Intertidal Mudflats</p> <p>Noting that in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.3, ExA 'considers that this is an appropriate study area but notes that Figure 9.1 shows several SSSIs and a Ramsar site outside but close to the 15 km buffer. The Inspectorate advises that these sites should be assessed in the ES where there is potential for impacts to extend to them and result in LSE. Please note the comments from NRW regarding potential air quality impacts to SSSI, as noted in ID 3.1.4 of this Scoping Opinion.'. The assessment only considers those sites within the 15 km study areas as identified in the PEA included as Annex F of Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-191]. No significant effects have been identified for over sites 15 km from the Proposed Development. Given the current need for further information and clarification regarding several ecological surveys and assessments (including those relevant to bats), the available evidence is insufficient at this time for the council to support this conclusion.</p>	The Applicant acknowledges FCC's position. Further information and clarification on the ecological surveys scope are dealt with where specific questions are raised in the below responses (see responses to References 13.63 to 13.75).
13.62	The Proposed Development overlaps with, and is directly adjacent to, the Dee Estuary/Aber Dyfrdwy SAC and Dee Estuary/Aber Dyfrdwy SPA, Ramsar and SSSI within the Water Connection Corridor and the Surface Water Outfall Area. Through the ornithology surveys, functionally linked land (FLL) has been identified within the Proposed Development. The available baseline information suggests the Dee Estuary/Aber Dyfrdwy SAC are sensitive to the loss of FLL.	The Applicant acknowledges FCC's position on this matter.
13.63	The GIS states that a 'minimum of 30 m ecological buffer zone would be maintained around the C&IEA and Main Development Area. The 30 m buffer will provide an area of protection to any retained saltmarsh habitat within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. An area of saltmarsh creation will be located within the 30 m ecological buffer zone. The creation of saltmarsh will occur with the construction period'. Appendix B - Figure 3 Indicative Site Layout Plan of the Green Infrastructure Statement [APP-252] is stated to show the 30m buffer, however this is not mapped as a line on the plan and as such it is hard to see whether this buffer is maintained throughout the C&IEA and Main Development Area. This plan should be included and referenced within the relevant mitigation proposals for consistency throughout the Proposed Development where adjacent to the SAC/SPA/Ramsar site boundary.	The 30 m buffer has been added to Appendix B - Figure 3 of the Green Infrastructure Statement [APP-252] for Deadline 3 (EN010166/APP/6.11).

Reference	Source Document Text	Applicant's Response
13.64	<p>Para 6.2.5 of the Green Infrastructure Statement [APP-252] states 'Construction works will occur within a small area within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. Workers will be required, on foot, to cross the designated saltmarsh and intertidal mudflat, to access materials supplied by boat on the Dee Estuary. This method is currently in place for inspections on the designated site' and that 'no permanent or temporary loss is likely to occur because of the use of these methods' Similarly, in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], paragraph 11.6.10, it states 'no loss of saltmarsh or intertidal mudflat habitat would arise'. However as shown in Table 3-1 above this is not consistent with the habitat calculations which indicate a loss of 0.06ha of coastal saltmarsh, which is assumed to be within the SAC. Furthermore, para 3.2.1 of the Green Infrastructure Statement [APP-252] states: 'A small area of saltmarsh is likely to be permanently impacted (approx. <10 m2) by the permanent surface water outfall', and in para 6.2.6 of the Green Infrastructure Statement [APP-252] that 'Temporary and permanent habitat loss will occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would be constructed, adjacent to the preexisting surface water outfall'. The Green Infrastructure Statement [APP-252] para 6.2.6 goes on to state 'Finalised construction methods are not available, however, works could be undertaken via trenchless construction methods or with open excavation' and 'Approximately 0.06 ha of temporary habitat loss will occur during construction. This will be reinstated after a 6-month construction period'. Permanent habitat loss is also reported in para 6.2.7 'Permanent habitat loss would occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would be constructed, adjacent to the preexisting surface water outfall' and that 'As a worst-case assessment, it is assumed there would be approximately <0.001 ha of permanent habitat loss during construction if open excavation is to be used'.</p>	<p>Paragraph 6.2.5 of the Green Infrastructure Statement [APP-252] is correct in that the works in the Water Connection Corridor will not result in any loss of saltmarsh. However, the Applicant wishes to amend Table 1 of the updated Green Infrastructure Statement (EN010166/APP/6.11) at Deadline 4, which contradicts this statement. There would be a temporary loss of saltmarsh due to the construction of the proposed Surface Water Outfall (which is separate from the Water Connection Corridor). This was measured as a maximum loss of 643.94 m² which was then rounded up in the original RIHRA [APP-253] to 650 m². The Applicant notes that saltmarsh loss in this area is expected to be considerably lower than this, which will be confirmed by a National Vegetation Classification (NVC) survey to be undertaken between June and August 2026 to inform the development of the Saltmarsh Implementation and Monitoring Plan and the Saltmarsh Method Statement. There would then be a permanent loss of saltmarsh in the same location, associated with the permanent footprint of the proposed Surface Water Outfall, which has been calculated as approximately 5 m² (reported in the Derogations Report [PDA-003]). Therefore, the statement in paragraph 3.2.1 of the Green Infrastructure Statement [APP-252] is not incorrect as the permanent loss will be less than 10 m². The Deadline 3 revision (EN010166/APP/6.11) has not clarified this (as to keep Change Application updates clear), however, this will nonetheless be clarified in an update at Deadline 4.</p> <p>For clarity paragraph 11.6.10 of Chapter 11 Terrestrial and Aquatic Ecology [APP-049] discusses the Water Connection Corridor only, within which there would be no loss of saltmarsh. Paragraph 11.6.35 clarifies that "Assessments of Coastal Saltmarsh and Intertidal Mudflats (River Dee Estuary) are presented in the Designated Sites section and are not duplicated here."</p>
13.65	<p>Request for Clarification:</p> <p>There appears to be inconsistencies with the reported impacts and loss of habitat of the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI, and the Council has concerns with the differences in relation to the impact assessment, including habitat loss and disturbance, that could occur relating to the trenchless construction methods or with open excavation. Further clarification is required to determine potential impacts (including to carbon rich soils and any hydrological function as part of the wider ecosystem resilience assessment required).</p>	<p>Therefore, there are no inconsistencies in habitat losses in the reports or text cited. There will be no loss of saltmarsh in the Water Connection Corridor (as loss of saltmarsh will be associated with the new outfall which is not within that corridor), the temporary loss of saltmarsh will be approximately 0.06ha (specifically a maximum of 650 sqm) and the permanent losses will be less than 0.001ha (or 10 sqm), being a maximum of 5 sqm.</p>
13.66	<p>Saltmarshes in Wales are classified as 'irreplaceable habitats' and as identified within PPW12 para 6.4.15. This is identified within the Green Infrastructure Statement [APP-252] paragraph 4.3.2 but not the Report to Inform HRA [APP253] or ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Para 6.4.5 in the Green Infrastructure Statement [APP-252] states: 'To compensate for the small area of loss and temporary impact to Coastal Saltmarsh within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site a small area of Saltmarsh creation will occur within the 30 m ecological safeguard zone within the C&IEA. This would include bringing the current defences inland and allow the saltmarsh to naturally retreat to such an extent that any losses due to the Proposed Surface Water Outfall (the vast majority of which would be temporary) would be more than offset by the reduction in coastal squeeze allowed by the realigned defences south of the existing Power Station. A Conservation Areas Management Plan (Ref 31) previously developed for a historic application indicates that between 2010 and the date of the Management Plan (2015) some previously exposed mud around the foreshore had been colonised by common saltmarsh grass (<i>Puccinella maritima</i>) indicating natural saltmarsh colonisation and extension can occur in this area if suitable conditions are created. For further details please refer to Section 10 of Report to Inform Habitats Regulations Assessment (EN010166/APP/6.12' and para 6.4.7 'For further detail on the management and monitoring of Coastal Saltmarsh, please The Report to</p>	<p>The RIHRA (EN010166/APP/6.12) does not address 'irreplaceable habitat' as this is a planning designation and is not a consideration under the Conservation of Habitats and Species Regulations 2017 as amended. Far from being irreplaceable, saltmarsh is a commonly created habitat. For example, many flood defence schemes have developed intertidal littoral mud and saltmarsh as mitigation. This is done, for example, by lowering land levels and creating a channel to connect to the coast and including brushwood revetments or similar to retain sediment where saltmarsh is desired, followed by planting of saltmarsh vegetation. Indeed, the saltmarsh which will be directly affected by the outfall developed in the relatively recent past. Other examples are provided below:</p> <ul style="list-style-type: none"> • In the Solent, the Environment Agency has created Medmerry Nature Reserve. It has created 183 ha of saltmarsh and mudflat and 80 ha of transitional grassland. The project area was previously Grade 3 agricultural land divided between 4 different farming enterprises and the realignment was undertaken between 2011 and 2013. • Alkborough Flats Managed Realignment in the Humber Estuary was constructed in 2005 to 2006 with the coastal structures breached in September 2006 to connect the scheme to the estuary. New inter-tidal habitat has developed at the inundation zone, including

Reference	Source Document Text	Applicant's Response
	<p>Inform HRA would not concern itself with 'irreplaceable habitat' as this is a planning designation and has nothing to do with the Conservation of Habitats and Species Regulations 2017 as amended. Far from being irreplaceable, saltmarsh is a commonly created habitat. For example:</p> <p>Many flood defence schemes have developed intertidal littoral mud and saltmarsh as mitigation. This is done, for example, by lowering land levels and creating a channel to connect to the coast and including brushwood revetments or similar to retain sediment where saltmarsh is desired, followed by planting of saltmarsh vegetation. Examples are provided in 3.33 to 3.36 of this HRA Supplement and further details are given below: <i>see the Outline LEMP (EN010166/APP/6.9)</i></p>	<p>mudflats, saltmarsh and reedbeds. Around 170 ha of the site is permanently exposed to flooding, with the remaining area acting as extra storage capacity during extreme surges.</p> <ul style="list-style-type: none"> The Wallasea Island (RSPB) project involved the creation of new coastal habitat through the realignment of sea defences on a low-lying area of land beside the Crouch Estuary. This habitat creation is designed to compensate for losses of saltmarsh and mudflat (and the seabird species that used them) that occurred following past port developments on the east coast. Three million tonnes of soil were brought to Wallasea by ship, which was excavated during the construction of tunnels beneath London for the Elizabeth Line. This was used to raise land levels and create a new 115-hectare intertidal area of saltmarsh, islands and mudflats (known as Jubilee Marsh).
13.67	<p>The Report to Inform HRA [APP-253] states in the Executive Summary 'Managed Realignment of the coastal defences south of the existing Connah's Quay Power Station, adjacent to Conservation Area Compartment 3, to allow the natural expansion of 1,200 m2 of saltmarsh and ensure no net loss of saltmarsh within Dee Estuary SAC/SPA/Ramsar site from the proposed Surface Water Outfall and as mitigation for operational air quality impacts on saltmarsh'. This is consistent with the net benefit amount that we have made from the calculations within Table 3-2 above, but inconsistent with the 0.13ha provided in Table 5 of the Green Infrastructure Statement [APP-252]. Furthermore, it is unclear whether this also includes the temporary or possible permanent loss of saltmarsh, as described in the paragraph above.</p>	<p>The point that extending the management period of the existing Connah's Quay Conservation Areas does not constitute additionality has also been made by Natural Resources Wales and Natural England. However, even if that measure is disregarded the managed retreat alone would allow an area of saltmarsh to persist that is more than double that being lost due to the Proposed Development (approximately 650 m²), and more than 200 times greater than that being lost permanently (approximately 5 m²), as per paragraph 6.1.7 of the Derogations Report [PDA-003].</p>
13.68	<p>The direct loss of saltmarsh habitat, as well as the nitrogen deposition to saltmarsh of the Dee Estuary SAC / SPA / Ramsar site, is assessed within the Report to Inform HRA [APP-253] at Stage 1 as having a Likely Significant Effect (LSE). At Stage 2 of the HRA (the Appropriate Assessment stage), it is concluded that the 'total saltmarsh loss including from the construction works area has been estimated at approximately 650 m2' (para 10.2.1 of the HRA [APP-253]) and 'there would inevitably be a lag period between burial of the pipe and any natural regeneration of saltmarsh vegetation over the works footprint. Given the works area is surrounded by saltmarsh, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting' (para 10.2.3 of the HRA [APP-253]) and that 'the small area affected, permanent or medium-term net loss of saltmarsh would be considered an adverse effect on the integrity of Dee Estuary / Aber Dyfrdwy SAC, given that saltmarsh is a qualifying feature underpinning the designation, and that saltmarsh losses are also forecast to arise due to sea level rise and coastal squeeze around the Dee Estuary'(paragraph 10.2.4 of the HRA [APP-253]).</p>	<p>The reference in the Executive Summary of the RIHRA [APP-253] and paragraph 10.3.11 to the saltmarsh retreat area being 1,200 m² is a typographical error, that will be corrected for Deadline 4. Elsewhere in the RIHRA [APP-253] submitted as part of the original DCO application, and in the Derogations Report [PDA-003], it is stated correctly as 1,300 m².</p>
13.69	<p>The two solutions presented to mitigate this loss as described in paragraph 10.2.7 to 10.2.10 of the HRA [APP-253] includes:</p> <ul style="list-style-type: none"> 1. 'extend the duration of the management of the saltmarsh within the existing Connah's Quay Conservation Areas that is managed by the Applicant and which lie within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site... throughout the lifetime of the Proposed Development, or in perpetuity (80 years) whichever is the shorter. This management commitment covers approximately 26 ha of the SAC', and 2. 'the coastal defences south-east of the existing Connah's Quay Power Station adjacent to Compartment 3 would be set back to create a 1,300 m2 area into which the saltmarsh in Conservation Area 3 can expand' 	
13.70	<p>Request for Clarification The Council have concerns that Solution 1) above, would not constitute 'additionality' given the existing management commitments relating to this area of saltmarsh which lie within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar / SSSI site. This relates to both existing</p>	

Reference	Source Document Text	Applicant's Response
	<p>commitment within previous planning applications and also in terms of landowner duties. The principle would be that any compensation provided by the current Proposed Development would be above and beyond what would or should have occurred otherwise (future baseline). The Council require further clarification on this point.</p> <p>In relation to Solution 2) above, the Council agree that if the saltmarsh should establish and becomes functionally linked to the SAC/SPA/Ramsar site, then no adverse effect on the integrity of the saltmarsh habitat of the SAC/SPA/Ramsar site is likely to occur. However, the Council have concerns over the establishment and onward monitoring and management commitments for the 1,300m² (0.13ha) created saltmarsh, as well as the inconsistencies with the reporting of loss of saltmarsh.</p>	
13.71	<p>There is no reported re-instatement methods or works that might be need to facilitate the saltmarsh creation in Outline Landscape and Ecological Management Plan [APP-250] and a minimum area of 0.06ha of coastal saltmarsh creation is reported in the Outline Landscape and Ecological Management Plan [APP-250], which is less than reported in the Green Infrastructure Statement [APP-252] and HRA (as above) which is stated to be 0.12ha or 0.13ha. The Outline Landscape and Ecological Management Plan [APP-250] states further investigation may be required to inform the creation, including LiDAR, ground investigations and hydrodynamic modelling (para 5.2.23). Para 5.2.26 [APP-250] goes on to say: 'Post-creation Coastal Saltmarsh will undergo up to a minimum of 10 years of active monitoring. It should be noted that Coastal Saltmarsh requires no level of management unless the creation fails (Ref 41). If management measures are needed, then the best practice guidelines should be followed'.</p>	<p>The active monitoring period for saltmarsh defined in the Outline LEMP (EN010166/APP/6.9) will be updated at Deadline 4 to reflect the monitoring outlined in Section 5.4 the Saltmarsh Creation Strategy (EN010166/APP/6.16) submitted at Deadline 3. This monitoring includes:</p> <ul style="list-style-type: none"> • Un-manned Aerial Vehicle (UAV) imagery surveys to record vegetation extend and geomorphology; • Real time kinematic (RTK) Global Position System (GPS) to record to monitor accretion; • Vegetation surveys (National Vegetation Classification (NVC) Quadrat Surveys) to confirm pioneer species establishment; and • Sediment Pins / Marker Horizons surveys to monitor vertical accretion.
13.72	<p>Request for Clarification</p> <p>The Council have concerns over the lack of details regarding the creation of the saltmarsh, and the level of certainty of conditions and works required as to whether the saltmarsh will establish and whether the 'further investigations' will show it is unviable in this location.</p>	<p>It is considered that the initial five-year period will identify whether the saltmarsh colonisation process is proceeding as expected, and this is the period when any remedial works (e.g. managing inundation flow rates or levels, installing brushwood revetments or similar to manage sediment accretion) are most likely to need introduction. Subsequent monitoring should not be required so frequently.</p>
13.73	<p>Furthermore, although the primary colonisation of intertidal mudflat is crucially dependent on the arrival of sufficient quantities of the seeds of key colonising plant species and the frequency and duration of tidal inundation, development of mature (upper) saltmarsh depends on sediment supply and the rate of sedimentation and typically takes between 40 and 80 years⁸, with mudflats alone taking up to 10 years to develop prior to transition into pioneer saltmarsh⁹. As such, monitoring for only 10 years with no proposed management is of a concern relating to establishing saltmarsh in this area.</p>	<p>As detailed in paragraph 5.4.7 of the Saltmarsh Creation Strategy (EN010166/APP/6.16), since the saltmarsh is relied upon for a conclusion of no adverse effect on the integrity of Habitats sites it 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.</p>
13.74	<p>Request for Clarification</p> <p>The Council would want to see further details and evidence that this would be viable and a longer period of monitoring and adaptive management (if required) e.g. the monitoring and management for this saltmarsh area being created to take place 'throughout the lifetime of the Proposed Development, or in perpetuity (80 years) whichever is the shorter' as it is proposed for the saltmarsh in the 'existing Connah's Quay Conservation Areas'. Further reassurances of establishment, whether any soils and material will need removing to allow for this establishment (and where these materials would be taken/used and/or have any contamination concerns), would also be beneficial to allow for certainty of saltmarsh establishing in this area.</p>	<p>Preliminary ground investigation has been undertaken to inform baseline groundwater quality at the Proposed Development, including at the C&IEA and reported in Appendix 14-F: Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater. Further, more detailed investigations of ground elevation and contamination will be required to inform detailed design. Any contaminated soil would be handled / disposed of in accordance with the controls set out within the Framework CEMP (EN010166/APP.6.5).</p> <p>Note that the design intention is not to create new saltmarsh but to allow the existing saltmarsh in front of the defences to naturally retreat inland in response to rising sea levels. It is agreed that mature saltmarsh takes considerable time to develop. However, without the realignment of the defences the existing mature saltmarsh will be gradually eroded away. The realignment will allow the saltmarsh to expand inland, starting with pioneer saltmarsh and then maturing as time passes, keeping pace with the erosion of saltmarsh riverwards from sea level rise.</p>
13.75	<p>Without further information and clarifications as identified above, the Council has concerns over the conclusions and assessment drawn that 'there would be no likely significant effect on the Dee</p>	

Reference	Source Document Text	Applicant's Response
	<p>Estuary SAC/SSSI'. The Council also acknowledge NRW's Relevant Representation [RR-027] on this matter.</p>	<p>Since there is existing saltmarsh in front of the retreat area, there should be a high level of confidence that it will expand inland if suitable conditions (primarily the correct level in the tidal profile and sediment accretion rather than erosion) are established.</p> <p>As per the Saltmarsh Creation Strategy (EN010166/APP/6.16), submitted at Deadline 3: 'Following the successful establishment of the saltmarsh, as agreed by the Saltmarsh Steering Group, monitoring of the Saltmarsh Creation Area will be added to the Connah's Quay Power Station Conservation Areas Management Plan. This will require monitoring to be undertaken throughout the operation of the Proposed Development.' The measures set out in the Saltmarsh Creation Strategy (EN010166/APP/6.16) are secured through Requirement 22 of the Draft DCO (EN010166/APP/3.1), which identifies that a Saltmarsh Implementation and Monitoring Plan must be developed in general accordance with the strategy document and include an implementation timetable demonstrating how the Saltmarsh Implementation and Monitoring Plan will be effective ahead of any loss of saltmarsh.</p>
13.76	<p>Open Mosaic Habitat (OMH)</p> <p>ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] does not identify whether the OMH habitat within the site is of Section 7 Habitat of Principle Importance condition, although the OMH has been valued at County level.</p> <p>However, within Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] para 4.2.29 and 4.2.30 it states 'The survey confirmed that OMH is present at the two locations. Both areas conformed to the priority habitat description of OMH, meeting all the criteria'. Para 4.3.18 of Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] states: <i>'The terrestrial invertebrate surveys presented in Appendix 11-K: Terrestrial Invertebrate Technical Appendix (EN010166/APP/6.4) found the OMH habitats present supported an assemblage of invertebrates that was likely scarce in Flintshire concluding it was a high value site and that the invertebrate present in these habitats was of County Importance'</i>.</p>	<p>The Applicant has addressed this matter in their response to Reference 13.15.</p>
13.77	<p>The Council agrees within this valuation in principle, however, the lack of species lists and habitat descriptors present within both the both ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] provides insufficient evidence towards valuation and a DECCA assessment, which is particularly notable for OMH (though the Council reserves the right to comment on further ecosystem resilience indicators when data is made available).</p>	
13.78	<p>The listed parcels of OMH (Area 1: U-67 and Area 2: U-68 & U-69) also appear to be missing from Figure 11.2 Local Designated Sites within 2km of the Proposed Development [APP-125], adding further difficulty in assessing the impacts. Photos provided within the Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] suggest that 'Area 2' may be more botanically diverse with fewer bare concrete parcels. Information on the difference in condition and diversity should be detailed further within a DECCA assessment which should be provided as part of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049].</p>	
13.79	<p>It is understood from the Green Infrastructure Statement [APP-252] that 6.12ha of OMH a Section 7 habitat will be lost during the 9 years of construction, with only 0.40ha remaining and being retained during the construction period (as shown and calculated in Table 1-1 above). Table 5 in the Green Infrastructure Statement [APP-252] states 4.34ha will be created and that this will be in the C&IEA post-construction. The 6.12ha lost during the 9 years will be re-instated post-construction, meaning that a total net benefit in extent of 4.34ha.</p>	<p>The Applicant will review the data presented in the Outline LEMP (EN010166/APP/6.9) and the Green Infrastructure Statement (EN010166/APP/6.12) and will provide updated versions of these documents (as necessary) at Deadline 4.</p>

Reference	Source Document Text	Applicant's Response
13.80	The Outline Landscape and Ecological Management Plan [APP-250] states that '0.26 ha of OMH is to be created and linked to the 6.12ha reinstated area of OMH at approximate location OS NGR: SJ28843 70427 and has been identified in Figure 3 in Appendix B of the Green Infrastructure Statement (EN010166/APP/6.11) of the ES. The area is currently dominated by modified grassland in poor condition, with small patches of mixed scrub' (para 5.2.27).	
13.81	Request for Clarification There appears to be inconsistency between the amount of OMH being created and the Council will require clarification of which figure is correct. There are also concerns with the time lag for the temporary loss (excess of 9 years) until 6.12ha is reinstated. For most invertebrates and some plant species, this will have longer-term, if not permanent impact to their lifecycle and survival. As raised previously, the Council require further assessment, clarification or signposting to where these impacts have been assessed to determine impacts to OMH and the plants and invertebrates it supports.	
13.82	Para 6.4.8 to 6.4.10 of the Green Infrastructure Statement [APP-252] states: 'Habitats are to be created using natural processes and are to be monitored during the establishment phase with remedial management actions undertaken to ensure that target habitats with associated conditions are created and met', and 'Once habitats are established active management would be undertaken to ensure that habitat remain in favourable condition'.	As stated in the Outline LEMP [REP1-027] (para 5.2.28.) " <i>For OMH to be created and align with the UKBAP criteria of a priority habitat...</i> ", demonstrating that the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for OMH on Previously Developed land has been considered when authoring the Outline LEMP [REP1-027] . The outline management prescription recommending between 10-50% scrub across the OMH parcel is a typological error. The Applicant thanks FCC for bringing this to its attention and will address this issue in the updated Outline LEMP (EN010166/APP/6.9) to be provided at Deadline 4.
13.83	Good quality OMH (assumed to be favourable condition in the statement above) is set out in paragraph 6.4.10 of the Green Infrastructure Statement [APP-252], based on the moderate condition for OMH within DEFRA Statutory Biodiversity Condition Assessment Criteria. Favourable conditions for Priority OMH habitat as provided within the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for Open Mosaic Habitats on Previously Developed Land ¹⁰ , have not been considered.	
13.84	This was of some concern when the Outline Landscape and Ecological Management Plan [APP-250] (para 5.2.29), states the management prescription of 'Manage the scrub to achieve dense and scattered scrub between 10-50% of the area, as well as open areas'. Within the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for OMH on Previously Developed Land, para 3.3 it states that 'scattered scrub (up to 10– 15% cover) may be present and adds to the conservation value of the site' in the context of its importance for invertebrates.	
13.85	Request for Clarification; The Council has concerns if up to 50% of the OMH areas is dense and scattered scrub that this would not be considered open mosaic if dense scrub, it would be dense scrub, and if 50% of the area is scattered this would potentially shade out, out compete and change the soils through excess leave litter, for the rarer, notable and species more typical of OMH. As such, the Council request that the final LEMP, noting it's subject to agreement with the Council under Requirement 10 of the draft DCO [APP-019], has further consideration of the criteria for OMH as provide within the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for Open Mosaic Habitats on Previously Developed Land, including scrub cover.	
13.86	Other Neutral Grassland (ONG) It is understood from the Green Infrastructure Statement [APP-252] that 0.73ha of ONG a Section 7 Priority habitat will be permanent lost and a further 0.05ha lost during the 9 years of construction, with 2.06ha remaining and being retained during the construction period (as shown in Table 4 of the Green Infrastructure Statement [APP-252]). Table 5 in the Green Infrastructure Statement [APP-252] states the 2.06ha will be enhanced from moderate condition ONG to good condition	The Applicant has addressed this matter in its response to 13.7 of the LIR [REP2-021] .

Reference	Source Document Text	Applicant's Response
	<p>post-construction. As such, there would be a lost in extent of 0.73ha of S7 priority grassland. Table 7 in the Green Infrastructure Statement [APP-252] states: 'To compensate for the loss of 0.73 ha of other neutral grassland, a 2:1 compensation planting ratio would be implemented. A minimum of 1.46 ha of other neutral grassland is required to be created or enhanced off-site'.</p>	
13.87	<p>The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP255] states in para 2.1.4: <i>'Following this optioneering process the land at Gronant fields was selected. Whilst this land is outside of the Order limits, the Applicant is in the process of agreeing purchase of the land. The provision of the habitat creation within the Off-Site Delivery Area is secured by Requirement 18 within the Draft DCO (EN010166/APP/3.1). The Draft DCO (EN010166/APP/3.1) requires an Offsite NBB and GI Plan to be developed and agreed with Flintshire County Council (FCC) and Denbighshire County Council (DCC) in accordance with this Off-site NBB and GI Strategy (EN010166/APP/6.14) prior to the implementation of any habitat creation within the Off-Site Delivery Area'</i>.</p>	
13.88	<p>With regards the ONG within The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255], it is unclear how much land is being created and/or enhanced into ONG, just stating <i>'As part of the off-site delivery and curlew mitigation habitat requirements it is proposed that a large proportion of Off-Site Delivery Area be created to species rich grassland and brought into active management'</i> (para 2.4.2). Within the GIS para 7.5.3 it states that; <i>'30.3 ha of the off-site delivery area falls outside the proposed Curlew mitigation area and subsequent to ongoing legal discussions, will shortly be under the Applicant's ownership. This offers a chance to actively manage these habitats, ensuring the net benefit of highly distinctive habitats and GI features are secured. Additionally, plans for enhancing habitats in poor condition and creating measures in areas with currently low biodiversity interest would be developed for these parts of the site'</i>.</p>	
13.89	<p>However, it is not clear how much of this would be available for creating and/or enhancing ONG. It is noted however, that the ONG is the dominant habitat within The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP- 255] area, as described within Appendix B – Gronant Fields Preliminary Ecological Appraisal of The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] and shown in Figure 11M-A4 in the same Appendix. Further consideration should be given to mitigation (rather than solely off-site compensation) of ONG habitats, particularly to address requirements for key species recorded using these habitats that are unlikely to relocate to the distant off-site delivery area (some 30 km away), such as curlew. The Green Infrastructure Statement should document the rationale for prioritising compensation over available mitigation options, clearly demonstrating adherence to the Stepwise Approach.</p>	
13.90	<p>Para 2.4.4 to 2.4.6 in The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] provides some details on the condition criteria to achieve 'species-rich grassland' taken from DEFRA (2025) Create and restore species-rich grassland – Farming [online] stated to be available at https://defrafarming.blog.gov.uk/create-and-restore-species-rich-grassland/. However, para 2.4.6 states: <i>'It is yet to be determined what type of species-rich grassland is to be created within the Off-Site Delivery Area. Further consultation is required with NRW and Denbighshire County Council, with finalised input being secured through the requirement to prepare and implement the Landscape and Ecological Management Plan (LEMP) for the Off-Site Delivery Area'</i>.</p>	
13.91	<p>Request for Clarification</p> <p>The approximate extent of ONG creation and enhancement and an update to the DECCA Framework assessment is required to demonstrate how net benefit will be achieved for</p>	

Reference	Source Document Text	Applicant's Response
	ONG alongside the requirements for the curlew mitigation and the grassland swards that are required to full fill [fulfil] this species requirement.	
13.92	Hedgerows There are inconsistencies in the valuations and durations of permanent hedgerow loss between ES Chapter 11 Terrestrial and Aquatic Ecology [APP049] and the Green Infrastructure Statement [APP-252].	The Applicant can confirm there would be a permanent loss of 22 m of other native hedgerow (valued as important) within the Main Development Area and a temporary loss of approximately 32 m of species-rich hedgerow within the Proposed CO ₂ Connection Corridor. The areas of hedgerow losses are shown clearly on the Hedgerow Removal Plan [APP-015] submitted as part of the DCO Application. These losses remain unchanged within the updated revision of the Hedgerow Removal Plan (EN010166/APP/2.8) submitted at Deadline 3.
13.93	It is understood from ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] that: <i>'The construction of the Proposed Development would result in the permanent loss of approximately 22 m of other native hedgerow (valued at Local importance) within the Main Development Area. This would result in no significant adverse effect (minor adverse, not significant) [and] ... There would be temporary loss (up to 9 months) of 32 m of hedgerow within the Proposed CO₂ Connection Corridor for pipeline works. This hedgerow habitat lost within the Proposed CO₂ Connection Corridor would be reinstated following construction works in this area resulting in no significant adverse effect (neutral, not significant) in the long term (i.e. post construction) once the habitat has re-established'</i>	The Green Infrastructure Statement [APP-252] should state that the loss is for nine months rather than nine years. This is the anticipated construction programme for the Proposed CO ₂ Connection Pipeline and will be corrected in the updated revision to be included at Deadline 4.
13.94	The Green Infrastructure Statement [APP-252] however notes that: <i>'The construction of the Proposed Development would result in the permanent loss of approximately 22 m of other native hedgerow (valued as important) within the Main Development Area and a temporary loss of approximately 32 m of species-rich hedgerow within the Connection Corridor easement. The 32m loss of species-rich hedgerow within Connection Corridor easement would be replanted after a 9-year construction period'</i>	Regarding the delivery of hedgerow habitat within the Main Development Area on completion of construction, as originally shown on the indicative landscape plan (Appendix A of the Outline LEMP [APP-252]) and in the latest revision (EN010166/APP/6.9), the hedgerow is proposed around the western perimeter of the site security fence. This would provide some screening of human activity within the power station and would not compromise open habitat sightlines.
13.95	Request for Clarification: The Council requires clarification on the duration of the habitat loss anticipated associated with the 'temporary' loss of hedgerows within the Connection Corridor (9 months or 9 years?). The Council further advise that hedgerows should be valued at a minimum of 'County' level importance given their selection as Priority Habitats. It has been assumed that the lengths of habitat loss provided are a total across the habitat types, however this should be clarified with further information provided on the maximum size of gaps/fragmentation anticipated within these habitats, particularly in relation to the assessment of effects on protected species notable bats (as further detailed below).	The temporary loss of the single stretch of hedgerow within the Proposed CO ₂ Connection Corridor would not significantly affect foraging and commuting bats. The hedgerow network has been valued at district importance but a change to County importance would not alter the conclusions. The hedges at the Main Development Area which are to be lost do not connect to the rest of the hedgerow network and are species poor or ornamental or the Local Wildlife Site criteria for Flintshire so have been valued as local or lower.
13.96	The Green Infrastructure Statement [APP-252] states that: <i>'Compensation is required for a small section of hedgerow, hedgerow loss. This section of hedgerow would be replaced at a minimum compensation ratio of 3:1 (to be delivered on-site around the north and west of the operational fence line) and would comprise planting of native species of local provenance, in - keeping with woodland within the wider landscape. A total of 0.34 km of hedgerow is to be planted.'</i>	
13.97	The Council welcomes further delivery of hedgerow habitats as a net benefit above the policy requirements (3:1) however new hedgerow planting in proximity to the Dee Estuary designated sites risks compromising open habitat sightlines essential for species that rely on predator detection, potentially deterring their use of functionally linked land parcels.	
13.98	Request for Clarification Further information/clarity should be provided (e.g. within the DECCA assessment) on the locations of the losses and gains to ensure connectivity of these habitats is maintained across the Proposed Development, whilst ensuring no detriment to avian species.	
13.99	Broadleaved Woodland and Trees	

Reference	Source Document Text	Applicant's Response
13.100	<p>It is understood that the identified 'Other Lowland Mixed Deciduous Woodland' a Section 7 (S7) Priority Habitat is being retained. This is welcomed as aligns with the step-wise approach of PPW12, however the proposals should also detail if management of these retained habitats are proposed in the long-term in line with the enhancement requirements of the step-wise approach.</p> <p>There is 0.83ha permanent loss of 'other broadleaved woodland' which does not qualify as S7 habitat, with a further 0.05ha of temporary loss (for the 9 years construction period), as provided in Table 4 of the Green Infrastructure Statement [APP-252]. A total of 2.07ha of other broadleaved woodland will be created within the site. This contradicts ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] statement that 'All areas of other lowland mixed deciduous woodland present within the Order limits would be retained.'</p>	<p>The Applicant wishes to clarify that Chapter 11 Terrestrial and Aquatic Ecology [APP-049] includes the following information:</p> <ul style="list-style-type: none"> at paragraph 11.6.53 it identifies there would be a loss of 0.83 ha of other broadleaved woodland. at paragraph 11.6.46 it identifies that all areas of other lowland mixed deciduous woodland present within the Order limits would be retained. <p>These values are consistent with those considered within the Green Infrastructure Statement [APP-252]. The Applicant notes this has not changed in the Deadline 3 revision.</p>
13.101	<p>Request for Clarification</p> <p>Clarification is sought on the extent of losses of woodland habitat for the Proposed Development.</p>	
13.102	<p>In terms of PPW12 at least 3:1 replacement of individual trees needs to be achieved, however the restock rate for broadleaved woodland should comprise 1,600 trees/ha (which could include trees at 2.5m spacing)¹¹. Table 6 of the Green Infrastructure Statement [APP-252] states that: <i>'Compensation is required off site (see Section 7) for the small loss of trees and woodland that cannot be created on-site. Trees and Woodland will be compensated for off-site at a minimum ratio of 3:1. 3 trees and 0.42 ha of woodland creation will be required to satisfy PPW12 compensation ratios.'</i></p>	<p>The Applicant concurs with these statements; the Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-252] should include a value 0.42 ha of woodland creation. This will be updated at Deadline 4, as it is not reflected in the Deadline 3 submission.</p>
13.103	<p>The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255], para 2.4.1 states that 2.49ha of woodland and 3 trees will be achieved in the Off-Site Delivery Area, we assume this is a typo and is meant to be meaning 0.42ha? The council advises that the 3:1 ratio described in PPW12 is designed for sole/scattered trees, and for woodland parcels affected the habitat restock descriptors should be used in area calculations.</p>	
13.104	<p>Request for Clarification:</p> <p>Clarification on woodland compensation extent off-site is required.</p>	
13.105	<p>In addition, the habitat loss for scrub within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] is not quantified:</p> <p><i>'There are discrete areas of scrub (both mixed and predominately bramble) within the Main Development Area of Local importance, some of which would be permanently and temporarily lost due to construction works. Some of this habitat which is temporarily impacted would be reinstated in accordance with the Outline LEMP (EN010166/APP/6.9). Those areas to be temporarily and permanently lost, are relatively small in extent in comparison to other habitats present across the Order limits to be impacted and beyond Order limits, reflecting a small loss of an abundant resource.'</i></p>	<p>The Applicant notes that Chapter 11 Terrestrial and Aquatic Ecology [APP-049] does not quantify the habitat loss for scrub. However, the assessment was based on the values included at paragraph 6.1.2 of the original Green Infrastructure Statement [APP-252] submitted as part of the DCO Application, which identified the following in the context of scrub habitats:</p> <ul style="list-style-type: none"> h3d - Bramble Scrub (net loss - 0.09 ha). h3h - Mixed Scrub (net loss - 0.3 ha); and u1 847 - Introduced shrub (no net loss).
13.106	<p>It is not clear if the scrub habitat loss has been included within the broader woodland habitat loss detailed above (which is also notably missing from ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]). Within the Green Infrastructure Statement [APP-252] there appear to be incorrectly calculated habitat loss and retention figures in relation to scrub (Table 4), for example with 'h3d – Bramble scrub' stating a baseline area of 0.49ha, retention of 0.11ha, no temporary loss, permanent loss of 0.1ha and total post-development area of 0.11ha (i.e. a permanent loss of 75% of the bramble scrub habitat).</p>	<p>Section 2.4 of the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] identified that 1.17 ha of Scrub is required to be created in the Off-Site Delivery Area to deliver an NBB.</p> <p>The Green Infrastructure Statement (EN010166/APP/6.11) has been updated at Deadline 3 to consider the Change Application. This includes updated totals in relation to scrub habitats as detailed below:</p>
13.107	<p>Request for Clarification:</p>	

Reference	Source Document Text	Applicant's Response
	<p>The Council requests further information and clarification on all habitat losses, retention and gains proposed as part of the Proposed Development prior to finalising its position on this matter.</p>	<ul style="list-style-type: none"> • h3d - Bramble Scrub (net loss - 0.09 ha). • h3h - Mixed Scrub (net loss - 1.01 ha); and • u1 847 - Introduced shrub (net loss – 0.08 ha). <p>This data is presented within Table 4 of the Green Infrastructure Statement (EN010166/APP/6.11), submitted at Deadline 3, and is to be reviewed by the Applicant with any required updates submitted at Deadline 4.</p>
13.108	<p>Para 2.4.7 of The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] states that 'Woodland planting will be targeted to strengthen existing woodland and increase connectivity across the wider landscape. It is recommended that woodland creation is located along the southern boundary creating a boundary feature from west to east'. Para 2.4.9 goes on to state that 'Care is to be taken to ensure that the location of the proposed woodland does not impact the suitability of the Off-Site Delivery Area for curlew by reducing sight lines'. This is welcomed, but it is hard to understand whether the extent of woodland compensation would be met if existing woodland is to be strengthened. The Council further notes that Flintshire SPG requires no net loss of canopy cover within the county. Off-site compensation located outside Flintshire cannot therefore offset any reduction in local canopy cover, and detailed proposals for on-site mitigation planting are requested to demonstrate policy compliance. Similarly to hedgerow planting above, proposals for woodland planting in proximity to the Dee Estuary designated sites risks compromising open habitat sightlines essential for species that rely on predator detection, potentially deterring their use of functionally linked land parcels.</p>	<p>It is considered that woodland planting in the Off-Site Delivery Area would be limited to the southern boundary of the site between its western extent and Terfyn Covert along the boundary of the A548 to create additional screening from the road. No planting would be proposed in central areas of the Offsite Delivery Area. This will be shown in the indicative proposals that will be included as an update to the Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.14) at Deadline 4.</p> <p>As identified in the updated Green Infrastructure Statement (EN010166/APP/6.11), the Proposed Development will result in the permanent loss of 35 individual trees and 0.83 ha of woodland habitat. In relation to habitat creation proposals within the Main Development Area, these include the creation of 105 trees and 2.07 ha of woodland habitat. This creation is shown within the indicative landscape plan included within the Outline LEMP (EN010166/APP/6.9). Requirement 10 of the Draft DCO (EN010166/APP/3.1) states: "no stage of the authorised development must commence until a LEMP for that stage, in general accordance with the outline landscape and ecological management plan, has been submitted to and approved by the relevant planning authority". It is considered that the provision of these habitats will satisfy policy requirements to ensure there is no net loss of canopy cover within the county.</p>
13.109	<p>Request for Clarification:</p> <p>Further information/clarity should be provided on the locations of the losses and gains to ensure the canopy cover within the county is maintained in line with policy, whilst ensuring no detriment to avian species.</p>	
13.110	<p>Furthermore, without an indicative plan of the proposed areas for the compensation of ONG (1.46 ha), woodland (0.42ha), scrub (1.17ha, see above and below) and the curlew mitigation area (26ha, see below), it is hard to understand whether all of the compensation can be met while ensuring the curlew mitigation will be achieved in line with the requirements for curlew mitigation 'sight lines' (as open spaces due to predator avoidance and clear open views).</p>	<p>An updated Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.11) will be provided at Deadline 4 and will include indicative habitat creation proposals. The specific measures requested would be prepared in support of discharge of Requirement 18 of the Draft DCO (EN010166/APP/3.1).</p>
13.111	<p>Request for Clarification:</p> <p>The Council require an indicative plan of the offsite area planting, habitat creation and enhancement to ensure sufficient space is available for these required habitat and species mitigation and compensation.</p>	
13.112	<p>Furthermore, an understanding of what type of habitat will be lost for the compensation planting within the Off-site Delivery Area needs to be considered, as the majority of the Off-site Delivery Area is ONG and loss of that should also be considered and compensated for within the overall assessment of NBB (and detailed within the assessment and the DECCA assessment). In terms of establishment and the suitability of Gronant Fields as an off-site compensation location for the habitats proposed, the council advises this cannot be confirmed in the absence of further baseline ecological data.</p>	
13.113	<p>Paragraph 5.2.19 of the Outline Landscape and Ecological Management Plan [APP-250] states that a total of 26 to 32 points within the BNG woodland condition assessment criteria should be targeted to allow for moderate condition to be met, however the management plan lacks specific proposals on how these conditions (in terms of management actions) will be undertaken.</p>	
13.114	<p>Request for Clarification:</p>	

Reference	Source Document Text	Applicant's Response
	Further information detailing management and monitoring plans for the newly created habitats onsite (as well as for existing habitats on site which should be enhanced in line with the step-wise approach) is requested. These should include specific measures and targets that are proposed for the site as well as remedial actions that will be undertaken alongside specific monitoring programmes.	
13.115	Table 4 in the Green Infrastructure Statement [APP-252] also reports a permanent loss of 34 individual trees (not including the up to 9-year loss of a further 35 individual trees that will be reinstated at a 1:1 ratio). A total of 102 individual trees are reported to be planted post-construction, which is consistent with the required 3:1 ratio of PPW12.	This is noted and the Applicant understands that no further action is required at this stage.
13.116	The Council notes that these habitats have not been assessed within Table 7 of the Green Infrastructure Statement [APP-252] and requires that this is updated to reflect all ecosystems present which could be affected by the Proposed Development.	The Applicant can confirm that individual trees were included within the bottom row of Table 7 of the Green Infrastructure Statement [APP-252] . This is retained in the Deadline 3 revision.
13.117	Application and Compliance of the Stepwise Approach Section 6.5 and Table 6 of the Green Infrastructure Statement [APP-252] provide narrative on the 'Application and Compliance of Stepwise'. This is welcomed and provides some acknowledgement on design considerations to avoid, minimise, mitigate and compensate impacts to habitats however, this has not been completed for species and further detail and justification is requested for habitats. The Applicant should provide explicit evidence demonstrating why further avoidance and minimisation measures were not feasible (for example, confirming no alternative designs including temporary construction areas), prior to progressing to mitigation and compensation.	The Applicant considers the level of detail originally provided within Table 6 of the Green Infrastructure Statement [APP-252] is sufficient to demonstrate the application of the Stepwise Approach as it contains information on where impacts have been avoided and minimised. To include all optioneering processes to further demonstrate the application of steps 1 and 2 for a project of this scale is unworkable and would result in an extensive report with a level of detail above what is required for similar assessments. No further information is proposed in response to this point.
13.118	The Council advises that much of what is presented as mitigation constitutes compensation, and the application of the Stepwise Approach lacks sufficient evidence to demonstrate sequential progression through each stage.	The Applicant does not agree that " <i>much of what is presented as mitigation constitutes compensation</i> ". For example, mitigation presented in Table 6 of the Green Infrastructure Statement [APP-252] for Ancient and Veteran trees includes (but is not limited to) " <i>the use of either a three-dimensional cellular raft system or ground protection, suitable for the heaviest anticipated load, to prevent negative impacts to the structure of the soil within the RPA.</i> ". This mitigation measure is consistent with the definition of mitigation set out in the CIEEM Ecological Impact Assessment (EclA) Guidelines ¹ , as it is implemented to avoid or reduce the predicted adverse ecological effects of the Proposed Development. In this example, compensation would instead comprise the creation of new habitat to compensate for the loss of the trees. For other habitat types listed in Table 6 of the Green Infrastructure Statement [APP-252] , standard mitigation measures have been proposed and are presented in the Framework CEMP (EN010166/APP/6.5) , Appendix 15-G: Arboricultural Impact Assessment [APP-228] and the Outline LEMP (EN010166/APP/6.9) .
13.119	Further consideration where possible should be given to on/near-site mitigation opportunities for both habitats and species, particularly mobile species reliant on site-specific conditions unlikely to relocate to functionally unconnected off-site areas located 30 km away, likely serving different ecological populations.	A range of off-site locations were considered before the Applicant selected Gronant Fields as the preferred off-delivery area, with information on the site selection process outlined in the Curlew Mitigation Strategy [APP-252] . While the Applicant acknowledges the distance of the Off-Site Delivery Area from the Order limits, it is considered that on-site proposals detailed in the Outline LEMP (EN010166/APP/6.9) would ensure the Proposed Development does not result in the permanent loss of species assemblages or significant effects on the ecological function of the habitats or ecosystems present.
13.120	The Green Infrastructure Statement should document the explicit rationale for prioritising compensation over any viable mitigation options (including justification for off-site selection over closer alternatives), clearly evidencing adherence to the Stepwise Approach.	
13.121	Moreover, due to the concerns raised on the assessment and inconsistencies identified, this assessment should be re-visited once the clarifications and concerns raised above have been addressed, particularly in relation to temporary and permanent habitat losses.	

¹ CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater Version 1.3

Reference	Source Document Text	Applicant's Response
13.123	<p>Request for Clarification:</p> <p>The council requests further information and clarification on the application of the Stepwise approach at all design stages.</p>	<p>Furthermore, the Off-Site Delivery Area is best placed to deliver benefits to protected and notable species associated with designated sites and will provide greater benefit to biodiversity than on-site measures.</p>
13.124	<p>Application and Compliance of DECCA and Net Benefits for Biodiversity (NBB)</p> <p>Section 6.6 of the Green Infrastructure Statement [APP-252] provides narrative and Table 7 on the 'Application and Compliance of DECCA'. Section 6.7 of the Green Infrastructure Statement [APP-252] highlights the Building with Nature Standard Framework 2.0 (hereafter referred as BwNSF) has been used to inform the Green Infrastructure Statement [APP-252]. This approach is welcomed by the Council as in line with PPW12. However, concerns remain regarding the assessment's fitness for purpose, including the following key issues.</p>	<p>This is noted by the Applicant. A response is provided to the key points below.</p>
13.125	<p>The ecosystem resilience (DECCA) assessment as presented is incomplete because it only considers a small selection of the UKHab habitat types present within the Development Area rather than assessing entire ecosystems, which is the intended purpose of DECCA framework. Several key habitats are also further missing from the assessment. This limited habitat scope means the assessment does not fully capture the range and complexity of ecosystems within the project area, undermining the validity of the ecosystem resilience evaluation. Consequently, the DECCA assessment fails to provide a comprehensive ecosystem-level analysis as required, restricting the ability to understand overall ecological impacts and resilience adequately.</p>	<p>The Applicant confirms that the DECCA framework has been applied to all habitats proposed for enhancement or creation as part of the Proposed Development. These habitats have been selected to support ecosystem resilience and to deliver Net Benefit for Biodiversity. To further strengthen this assessment, the Applicant will update the DECCA framework to explicitly include additional habitats that contribute to the overall functioning and resilience of the ecosystem, including, but not limited to, woodland habitats. The updated DECCA framework assessment will be submitted at Deadline 4 as part of an updated Green Infrastructure Statement (EN010166/APP/6.11).</p>
13.126	<p>Baseline data show substantial gaps, notably in the botanical baseline and species surveys. There is a lack of comprehensive species lists, habitat descriptions, and details on invasive species, leading to an inadequate DECCA baseline. Data collected in UKHab/BNG condition format lacks the necessary granularity for robust ecosystem resilience assessment. Additionally, some key habitat parcels, like OMH, are excluded from the assessment figures. Species surveys suffer from restricted areas, departures from best practice methods, unclear site access, and potential undervaluation of important populations. Overall, this makes it difficult to assess the impacts to ecosystems at the site.</p>	<p>The DECCA assessment is intended as a tool for assessing proposed habitat enhancement and creation, rather than as an evaluative framework for baseline habitats. To establish the baseline, the Applicant has undertaken UKHab surveys in combination with Statutory Biodiversity Condition Assessments to identify existing habitats and their condition. This approach is considered to provide a greater level of detail than a traditional Phase 1 Habitat Classification survey and is therefore appropriate for informing enhancement opportunities within the Order limits.</p> <p>To further strengthen the baseline position, the Applicant will include additional references to botanical and species survey reports which provide additional details on survey methods, survey areas, along with details on any limitations to the surveys, and how these have been accounted for within the Green Infrastructure Statement (EN010166/APP/6.11) submitted at Deadline 4.</p> <p>Specifically, it is noted that all habitats potentially impacted by the Proposed Development received a UKHab survey. The areas where access did not allow were all within the Repurposed CO₂ Corridor where no works are taking place. All other areas affected were subject to survey.</p> <p>Queries about the OMH are addressed above in response to 13.15 of the LIR [REP2-021].</p> <p>The queries surrounding species surveys are addressed where specific questions are raised throughout this document.</p> <p>There is no requirement to collect comprehensive species lists for the UKHab methodology. The information presented in Annex B of Appendix 11-C: Botanical Baseline Survey and</p>

Reference	Source Document Text	Applicant's Response
		<p>Information Report [APP-191] is considered sufficient to justify the habitat classifications assigned.</p>
13.127	<p>The DECCA framework was not directly applied within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] which instead refers to the Green Infrastructure Statement [APP-252] for mitigation and net gain measures. This makes tracking impacts and understanding mitigation strategies confusing and limits a holistic ecosystem assessment.</p> <p>There is further concern over categorising habitat loss spanning nine years as 'temporary,' given that establishment and recovery lags could result in long-term or permanent impacts. This approach conflicts with CIEEM guidelines (and Biodiversity Net Gain (BNG) standards), which generally consider habitat loss temporary if it does not have long-term impacts on species, and in the case for BNG only if restored within two years.</p>	<p>The CIEEM methodology for Ecological Impact Assessment¹ does not require utilisation of the DECCA framework so this was not used in the EclA within Chapter 11: Terrestrial and Aquatic Ecology [APP-049] and will not be applied in any future revisions.</p> <p>It is considered that, as BNG guidance is specific to the application of metric-based assessments, it is not applicable for the Proposed Development. CIEEM guidance does not prescribe specific parameters for classifying impacts as temporary. As noted above, the assessment within Chapter 11: Terrestrial Ecology and Ornithology [APP-049] identifies a likely significant effect during the construction phase due to the temporary loss of OMH but concludes that a minor beneficial effect will result post-construction. This benefit arises from the reinstatement of the habitat, along with the creation of an additional area of OMH. Both the area of reinstatement and creation will be actively managed long-term and will be in better condition than the baseline condition.</p> <p>Therefore, while the impacts to habitats over a nine-year period are classified as temporary, it is acknowledged in the ES that they will result in a likely significant effect during the construction phase. The term temporary is used in the context of the Proposed Development, to reflect that habitats in these locations will be reinstated. The impact assessment accounts for the loss of habitats over the period of habitat loss before habitat creation post construction.</p>
13.128	<p>The offsite compensation strategy lacks clarity regarding timing, design, and deliverability of habitat and species benefits. The offsite compensation area is currently unsecured, with no detailed mitigation proposals presented.</p>	<p>The Applicant has addressed this matter in its response to 13.7 of the LIR [REP2-021].</p>
13.129	<p>Request for Clarification:</p> <p>It is welcomed the Council will be consulted on the full CEMP as secured via Requirement 4 of the draft DCO [APP-022]. However, clarity on the above impacts should be provided to inform this assessment. Overall, further review of the NBB and DECCA assessments are required to address these concerns and ensure NBB is being delivered within the Proposed Development to ensure policy compliance.</p>	<p>The Applicant acknowledges FCC's inputs and has provided responses to each of the detailed points above.</p>
13.130	<p>Protected and notable species</p> <p>A number of concerns have been raised in section above, in relation to survey effort and extent for a number of ecological receptors relating to this application. The documents have therefore not been fully reviewed in relation to the assessment methodologies and impacts due to incomplete datasets with the below providing only a preliminary review. Further concerns or queries may be raised by the Council on re-review when full information is provided as requested above, and as such the Council reserve the right to provide further comment on the assessments, impacts and any mitigation proposed.</p>	<p>The Applicant acknowledges FCC's inputs and provides responses to specific queries in the rows below.</p>
13.131	<p>Bats</p> <p>The Council is unable to agree with the conclusions of the impact assessments (no significant effects) on foraging and commuting bats due to a lack of sufficient, robust baseline data provided. This includes, for example, the Applicant's position regarding the impacts of habitat loss within the main development area on bats as stated in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]:</p>	<p>See the Applicant's above response to Reference 13.18 regarding the suitability of the Main Development Area for foraging and commuting bats. The Applicant considers the survey data is sufficient and the assessment of no significant adverse effects (neutral, not significant) is correct.</p>

Reference	Source Document Text	Applicant's Response
	<p><i>'The NBW surveys determined that the hedgerows and trees throughout the Proposed CO2 Connection Corridor are important habitat for foraging and commuting bats. This network of hedgerows and trees would be retained by the Proposed Development and so no loss of habitat would occur for foraging and commuting bats as a result of the Proposed Development. Therefore, the effect associated with the construction of the Proposed Development on foraging and commuting bats has been assessed as no significant adverse effects (neutral, not significant).'</i></p>	
13.132	<p>There is no assessment of the impacts of the permanent loss of 22m of hedgerow loss, broadleaved woodland/scrub or other habitat loss within the Main Development Area on bats. As detailed above, it is unclear how assessments of negligible suitability for foraging bats across the majority of the development area have been reached given the habitat descriptors present within the information provided, and county value population of invertebrates present within OMH, saltmarsh, woodland and scrub habitats onsite, and therefore how this assessment has been determined.</p>	
13.133	<p>Request for Clarification:</p> <p>Further information is requested to assess the impacts to bats from habitat loss within the Main Development Area of the site to support these conclusions.</p> <p>The Council requests further information on the bat surveys and assessments to be undertaken as referenced by NRW in Table 11-8 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] 'we concur with the conclusions regarding bat species, otters and water voles that "Likely significant effects cannot be ruled out. Further assessment is required, and surveys are ongoing."' It is not clear if these assessments have been incorporated.</p>	<p>All necessary bat surveys have been completed and reported within Chapter 11 Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11) and Appendix 11-G Bat Technical Appendix [APP-197]. The survey data set is sufficient to support the Applicant's conclusions on the Proposed Development's impacts on bats.</p>
13.134	<p>With regards to potential bat roosts within the site, the council similarly requests further baseline information or justification on the conclusions of 'no likely significant effects' as PRFs (unassigned) have been identified within the redline boundary which will be subject to significant increases in disturbance from noise, vibration and lighting during both construction and operation. ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] acknowledges the noise and vibration assessment from ES Chapter 9 Noise and Vibration [APP-047], however further assessment of the operational impacts of the development particularly with regards to low-frequency components have not been undertaken.</p>	<p>Bats are not a qualifying interest feature for any Habitats sites within 30 km of the Proposed Development and therefore do not require consideration in the Habitats Regulations Assessment.</p> <p>As stated above in the Applicant's response to Reference 10.23 tall baseline data collection has been considered in the assessment. Other fauna species (i.e. birds, badgers, otters), as well as bats, have been assessed as appropriate in relation to potential impacts from noise during operation.</p>
13.135	<p>Request for Clarification:</p> <p>The anticipated operational increase in +8dB rating level should be considered further with consideration to faunal receptors including bats both within the biodiversity chapter and Habitats Regulations Assessment as required.</p>	
13.136	<p>It is unclear how the precautionary working methods proposed in 11.6.100 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] will mitigate the uncertainty/unknown impacts due to lack of baseline data collection.</p>	<p>Please see earlier responses about the suitability of the Main Development Area for bats. The Applicant feels the baseline data collected to date supports the conclusions drawn about the lighting impacts on nocturnal species such as bats.</p>
13.137	<p>The assessment of lighting impacts on ecological receptors, including bats, is currently inadequate due to the lack of baseline data on species composition within the Main Development Area. While ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and the Lighting Strategy [APP-278] do cross-reference each other regarding lighting impacts, neither document comprehensively covers the specific assessment needed for biodiversity effects. The Lighting Strategy recommends using warmer white lighting, at a maximum of 3000K, or potentially 2700K near sensitive areas, and possibly up to 4000K where strict operational requirements exist. However, without baseline data on species presence and sensitivity on the site, these recommendations cannot be ratified because they may impact bats, species of which present in the local landscape are known to be sensitive to light spectrum and intensity.</p>	<p>The Applicant has addressed this matter in its response to Reference 13.18.</p>

Reference	Source Document Text	Applicant's Response
13.138	Given the potential for these lighting decisions to affect nocturnal species and their habitats, the current assessments and strategies are insufficient to conclusively avoid or mitigate adverse effects.	
13.139	Therefore, at this point, the council cannot accept the conclusions regarding lighting impacts on ecological receptors, including bats, and request further information on the baseline for bats and impact assessment.	
13.140	<i>Invertebrates</i> There is concern regarding the conclusion of no significant effect on terrestrial invertebrate populations within the OMH, scrub, and grassland habitats proposed for loss. Given the lifecycle characteristics of many invertebrate species and the extended temporary construction period of approximately nine years, it is likely that these populations will experience substantial declines with limited potential for natural recolonisation during and following the works. Consequently, the effect should retain the assessment of a moderate adverse significant impact, warranting appropriate mitigation measures to be provided.	The location of OMH habitats has been clarified above in the Applicant's response to 13.15. The landscape surrounding (retained habitats outside of the Order limits) the OMH habitat is industrial in nature with a mix of scrub grasslands and hardstanding. It is considered that these will sustain the invertebrate population present within the C&IEA allowing for recolonisation post construction. Therefore, resulting in no significant effects in the long-term during operation.
13.141	Request for Clarification: Further justification is required to support the assertion that impacts on terrestrial invertebrate assemblages can be considered temporary, particularly where the lifecycles of these species are significantly shorter than those of other fauna, potentially limiting recovery within the operational phase timeframe.	Areas of grassland will be lost for up to nine years however other areas of similar grassland will be retained within the Main Development Area and surrounding landscape. It is considered that the invertebrate populations will be sufficiently sustained within these retained habitats to naturally recolonise habitats created post construction. Therefore, resulting in no significant effects in the long term.
13.142	The Council also raises additional concerns due to uncertainty around the precise locations of habitats hosting county-level important invertebrate populations (as highlighted in botanical baseline comments), and the absence of an impact assessment related to operational phase pressures. These include increased artificial night-time lighting, elevated noise and vibration levels, and doubts over the extents of proposed mitigation and habitat compensation measures.	
13.143	Request for Clarification: Consideration of the long-term effects on terrestrial invertebrates throughout the operational phase should be incorporated into the assessment and mitigation planning to ensure protection of these populations.	
13.144	<i>Fish</i> There is no operational impact assessment provided for fish species in relation to the Proposed Development. The loss of saltmarsh habitat, which serves as important fisheries habitat, has not been adequately considered during either the construction or operational phases. This is particularly concerning given the uncertainties around the extent of saltmarsh loss detailed above and the critical role saltmarshes play as nursery and refuge habitats for various fish species. In addition, the current construction impact assessment addresses only water quality changes, temporary changes in light, and incidental mortality associated with the installation of a new culvert. However, the long-term impacts of such infrastructure on fish populations have not been evaluated.	The Applicant acknowledges the comment regarding the assessment of impacts on fish species during both construction and operation. The potential for effects on fish associated with saltmarsh habitat has been considered, and the scope of assessment reflects the spatial extent and nature of the Proposed Development. A very small area of saltmarsh is present within the Order limits; however, the majority of this habitat is located above Mean High Water Springs (MHWS). As such, these areas fall outside the scope of the Marine Ecology chapter and have been assessed in full within Chapter 11: Terrestrial and Aquatic Ecology [APP-049] and the RIHRA [APP-253] . The assessment in these documents includes consideration of the ecological function of upper saltmarsh, including its role as transitional habitat. This assessment is retained in the RIHRA (EN010166/APP/6.12) submitted at Deadline 3.
13.145	Request for Clarification: Further assessment or justification is required on the impacts to fish during both construction and operation.	With regard to the marine environment below MHWS, no permanent or temporary direct loss or physical disturbance to saltmarsh or other marine habitats is anticipated during either construction or operation. Construction activities associated with the Water Connection Corridor will involve refurbishment of existing infrastructure, with no interaction with the riverbed (including any saltmarsh habitat below MHWS) and no in-river works. The

Reference	Source Document Text	Applicant's Response
		<p>Proposed Surface Water Outfall will be installed at low tide only, with any excavation confined to the upper edge of the saltmarsh and outside the existing mudflat habitat. As a result, no direct impacts to subtidal or intertidal habitats used by fish species are anticipated during either construction or operation.</p> <p>Given the absence of in-river works, riverbed disturbance, or habitat loss below MHWS, long-term operational impacts on fish populations within the marine environment are not anticipated. Operational activities will not introduce new pressures beyond baseline conditions, with intake and outfall maintenance undertaken using existing methods for the existing Connah's Quay Power Station.</p> <p>The potential for temporary increases in saltmarsh erosion during operation relates to the upper saltmarsh only and has been considered and discounted within the RIHRA [APP-253] associated with the anticipated flows from the Proposed Surface Water Outfall. Consequently, no additional operational assessment for fish species within Chapter 12: Marine Ecology [APP-050] is considered further. This assessment is retained in the RIHRA (EN010166/APP/6.12) submitted at Deadline 3.</p>
13.146	<p>While ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] references the noise and vibration assessment from ES Chapter 9 Noise and Vibration [APP047], it lacks a detailed assessment of the operational impacts, particularly concerning low-frequency noise components.</p> <p>The anticipated operational noise increase of approximately +8dB rating level should be further assessed for its potential effects on fish and other faunal receptors. This assessment should be integrated within both the biodiversity chapter and the Habitats Regulations Assessment as required. The justification for the assessment of 'no potential for noise and visual disturbance to the Dee Estuary SAC' within the Habitats Regulations Assessment Appropriate Assessment should be reviewed considering these concerns to ensure that potential impacts on fish and other species are not overlooked. The Council will further defer to NRW on this matter.</p>	<p>The Applicant acknowledges the comment regarding the consideration of operational noise, including low-frequency components and its potential effects on faunal receptors.</p> <p>The potential for underwater sound disturbance to marine habitats and species, including migratory fish, has been considered and scoped out in Chapter 12: Marine Ecology [APP-050]. The construction works within the Water Connection Corridor will take place at low-tide only, with no in-river works and no interaction with the riverbed. Although vessels will be used during construction, the scale and frequency of vessel movements will be minimal and will utilise existing ports that already support regular vessel traffic. Underwater sound generated by these vessels is not expected to exceed existing baseline levels within the Study Area, and therefore no discernible increase in underwater sound is anticipated during construction.</p> <p>During the operational phase, the Proposed Development would not introduce new sound sources within the marine environment. Operational activities are limited to routine maintenance of intake and outfall infrastructure using existing methods, resulting in no change from baseline conditions. As such, no operational underwater noise impacts on fish or other marine receptors are expected, and this pathway has therefore been scoped out from further assessment. The reference to operational noise increase of +8 dB relates to airborne operational noise assessed in Chapter 9: Noise and Vibration [APP-049]. There is no realistic pathway for this airborne operational noise to give rise to underwater sound disturbance affecting fish or other marine species within the Dee Estuary. Consequently, no additional marine ecology assessment of operational noise effect is considered necessary.</p> <p>Atmospheric noise during construction and operation on sensitive receptors (particularly birds, although otter has also been discussed) has been considered in the RIHRA (EN010166/APP/6.12) submitted at Deadline 3, including specific modelling undertaken by the project noise team using assessment metrics agreed with Natural Resources Wales and reported in the HRA.</p>

Reference	Source Document Text	Applicant's Response
13.147	<p><i>Great Crested Newts (GCN)</i> In Table 11-3 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], NRW advised "Table 11-7 (Summary of species relevant to the ecological impact assessment) - Great Crested Newts (GCN): we do not concur with the stated ecological importance of GCN as "local". This should be amended to accord with Nicolet, P., Weatherby, A. Biggs, J., Williams, P., and Hatton-Ellis, T. (2007). A preliminary assessment of Important Areas for Ponds (IAPs) in Wales. Pond Conservation. (Report for the Countryside Council for Wales). Section 5.2.1 of this report states: "The North-east Wales IAP has three SACs and a number of SSSIs designated for their Great Crested Newt (<i>Triturus cristatus</i>) populations. The three counties also support species and assemblages of national importance". Paragraph 11.6.88 states: "Considering the abundance of great crested newt in the wider region, that there will be no loss of waterbodies as a result of the Proposed Development and only a relatively small proportion of optimal terrestrial habitat suitable for great crested newts is to be lost in comparison to that retained (as detailed above), it is considered these impacts are not likely to impact the conservation status of great crested newt."</p>	<p>The Applicant notes that the Council will defer to Natural Resources Wales on this matter. It can be seen from Natural Resources Wales' Relevant Representation [RR-027] that they have raised no concerns over the issue of operational noise impacts.</p> <p>The 2025 surveys for great crested newt were completed and reported in Appendix 11E-Great Crested Newt Technical Appendix [APP-195]. This is the great crested newt baseline which the assessment in the Chapter 11: Terrestrial and Aquatic Ecology [APP-047] was based upon. The Applicant's survey information is considered sufficient to base the conclusions drawn on and proportionate to the Proposed Development.</p> <p>These survey results supported by the review of the relevant data from the HyNet CO₂ Pipeline Project support the conclusion that great crested newts are absent from the Zol of the Proposed Development apart from the small population present in P1 and P2, which are located approximately 275m and 200m west of the Proposed CO₂ Connection Corridor, respectively (see Figure 11E-3 of Appendix 11E-Great Crested Newt Technical Appendix [APP-195]).</p> <p>The Applicant acknowledges that great crested newt current conservation status is unfavourable but maintains its assessment of the great crested newt population present within the Zol of the Proposed Development as locally important. As per Appendix 11-E: Great Crested Newt Technical Appendix [APP-195] paragraph 4.6.3, '<i>the national CCS of great crested newt in Wales is unfavourable however Flintshire is a stronghold of the species with large populations throughout the region associated with statutory sites designated for great crested newt. The metapopulation within the Zol of the Proposed Development is small and unlikely to be breeding within the ponds that are within 500 m of the Construction and Operation Area</i>'. Hence why local importance has been assigned.</p> <p>The Proposed Development will not impact the viability of the population present within P1 and P2 as the only potential impacts to this population are:</p> <ul style="list-style-type: none"> • small area of temporary (less than nine months) terrestrial habitat loss. The habitats to be lost will be reinstated and it is thought the individuals utilising these ponds are unlikely to be migrating into the impacted habitats. • incidental mortality through construction which will be controlled through precautionary working methods set out in the Framework CEMP (EN010166/APP/6.5). <p>These measures will prevent the unlikely occurrence of this incidental mortality occurring. Therefore, the Applicant maintains the conclusions drawn that the great crested newt population present is locally important and the Proposed Development will result in no significant effects for great crested newt.</p>
13.148	<p>However, this appears not to have considered the international importance of the north-east Wales GCN population. The assessment also fails to consider that the current conservation status of GCN at a Wales spatial scale is "unfavourable"; see NRW Evidence Report 259 for further information. In our view, this assessment is also applicable to Flintshire. Reference to GCN disturbance during the construction phase should be included in the ES. Table 11-8 (Summary of Likely Significant Residual Effects (Construction)): we do not concur with the conclusions that GCN will not be significantly affected (paragraph 11.7.5), as surveys are ongoing (planned for 2025). This approach appears to contradict that taken for bat species, otters and water voles, for which surveys are also ongoing.' The Council agrees with NRW's advice on this matter, particularly when further considering the gaps in baseline data collection which means further precautions should be taken within the assessment given the limitations in the dataset.</p>	<p>The Proposed Development will not impact the viability of the population present within P1 and P2 as the only potential impacts to this population are:</p> <ul style="list-style-type: none"> • small area of temporary (less than nine months) terrestrial habitat loss. The habitats to be lost will be reinstated and it is thought the individuals utilising these ponds are unlikely to be migrating into the impacted habitats. • incidental mortality through construction which will be controlled through precautionary working methods set out in the Framework CEMP (EN010166/APP/6.5). <p>These measures will prevent the unlikely occurrence of this incidental mortality occurring. Therefore, the Applicant maintains the conclusions drawn that the great crested newt population present is locally important and the Proposed Development will result in no significant effects for great crested newt.</p>
13.149	<p>The Applicant's response to the above in Table 11-3 [APP-049] was;</p> <p><i>'The FCS of great crested newt has been considered in the impact assessment in Section 11.6. The valuation of great crested newt takes into account CCS of great crested newt and the sites designated for great crested newt in the area local to the Proposed Development. Details can be found in Appendix 11-E: Great Crested Newt Technical Appendix (EN010166/APP/6.3). Disturbance to great crested newt during construction is presented within Section 11.6'</i></p>	<p>As a precaution paragraph 7.2.46 of the RIHRA [APP-253] submitted as part of the DCO Application does use a 1.6 km zone of influence for Habitats sites designated for Great Crested Newt (<i>Triturus cristatus</i>) (GCN) as follows: '<i>However, regarding the Hynet DCO Natural Resources Wales advised the Applicant that functionally linked land for the newt populations lay within 1.6 km of the SAC. The areas of suitable habitat within the Proposed Development Site are beyond this distance from the SAC. Therefore, Deeside & Buckley Newt Sites SAC is not discussed further regarding this impact pathway.</i>' The RIHRA (EN010166/APP/6.12) is to be updated for clarity at Deadline 4 to add '<i>... or (for the Construction and Indicative Enhancement Area east of the existing power station, which is</i></p>
13.150	<p>In Table 11-13 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] GCN have been assessed as having local importance. As stated by NRW in Table 113, the assessment continues to fail to take into account the international importance of the GCN population of north-east Wales,</p>	<p><i>... or (for the Construction and Indicative Enhancement Area east of the existing power station, which is</i></p>

Reference	Source Document Text	Applicant's Response
	associated with the Deeside and Buckley Newt Site SAC and Connah's Quay Ponds and Woodlands SSSI, both located approximately 1.5km south of the Proposed Development and the importance of GCN populations in the North-east of Wales. The Council further notes that the uncertainty arising from a lack of survey access to waterbodies which are potentially connected to the ponds containing GCN populations by suitable habitat has not been addressed and precautionary principles have not been applied.	1.5km from the SAC at its closest) are separated by numerous barriers to dispersal from the SAC including a large part of the settlement of Connah's Quay'. It is noted that Section 6.2.3 GCN (<i>Triturus cristatus</i>) of Guidelines for the Selection of Biological SSSIs. Part 2: Detailed Guidelines for Habitats and Species Groups: Chapter 18 Reptiles and Amphibians states:
13.151	The Report to Inform Habitats Regulations Assessment [APP-253] identifies likely significant effects (LSE) on the Deeside and Buckley Newt Site SAC, located approximately 1.5 km south of the order limits, specifically in relation to nitrogen deposition. However, it concludes that no ecological impacts on great crested newt (GCN) are anticipated, stating that only the oak woodland within the SAC would be affected. The report notes advice from NRW that functionally linked land (FLL) for the newt populations exists within 1.6km of the SAC but then asserts that suitable habitat in the Proposed Development Site is located beyond this distance, and therefore, this impact pathway was not considered further.	<i>The majority of adult newts remain within about 250 m of their natal pond for most of their lifecycle if habitat conditions are suitable, with longer range dispersal undertaken less frequently (Kupfer et al. 1998; Haubrock et al. 2017; and see overview in Jehle et al. 2011). Generally, areas closer to the breeding pond are of relatively higher value to newts, with certain habitat types and features being more favoured. Great crested newts have been found to disperse across habitats which offer little cover or foraging opportunity, such as hard standing and arable land, in order to reach more distant and higher value habitats. As this species can disperse over 1.6 km between ponds, SSSI boundaries should allow for long distance movements that contribute to maintaining population viability and gene flow and recognise the range of terrestrial habitats used by the species'.</i>
13.152	Nevertheless, review of the UKHabs results (Appendix 11-C Botanical Technical Appendix [APP-192]) shows that there are areas of neutral grassland, woodland, scrub, hedgerows, bracken, and open mosaic habitat within 1.6km of the SAC. These habitats should be regarded as suitable for GCN, making them FLL to the SAC and establishing a potential impact pathway. Furthermore, the uncertainty arising from limitations in the survey data has not been considered in the HRA.	
13.153	Request for Clarification: These points require further assessment in both the HRA and the overall GCN assessment	The impact assessment for GCN has been conducted based on the Proposed Development extent, specifically the Construction and Operation Area (refer to Table 11-7 Chapter 11: Terrestrial and Aquatic Ecology [APP-049]). It is acknowledged that the Guidelines quoted above refer to SSSI boundaries allowing for long distance movement to maintain population viability, gene flow and terrestrial habitats used by the species. The GCN assessment has taken into consideration all recent records for amphibians and designated sites relating to amphibians within 2 km of the Construction and Operation Area. Waterbodies up to 500 m were identified and surveyed for GCN (where applicable). Refer to paragraph 3.1.3 and 3.3.1 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195] . This is considered to be a sufficient study area and survey area for GCN and proportionate to the Proposed Development.
13.154	As stated in section 4.5 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195], surveys conducted for the HyNet scheme in 2021 and 2022 recorded a medium-sized metapopulation associated with P2, while more recent surveys in 2025 for the Proposed Development indicate a smaller metapopulation size. This suggests that the Favourable Conservation Status (FCS) of the metapopulation is not being maintained. This decline aligns with the NRW's observation in Table 11-3 of Chapter 11: Terrestrial and Aquatic Ecology [APP049] that the unfavourable conservation status of great crested newts in Wales is likely applicable to the Flintshire area. Given this apparent population decline, the council has significant concerns about the potential impacts of the proposed development on GCN and how the FCS will be sustained.	As stated above in the Applicant's response to Reference 13.148 the Proposed Development will not impact the viability of the population present within P1 and P2 and so will avoid exacerbating the decline of great crested newts. Great crested newts are absent from the rest of the ZoI for the Proposed Development. 2025 was an unseasonably dry year and so this could account for the reduction of newts present in P2. Two different population counts three years apart is not sufficient evidence of population decline within the ZoI of the Proposed Development as it does not consider other variables that could be affecting this fluctuation.
13.155	Request for Clarification: Further clarification and detailed justification are required to demonstrate how the Proposed Development will avoid exacerbating this decline and maintain the FCS of the species. It is advised that the cumulative impact assessments is re-visited in terms of connectivity to the site to fully understand and address the combined effects of this and other developments on the species' conservation status.	
13.156	Section 4.6 of Appendix 11-E: Great Crested Newt Technical Appendix [APP195], states that while the national Conservation Condition Status (CCS) of great crested newt (GCN) in Wales is	Please see the Applicant's above responses to References 13.149 and 13.154. The data set collected to support the ES is considered sufficient and proportionate to rule out

Reference	Source Document Text	Applicant's Response
	unfavourable, Flintshire is regarded as a stronghold for the species, with large populations associated with statutory sites across the region (Ref 9). However, the metapopulation within the Zol of the Proposed Development is small and unlikely to be breeding in ponds within 500 meters of the Construction and Operation Area. The council has concerns about this assessment of Favourable Conservation Status (FCS) for Flintshire, given the apparent population decline observed within the Zol and the lack of recent conservation status data. Notably, the most recent referenced assessment dates from 2017 and showed the Bukley-Brookhill metapopulation at its lowest recorded level since 1995 (excluding 2001 when monitoring was suspended due to foot-and-mouth disease).	significant effects to great crested newt and to support the Applicant's valuation of the population of this species present within the Zol of the Proposed Development.
13.157	Request for Clarification: Further clarification and updated data are required to support the conclusions on FCS and to adequately address how the Proposed Development will affect this declining population.	
13.158	<i>Water vole</i> Water vole have been scoped out of the assessment following surveys in 2024, which found no evidence of water vole within the Zol of the Proposed Development. The Council raises no concerns over the approach for water vole.	This is noted and the Applicant understands that no further action is required at this stage.
13.159	<i>Otter</i> Noting that in Table 11-3 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], Natural England advised that 'otter (<i>Lutra lutra</i>) are a feature of River Dee and Bala Lake SAC, they should be considered to be of 'International Importance'.	The population of otter within the SAC is considered within the RIHRA [APP-253] submitted as part of the DCO Application and a conclusion of no significant effects was reached.
13.160	The Applicant's response in Table 11-2 was 'As detailed in Table 11-5, otter have been considered to be of local importance within the assessment following the completion of the surveys detailed in Appendix 11-J: Otter Technical Appendix CONFIDENTIAL (EN010166/APP/6.4).'	As summarised in Table 11-13 of the Chapter 11: Terrestrial and Aquatic Ecology [APP-049] , ' <i>otter were not found to be using the Construction and Operation Area for shelter. Furthermore, no conclusive evidence for otter presence was recorded, however, given their wide-ranging behaviour and known status in the local area they may occasionally move</i>
13.161	Otter have been assessed as being of local ecological importance in Table 11-13 in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] as a result of surveys for the Proposed Development recording no signs of otter within the Construction and Operation Area. While no signs of otter were found, the River Dee and Bala Lake SAC is designated for its Otter population, therefore Otters within the SAC and the FLL should be considered to be of international importance.	<i>through the Construction and Operation Area to forage in more suitable habitats than those present within the Construction and Operation Area'</i> . Therefore, it was concluded that this occasional presence was of local importance, which was how it was considered within the EclA. However, as the EclA reported no impact to otter as a result of the Proposed Development changing the valuation of otter to international importance would not change the assessment outcome.
13.162	Request for Clarification: The Otter surveys undertaken were insufficient to determine the presence of otter within the zone of influence of the Proposed Development (as detailed above).	The Applicant acknowledges that FCC will defer to NRW on this matter. The scope of otter surveys was presented to and agreed with NRW prior to submission of the ES. The Applicant draws FCC's attention to paragraph 2.1.42 of NRW's Relevant Representation [RR-027] which states:
13.163	The absence of holts and other resting places within the survey boundary does not mean Otter are not using the areas of the River Dee within the Zol of the Proposed Development. Given the proximity to the River Dee ad Bala Lake SAC there are potential disturbance impacts from noise, human presence, noise and vibration and lighting both from a construction and operational point of view. The Otters within this wider Zol area will be of international importance as they form part of the SAC designation, in line with the Natural England comments from Table 11-3 [APP-049].	"Overall, we are largely satisfied with the survey and assessment in respect of great crested newts (GCNs), bats, otter, water vole, hazel dormouse, and natterjack toad and agree with the conclusions of the ES."
13.164	Request for Clarification: The Council seek justification for the assessment of Otter being of as local importance given the proximity of the River Dee and Bala Lake SAC. The Council seek justification that the Otter surveys do not follow best practice due to the HRA [APP-253] being informed by otter survey data. The Council would defer to NRW's view on this matter.	No further comments are provided by NRW in the Relevant Representation [RR-027] on Otter.

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13.165	<p>The Council have concerns over the assessment of no LSE of disturbance and loss of FLL on Otters within the River Dee and Bala Lake SAC. Further justification of this assessment is needed, especially in light of the fact 'Disturbance to migratory fish and otter is also highlighted as a risk in the Core Management Plan (CMP) for the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC (Ref 57),' as stated in section 7.2.23 of the HRA [APP-253] and that survey data does not follow accepted best practice.</p>	<p>As discussed in the Applicant's response to Reference 13.159 to 13.164 above, the Proposed Development will not disturb fish or otter using the River Dee and Bala Lake SAC. Therefore, the conclusion of no likely significant effects stands.</p> <p>Further information on the Applicant Position on Otter can be found in Applicant's Response to Relevant Representations [REP1-062] in response to NE52.</p>
13.166	<p>Request for Clarification:</p> <p>The Council also seek justifications and clarifications on the claim made in 7.2.24 of the HRA [APP-253], that 'Otters are known to be relatively tolerant to noisy environments.'</p>	<p>Otters are tolerant of what humans perceive as noisy environments if the habitat is suitable. This can be seen by the recolonisation of otters into town and city centres such as Lincoln, Sheffield, Colchester, Chelmsford, London and York.</p> <p>There will be no barriers to otter movement during construction, demolition and operation, nor any fragmentation of territories. There are no construction works within the River Dee & Bala Lake SAC and the only works proposed in connected habitat in the Dee Estuary are construction of the Proposed Surface Water Outfall and the minor works to the existing cooling water infrastructure in the Water Connection Corridor, neither of which block watercourses. The Proposed Surface Water Outfall is at the landside end of a watercourse after which it flows in culvert under the existing Connah's Quay Power Station site, while the cooling water infrastructure is existing and largely buried. The works here (as noted in paragraphs 7.2.9 to 7.2.11 of the RIHRA [APP-253]) consist solely of minor additions and refurbishment at the intake, including upgrading the eel screens and minor repairs to surface concrete, metalwork, and timbers at the intakes in the subtidal zone, which will be undertaken by hand.</p>
13.167	<p>The Council raises no concerns regarding the assessment of impacts on Badgers.</p>	<p>This is noted and the Applicant understands that no further action is required at this stage.</p>
13.168	<p><i>Birds</i></p> <p>The assessment correctly adopts the approach of using the higher valuation when UK BoCC (2021) and Wales BoCC4 (2022) lists differ. However, this approach does not appear to be consistently reflected in the assessment tables and drawings. Reference should also be made to the UK Birds of Conservation Concern 5 (2024) seabird addendum, for example, great black-backed gull is listed as Amber but should be listed as Red in adopting this methodology. Additionally, neither mute swan nor pallid harrier, as listed in Table 4, are Schedule 1 species in Wales, and as such this should be corrected.</p>	<p>The Applicant has reviewed the use of Birds of Conservation Concern (BoCC) values presented in the assessment and notes the following inconsistencies: Greenshank (BoCC Amber – BoCCW Green in submission documents), House Sparrow (BoCC Red – BoCCW Amber in submission documents), Sedge Warbler (BoCC Amber – BoCCW Green in submission documents). Equally, the Applicant also acknowledges the updated valuations for seabirds in the UK Birds of Conservation Concern 5 (2024) seabird addendum. However, none of these materially alter the conclusions presented in the assessment. Where the species are present within the Order limits and potential impacts were considered, the species were assessed regardless of conservation value. These corrections will be made in an updated revision of Appendix 11-D: Ornithology Technical Appendix [APP-193] to be Submitted at Deadline 4.</p> <p>The Applicant also notes that Mute Swan and Pallid Harrier are incorrectly listed as Schedule 1 species. Pallid Harrier is a rare visitor to the UK and Wales and was only recorded as part of the wider data search. The species was not considered further in the assessment. Mute Swan was not treated as a Schedule 1 species throughout the remainder of the assessment.</p>
13.169	<p>The Council agrees with the advice provided by NRW as detailed in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] 'Table 11-7 (Summary of species relevant to the ecological impact assessment) – Breeding birds: Appendix 11-D, para. 4.1.4 states that "Avocet and Cetti's warbler which are both listed on Schedule 1 of the Wildlife and Countryside Act 1981 were recorded breeding on the Connah's Quay Nature Reserve in 2022". As a Schedule 1 breeding species, Cetti's warbler should therefore be recognised alongside avocet in the summary of species relevant to the ecological impact assessment, along with any other Schedule 1 breeding bird species identified as being present at the site through further surveys/desk study. Disturbance to</p>	<p>Cetti's Warbler and Peregrine were not recorded during surveys by the Applicant in 2024, so were not specifically assessed, however, the Applicant acknowledges that both species could be present in the future. If these species (or other species listed in Schedule 1 of the Wildlife and Countryside Act 1981) are found to be present prior to or during construction, then the measures set out Table 5 of the Framework CEMP (EN010166/APP/6.5) will apply.</p>

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	<p>the nests, eggs or dependent young of Schedule 1 bird species listed in the Wildlife and Countryside Act 1981 (as amended) is not permissible unless licenced by NRW through a Schedule 1 disturbance licence.' The Applicant has responded that 'This position is noted', however the Council observes that impacts to Cetti's warbler and other Schedule 1 birds recorded onsite, including peregrine falcon, remain unaddressed in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], with no species-specific mitigation proposed. In addition, the Council cannot agree with the assertion that impacts to breeding avocet will be adequately avoided by timing works to avoid the overwinter period, as stated in Table 11-15.</p>	<p>Avocet was recorded as breeding on the pools within the Connah's Quay Nature Reserve Compartment 1. As this location is within the Dee Estuary SPA, specific consideration of disturbance to this area, including the species using it, is considered in both Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and the RIHRA [APP-253] submitted as part of the DCO Application. As shown in Appendix D of the RIHRA [APP-253], with the use of an acoustic fence (an accepted method for reducing noise attenuation as stated in BS 5228-1) these assessments demonstrate that disturbing noise levels will be avoided or minimised within the Dee Estuary SPA. In addition, the 3 m high acoustic fencing will screen construction plant and personnel, avoiding visual disturbance to birds using the Connah's Quay Nature Reserve.</p>
13.170	<p>The Council notes the response within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Outline Landscape and Ecological Management Plan [APP-250] regarding disturbance during construction:</p> <p><i>'As shown on Figure 5-3: Construction Areas (EN010166/APP/6.3), a 30 m ecological safeguard zone will be established and maintained to the north and north-western boundary of the Main Development Area and northern boundary of the Construction and Indicative Enhancement Area (C&IEA). This minimum 30 m ecological safeguard zones, with acoustic fencing, would be used to provide protection for sensitive habitats, including within the Dee Estuary. Following the installation of the drainage assets as part of the enabling works, this zone will be a no construction zone and construction plant, and machinery will not be able to enter'</i></p>	<p>Irrespective of this, the measures set out in Table 5 of the Framework CEMP (EN010166/APP/6.5) will also apply, in that the Applicant will have an obligation to avoid disturbance to this species. Pre-construction surveys will need to be undertaken to determine the presence of sensitive species, with further location specific mitigation measures put in place, if necessary, to avoid disturbance.</p> <p>The final CEMP(s) would be in general accordance with the measures included in the Framework CEMP (EN010166/APP/6.5) and approved by FCC prior to construction activities commencing, as secured in Requirement 4 of the Draft DCO (EN010166/APP/3.1).</p>
13.171	<p>However these buffer zones are not deemed sufficient to mitigate noise or visual disturbance for the range of bird species (including Schedule 1 birds) that have been recorded using the site. Furthermore, the effectiveness of acoustic fences has not been proven and measures which include supervising works during breeding season to halt only after birds flush from nests risks nest abandonment and associated significant effects; the significance of these effects have not been adequately assessed in the Chapter.</p>	
13.172	<p>Request for Clarification:</p> <p>Further clarification and justifications on the assessment, including avoidance and evidence-based mitigation measures are required in relation to construction impacts to birds.</p>	
13.173	<p>ES Chapter 24 Cumulative and Combined Effects [APP-062] has not yet been fully assessed due to uncertainties surrounding the impacts of this application. However, concerns are raised regarding the exclusion of the HyNet project (EN070007; CML2350) from the assessment in relation to terrestrial and aquatic ecology, especially given the acknowledged potential for overlapping timelines. The current conclusion that noise impacts are unlikely to affect birds, based on assessments of individual projects demonstrating no likely significant impact, fails to consider potential amplification through cumulative effects.</p>	<p>The Applicant acknowledges that there are some uncertainties around commencement dates for cumulative projects but irrespective of this the Proposed Development has embedded adequate mitigation to avoid significant effects on birds. Equally, reviewing cumulative projects assessments, each project has included sufficient mitigation to avoid significant effects, including where noise may impact birds.</p> <p>In respect to the HyNet CO₂ Pipeline Project (EN070007; CML2350), the cumulative impacts with the scheme on birds are considered in Table 24-11 of Chapter 24 Cumulative and Combined Effects [APP-062]. Even if the projects were to be constructed at the same time there would be no amplification of noise, as noise is not additive.</p>
13.174	<p>Request for Clarification:</p>	
13.175	<p>The Council requests a more thorough impact assessment of birds that specifically addresses cumulative effects.</p>	
13.176	<p>Noting the response from Natural England below, further justification is needed on how the assessment has come to this conclusion of no significant effects to birds during operation of the Proposed Development, as impacts to foraging behaviour (e.g. avoidance of foraging beyond displacement) should be considered under 72dB prolonged noise given that noise-sensitive species including redshank and bar-tailed godwit have been recorded foraging on the mudflats north of the order limits. 'We advise that an increase of 3dB at receptor (at bird) from baseline to predicted noise levels should be considered significant and warrant further analysis, with the ES</p>	<p>It should be noted that the 3dB change threshold referenced by Natural England relates only to the screening stage of HRA. In this case it is not relevant as Dee Estuary SPA/Ramsar site was already screened into the Appropriate Assessment. For the Appropriate Assessment, Natural Resources Wales are content with the noise assessment for both construction and operation. A 70 dB disturbance threshold was agreed with Natural Resources Wales and the noise modelling for the HRA then used a 60dB threshold (i.e. half as loud). The 60 dB threshold has been agreed with Natural England previously on</p>

Reference	Source Document Text	Applicant's Response
	<p>and within the appropriate assessment stage of the HRA'. The Council raises similar concerns on operational lighting impacts as for invertebrates and bats which should also be further assessed. At present, there is insufficient evidence on assessment of no significant adverse effects on birds during the operational phase of the Proposed Development (anticipated operational increase in +8dB rating level and increased lighting). Further assessment, clarification and justification are required.</p>	<p>numerous projects including nationally significant infrastructure projects. Therefore, the Applicant does not consider that there is insufficient evidence regarding bird disturbance. As noted in 13.18 and 13.21 the Main Development Area already has a high level of artificial lighting (making it unsuitable for bats already) and operational lighting will be located in these same areas. Therefore, operational lighting is considered to not significantly impact these groups as artificial lighting is already present.</p>
13.177	<p>Direct impacts to birds using the existing sheep-grazed fields, an important wintering area for over 100 curlew are also of concern.</p>	<p>The Applicant has committed to offsetting the loss of existing foraging habitat for Curlew within the Order limits with the off-site enhancement of 26 ha at Gronant Fields for the species. Further details are provided in the Curlew Mitigation Strategy [APP-254]. The Applicant also notes that the highest recorded count of individual Curlew at the fields at the Main Development Area was 60 individuals during the survey in January 2024.</p>
13.178	<p>Request for Clarification: Comprehensive evidence of the habitat and species mitigation strategy for all ecological receptors is required to enable holistic consideration of impacts and avoidance measures.</p>	
13.179	<p>Mitigation and management proposals 13.179 At the scoping stage, ExA expressed concern regarding the uncertainty surrounding several potential embedded mitigation measures outlined in the Scoping Report, as referenced in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.7. ExA stated: <i>'Where it is unclear if such mitigation can be achieved and/or secured, the assessment should consider the worstcase without the measures and identify any additional mitigation that would be required to address LSE arising.'</i></p>	<p>The Applicant acknowledges FCC's position and has addressed these inputs in response to more detailed points within this table. As set out in this document, the Applicant has responded in detail to each of FCC's concerns regarding baseline data, assessment methodology, and the status of mitigation within the ES. The Applicant welcomes FCC's request for clarification on these matters and has signposted to the relevant sections, including commitments to provide updated or additional information at forthcoming Examination deadlines, where appropriate. The Applicant remains committed to ongoing engagement with FCC to ensure any outstanding queries are fully and constructively addressed.</p>
13.180	<p>The Council notes that this cautionary advice does not appear to have been reflected in the assessments conducted to date. While the Section above provides some detail on impact assessments where certain mitigation and management measures have been evaluated against residual risks, overall, due to fundamental concerns with the baseline data quality and assessment methodology, it has not been feasible or practical to comprehensively assess mitigation and management measures.</p>	<p>The Applicant also wishes to reiterate that the ES already adopts a proportionate worst-case approach in circumstances where detailed design-level embedded mitigation has not yet been confirmed. This is consistent with the Infrastructure Planning (EIA) Regulations 2017 and established NSIP practice. Assessments have therefore been undertaken using maximum construction extents, durations, realistic worst-case operational parameters, and conservative assumptions on habitat disturbance, noise, lighting, air quality and hydrological change. Where opportunities have been identified, particularly in response to the LIR [REP2-021], to improve clarity or to strengthen the explanation of how mitigation is secured (including enforceability and monitoring requirements), the Applicant has sought to do so.</p>
13.181	<p>Request for Clarification: The Council considers that further review of all mitigation proposals will be necessary once these baseline and methodological issues are resolved. The Council welcomes further dialogue with the Applicant to address these concerns, and reserves the right to comment further on mitigation and management proposals when further information and clarifications are provided.</p>	<p>Extensive baseline surveys have been undertaken and the methodologies used were discussed and agreed with NRW and FCC during the pre-application stage. These have informed the assessments undertaken to date. Importantly, while FCC's inputs have been helpful in refining and clarifying aspects of the documentation, none of the issues raised alter the Applicant's conclusions regarding significant effects, nor has any information been presented to suggest that an alternative conclusion is warranted. The Applicant looks forward to continued constructive engagement with FCC as the Examination progresses.</p>
13.182	<p>In general, there are concerns regarding the types of habitats proposed both onsite and within the offsite planting area which may limit suitability for species as described for specific mitigation within the assessments including curlew. The council notes that much of the mitigation proposed as part of the application should be instead considered as compensation, for example and importantly the offsite area is unlikely to accommodate the same curlew population given its distance 30km away from the Proposed Development.</p>	<p>The Applicant will be undertaking baseline ecological surveys in 2026. These will inform the final habitat creation and mitigation strategies at the Offsite Delivery Area. As identified in 13.110, the Applicant will be providing an indicative landscape plan for the Offsite Delivery Area at Deadline 4. The function of the mitigation land at Gronant Fields is to ensure that there is no net reduction in the foraging and roosting opportunity for Curlew populations associated with</p>
13.183	<p>Request for Clarification:</p>	

Reference	Source Document Text	Applicant's Response
	<p>An indicative plan of the offsite area planting, habitat creation and enhancement should be provided, to ensure sufficient space is available for all required habitat and species mitigation and compensation. This should be supported by thorough baseline assessments of any mitigation/compensation areas proposed to understand the existing carrying capacities of habitats for targets species where enhancements are proposed, and the suitability of the site for those habitats (for example in terms of soil suitability and ground conditions). This should also include consideration of the future baseline of the site, including implications of coastal retreat. Comprehensive evidence of the habitat and species mitigation strategies and onward management and monitoring for all key ecological receptors is required to enable holistic consideration of impacts and mitigation measures to achieve and maintain (through management and monitoring) NBB for the Proposed Development.</p>	<p>the Dee Estuary SPA/Ramsar site outside the boundaries of the designated sites. As such the mitigation focusses on the SPA population of Curlew as a whole rather than the individual birds at the Connah's Quay site.</p> <p>Where no significant effects are likely to occur then no monitoring is proposed as this is not considered proportionate and the impact of the Proposed Development should not cause populations/habitats to deviate from the expected future baseline.</p>
13.184	<p>The Applicant should further demonstrate the long-term plan, including ownership and / or management by a Responsible Body (as defined within the Environment Act) whose main purpose or activities must involve nature conservation, with demonstratable capabilities undertake the sites' management, maintenance and monitoring for the agreed duration.</p>	<p>The ownership and management of the habitats created or retained is set out within the following documents:</p> <ul style="list-style-type: none"> • The Order limits – The Outline LEMP (EN010166/APP/6.9), and the Saltmarsh Creation Strategy (EN010166/APP/6.16); • The Connah's Quay Nature Reserve – Covered by the Existing Conservation Area Management Plan which will be renewed by the Applicant; and • The Off-Site Delivery Area – This is covered by the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.14) and the Curlew Mitigation Strategy [APP-254].
13.185	<p>Protected and notable species</p> <p>A number of concerns have been raised in the Sections above in relation to survey effort and extent for a number of ecological receptors relating to this application, and related assessment methodologies and impacts. The documents have therefore not been fully reviewed in relation to the assessment methodologies and impacts due to incomplete datasets with the below providing only a preliminary review for reptiles and GCN only. Further concerns or queries may be raised by the Council on re-review when full information is provided as requested above.</p>	<p>The Applicant acknowledges FCC's position and welcomes further dialogue in the future.</p>
13.186	<p><i>Reptiles</i></p> <p>Reptile translocation is mentioned in Table 5 of the Framework CEMP [APP-246]. If this is the proposed mitigation approach, suitable receptor sites need to be identified and surveyed to determine their suitability to receive reptiles and the need for any habitat enhancements. Further detail is also need on the trapping methodology, including the use of herp fencing and timing of translocations.</p>	<p>As outlined in the Framework CEMP (EN010166/APP/6.5), reptile translocation is not proposed. Appendix 11-M: Reptile Survey Report [REP2-011] confirms that only reptile displacement to the ecological safeguarding zone through the application of a Precautionary Method of Work (two phase cut) is required.</p>
13.187	<p>Request for Clarification:</p> <p>The Council seek further information and clarification on these the reptile translocation methods and receptor sites.</p>	
13.188	<p><i>Great Crested Newts (GCN)</i></p> <p>Table 5 of the Framework CEMP [APP-246] states precautionary working methods for works within low-risk areas for GCN but doesn't specify what constitutes low-risk areas. It also doesn't specify timings for vegetation clearance and any destruction of hibernacula.</p>	<p>The low-risk areas for great crested newt are the habitats (arable, modified grassland and hedgerow) within the Proposed CO₂ Connection Corridor. This area is considered low-risk, as explained within paragraph 11.6.85 of the Chapter 11: Terrestrial and Aquatic Ecology [APP-049]:</p> <p><i>'Arable, modified grassland and hedgerow habitats would be temporarily lost to the great crested newt metapopulation present in P1 and P2 (as shown on Figure 11E-3 of Appendix 11-E: Great Crested Newt Technical Appendix (EN010166/APP/6.4)). The arable and</i></p>

Reference	Source Document Text	Applicant's Response
		<p>modified grassland habitats (close grazed pasture) are considered of lower value to great crested newt than the habitats closer to these ponds (a network of woodland, hedgerows and grazed pasture). The hedgerow habitat to be lost, although suitable for great crested newt, is a relatively small proportion in comparison to the available hedgerows within 250 m of the ponds which are to be retained. Additionally, P1 and P2 (as shown on Figure 11E-3 of Appendix 11-E: Great Crested Newt Technical Appendix (EN010166/APP/6.4)) are separated from the Proposed Connection Corridor by Allt-Goch Lane acting as a potential partial barrier to great crested newt movement. Therefore, it is considered unlikely that the great crested newts present in these ponds would transverse away from more optimal habitat closer to P1 and P2 (as shown on Figure 11E-3 of Appendix 11-E: Great Crested Newt Technical Appendix (EN010166/APP/6.4)) and migrate into the less suitable habitats lost to the Proposed Development'</p> <p>Works in association with the Proposed CO₂ Connection Corridor is the only portion of the Proposed Development where great crested newt populations are within 500 m of any works. Potential hibernacula is restricted to the smaller section of hedgerow to be removed.</p> <p>Works including vegetation clearance will be carried out when needed. In the unlikely case of a great crested newt being found, works in the area would cease and a licence would be sought from NRW.</p> <p>Table 5 of the Framework CEMP (EN010166/APP/6.5) has been updated at Deadline 3 to clarify the low-risk areas, timing of vegetation clearance and destruction of any potential hibernacula, as explained above.</p>
13.189	ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] Section 11.5.7 states the following mitigation is advised 'Additionally, vegetation would be protected from tracked construction vehicles with ground protection mats where applicable'. Matting should not be used in areas of suitable amphibian or reptile habitat, as it provides a form of cover for reptiles/amphibians and can lead to mortality/injury when used and/or removed.	The Applicant will review the existing commitments made within the Framework CEMP [REP2-014] and will include an additional plan to identify where track matting must not be used in an updated revision to be provided at Deadline 4.
13.190	<p>Request for Clarification:</p> <p>The Council seek further clarification on these points.</p>	
13.191	<p>The Applicant's change notification (Land Designation Adjustment and North Jetty Hardstanding Expansion)</p> <p>Relating to the January 2026 Change Notification (Land Designation Adjustment and North Jetty Hardstanding Expansion), the Applicant proposes reclassifying seven additional on-site parcels previously designated as 'retained habitat' (grassland/scrub mosaics) to 'permanent habitat loss' for operational reasons, and introduces a permanent 0.21 ha hardstanding expansion at Connah's Quay North Jetty. No updated quantitative habitat loss figures have been provided for the on-site vegetation removal, and no quantification of habitat loss (e.g. revised breakdown by habitat parcels) for the Jetty Expansion have been made available. Further, no corresponding mitigation or compensation proposals have been provided for either change at this stage.</p>	<p>The Applicant considers that the changes in retained habitat would not change the conclusions of the assessments on curlew given their location within the existing Connah's Quay Power Station site and the nature of the habitats and levels of disturbance present at Connah's Quay North Jetty.</p> <p>The Green Infrastructure Statement (EN010166/APP/6.11), submitted at Deadline 3, now considers the changes in retained habitat and additional losses in habitat associated with each of the proposed changes (where relevant).</p> <p>The updated assessments considering the proposed changes have been submitted at Deadline 3. This includes Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11) and the RIHRA (EN010166/APP/6.12).</p>
13.192	These additional woodland/scrub and grassland losses appear likely to increase reliance on off-site creation at Gronant Fields. Given existing concerns regarding the need to maintain open sightlines for curlew within the Off-Site Delivery Area, and the fact that Gronant Fields lies outside Flintshire, the Council is concerned that this approach would both further constrain effective curlew compensation and result in a net reduction of tree and woodland canopy within the county, contrary to local policy expectations on maintaining canopy cover.	

Reference	Source Document Text	Applicant's Response
13.193	<p>Request for Clarification:</p> <p>Further information is requested including revised Net Benefit for Biodiversity (NBB) calculations and updates to the impact assessment in relation to designated sites, habitats and species considering the latest proposals.</p>	
13.194	<p>The Change Consultation further proposes reducing the Carbon Capture absorber stacks from 150m to 145m and HRSG stacks from 150m to 130m, stating that updated operational emissions modelling confirms no new or different likely significant environmental effects for ecology, amongst other topics. However, revised air quality deposition modelling or assessments of effects on designated sites and sensitive habitats (e.g. Dee Estuary SAC/SPA/Ramsar and associated saltmarsh), has yet to be received.</p>	<p>The updated assessments considering the proposed changes have been submitted at Deadline 3. This includes Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11) and the RIHRA (EN010166/APP/6.12).</p>
13.195	<p>The Council reserves the right to comment further once further evidence is submitted. In the absence of this information in relation to the Change Notification, the Council is currently unable to robustly review or verify whether the project can deliver a Net Benefit for Biodiversity, and therefore reserves the right to provide further comment once revised quantitative information and updated assessments are made available.</p>	<p>The Applicant note's FCC's position.</p>
13.196	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEGATIVE • Operational Phase: NEUTRAL with mitigation and NB 	<p>The Applicant acknowledges the conclusions made by FCC, and summarises its responses below:</p> <p>Construction Phase: The Applicant has:</p> <ul style="list-style-type: none"> • confirmed ecological scopes, methods and extent were agreed with NRW and FCC in the pre-application stage, with additional surveys submitted where required; • clarified that corrections will be made at Deadline 4 to the Green Infrastructure Statement (EN010166/APP/6.11) and Outline LEMP (EN010166/APP/6.9) to ensure consistency in habitat areas, temporary vs permanent losses, and the DECCA assessment; • reviewed comments on saltmarsh impacts and has provided confirmation of temporary and permanent loss figures and mitigation that is secured through managed realignment and long-term monitoring under the Draft DCO (EN010166/APP/3.1); • confirmed that protected species assessments are robust, with limitations explained and further pre-construction surveys secured through the Framework CEMP (EN010166/APP/6.5); • confirmed that the Off-Site Delivery Area is under the Applicant's ownership, with updated design and habitat creation proposals to be submitted at Deadline 4 to demonstrate the delivery of NBB and FLL mitigation; and • confirmed that all mitigation relied upon in the ES is secured, ensuring construction effects are appropriately controlled. <p>Operational Phase:</p> <p>The Applicant has responded, as follows:</p> <ul style="list-style-type: none"> • reinstated and newly created habitat (including OMH and saltmarsh) will deliver a long-term NBB, with management secured through the Draft DCO (EN010166/APP/3.1); • updated habitat assessments confirm that there will be no Adverse Effect on Integrity of designated sites, with operational air quality, noise and lighting impacts assessed as not significant;

Reference	Source Document Text	Applicant's Response
		<ul style="list-style-type: none">• no significant operational effects are likely to occur for protected species, with further design checks secured, as appropriate; and• NBB is secured through the DCO and is aligned with the Stepwise Approach, PPW12 and LDP policies.

Table 11: Response to Part C, Section 14 (Trees, Hedgerows and Woodland) of LIR

Reference	Source Document Text	Applicant's Response
14.1	<p>Information reviewed and limitations of review</p> <p>In undertaking this review the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Consultation Report [APP-028] • Non-Technical Summary [APP-037] • Appendix 15G Arboriculture Impact Assessment Rev 00 [APP-228] • Framework CEMP [APP-246] • Green Infrastructure Statement [APP-252] • Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] 	<p>The Applicant acknowledges FCC's review of the submitted application documents and notes that all of the documents listed in this section of the LIR [REP2-021] have been updated at Deadline 3.</p>
14.2	<p>The Applicant's ES has provided an Arboricultural Impact Assessment (AIA) to accompany the DCO application [APP-228]. The document covers the various arboricultural impacts that would occur as a result of the proposed development.</p> <p>The AIA is based on National Tree Map Data supplemented by field surveys. Even though the AIA states that the position of arboricultural features is indicative only, the Council found that the plotting of trees was precise and the tree survey schedule (Annex B) information accurate. If the Proposed Development is consented an Arboricultural Method Statement would be provided and address critical points, i.e. where development is proposed close to arboricultural features. The AIA is based on a reasonably worst-case scenario and it is expected that fewer trees will be impacted by the development if consented.</p>	<p>The Applicant acknowledges FCC's review and summary of the Arboricultural Impact Assessment [APP-228].</p>
14.3	<p>Table 3 of the AIA summarises the impacts to trees as a result of the Proposed Development, this includes the direct impacts to trees in the Main Development Area and Laydown Areas, and also assesses potential impacts along the repurposed pipeline, the Water Outfall Area to the estuary and the proposed new CO₂ connector pipe.</p>	
14.4	<p>No trees or woodlands subject to Tree Preservation Orders or within planning Conservation Areas have been identified as being impacted by the proposed development</p>	
14.5	<p>Flintshire LDP Policy EN7: Development Affecting Trees, Woodlands and Hedgerows states that:</p> <p><i>“Development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted.</i></p> <p><i>Where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where: the development maximises their retention through sensitive design measures; and where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and it results in a net benefit in biodiversity.”</i></p>	<p>The Applicant has considered this policy within Table 2.6 (pp224-5) of Appendix 2 of the Planning Statement [APP-262].</p>
14.6	<p>T105 - Common Oak (Quercus robur)</p> <p>The Arboriculture Impact Assessment (AIA) [APP-228] provides a discrepancy between the text and the tree schedule and tree plans for T105. In paragraph 6.4.13 it states:</p> <p><i>“No new hard surfacing will be required within the RPA of veteran or ancient trees. However, existing access routes will be utilised by the Proposed Development within the RPA of four veteran</i></p>	<p>T105 was initially considered a potential veteran but although a large tree of high value it was concluded not to meet the requirements for veteran status. Reference to T105 as a veteran is a typographical error which has been updated within Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4), which has been submitted at Deadline 3. This tree is not impacted by the Proposed Development which will utilise an existing hard-surfaced access route.</p>

Reference	Source Document Text	Applicant's Response
	trees (T105, T123, T125 and T149). Existing access roads vary in condition from formal road surfaces to infrequently used gravel tracks.”	
14.7	T105 is described as a veteran tree in the above text, however it is not classed as a veteran in the tree table or on the plan.	
14.8	Main Development Area The Main Development Area, principally comprising of the construction of Train 1 and Train 2 will result in the removal of trees and sections of hedge along a field boundary. These arboricultural features are regarded as being relatively insignificant in the context of the current landscape, despite forming a coherent boundary across the Main Development Area. At the northern edge of the red line boundary and to the south of the access track there is a goat willow that has been identified as an ancient tree (T149).	For T149 any access will be limited to the use of the existing hard-surfaced access route which will not be subject to a change in use. The Design Principles Document [APP-264] states ‘ <i>The Proposed Development will be designed to ensure the protection and retention of all veteran trees located within the Order limits.</i> ’ Whilst the Applicant acknowledges that the indicative location of the attenuation tank is shown in the RPA of T149 this would be updated as part of the final drainage strategy to align with the design principles. The final location of any attenuation tank(s) would be included in the final drainage strategy prepared pursuant to Requirement 6 of the draft DCO (EN010166/APP3.1) .
14.9	For its species, the tree has considerable girth that would be characteristic of an ancient tree and is described in the observations as being ‘likely ancient’. The Main Development Area is situated adjacent to the goat willow, which is to be retained as shown on the Tree Protection Plan (Sheet 03). The Root Protection Area for the goat willow is 12m radius which is 15x the Diameter at Breast Height of T149 (whereas the Green Infrastructure Statement [APP-252] refers to a 15m RPA in paragraph 3.2.1) and is therefore inconsistent. Annotation on the Tree Protection Plan states that the ‘Tank and drainage alignment to be positions outside of the constraints of T140’, notwithstanding, the end of a tank is depicted within the RPA	In relation to measures to safeguard T149 and its immediate setting in the landscape, Annex E of Appendix 15-G: AIA (EN010166/APP/6.4) sets out the outline tree protection measures. Further consideration of this matter will be considered as part of the preparation of an Arboricultural Method Statement to be prepared in accordance with the Framework CEMP (EN010166/APP/6.5) which would consider the detailed design of the Proposed Development.
14.10	Mitigation measures are proposed to enable the use of the access track to be used by construction traffic. The wider visual setting of goat willow (T149), beyond the RPA, will inevitably be detrimentally affected by the adjacent Proposed Development and the Applicant has been requested to investigate measures that could not only safeguard the tree but also its immediate setting in the landscape.	
14.11	Laydown Areas Within the Laydown Areas A and B, Plate 5-1 of Environmental Statement Volume II, Chapter 5: Construction Management and Programme [APP-043] , there are few trees but those which exist are proposed to be retained. Separated from the proposed development by an Ecological Safeguard Zone, the boscaige, comprising of three tree groups (G30, G31 and G34) will be retained during the construction phase involving the use of the Laydown Areas.	The Applicant acknowledges the response provided and understands no further action is required at this stage.
14.12	Two further Construction Laydown Areas to the south east of the development (Labelled E and F) are proposed and the AIA [APP-228] has identified 11 trees and 3 tree groups for removal, that are more centrally located to the Laydown Area or access, whilst retaining trees nearer to the boundaries. Along the access route to the Laydown Areas E and F defined by the red line boundary, three semi-mature ash are proposed for removal. None of the trees proposed for removal in the Laydown Areas are of individual merit.	
14.13	Accommodation Works within the Main Development Area The widening of the access road to the Main Development Area will require the removal of a group of young and semi-mature broadleaved planting (G72) to the north of the existing road, and small group of young trees (G100) to the south. Neither groups’ removal will have a significant effect on amenity. The widening of the access road will require building up the embankment adjacent to a group of trees (G79) and a young woodland (W103). To ensure the arboricultural impacts are kept to a minimum, special methods of construction are proposed (6.4.5), which, subject to an agreed Arboricultural Method Statement would be acceptable.	The Applicant acknowledges the response provided and understands no further action is required at this stage.

Reference	Source Document Text	Applicant's Response
14.14	Along the Water Connection Corridor to the River Dee a further nine trees and three tree groups are proposed for removal. At the Surface Water Outfall, three trees (T241, T243 and T244), and two group (G238 and G240), comprising of shrubs and young trees are proposed for removal as part of the worst case tree loss. Again, none of these trees are significant in amenity terms.	
14.15	<p>Abnormal Indivisible Roads</p> <p>Several routes for the delivery of Abnormal Indivisible Loads (AILs) to the Main Development Area are proposed in the Environmental Statement Volume III Figure 5-4: Abnormal Road Routing Options [APP-084].</p> <p>The arboricultural impacts resulting from the delivery of AILs are not contained in the AIA and are instead separately assessed in the Environmental Statement Volume IV Appendix 5-A: Environmental Screening of Accommodation Works [APP178]. Three nearby access routes from the river/estuary are proposed and a more distant road route from Ellesmere Port. The Port of Mostyn (Yellow Route) would require the limited cutting back, or removal of branches, to 57 trees, tree groups or woodlands and the felling of seven trees adjacent to the carriageway. The pruning is relatively minor and affects relatively few of the numerous trees along the route. None of the seven trees proposed for removal are fully mature and several are dead and therefore require removal regardless of whether or not the Port of Mostyn Route is chosen.</p>	The Applicant acknowledges FCC's request for a condition requiring tree works to be updated should the Port of Mostyn route be selected as the preferred AIL route. It is considered that this is covered by the requirement for the preparation of an Arboriculture Method Statement as part of the final CEMP(s) secured by Requirement 4 of the Draft DCO (EN010166/APP/3.1) .
14.16	Inevitably, if it is not cut back, tree growth will lead to encroachment over the carriageway. Therefore, if the Port of Mostyn Route is the preferred route for AILs the Council requests that a condition is imposed requiring the tree works required, in Annex B, to be updated.	
14.17	It has not been determined whether there will be any tree works at the Accommodation Work Areas S10 (G89 and G101 of AIA) and the un-surveyed trees at S11 within the Red Line Boundary of the Environmental Screening of Accommodation Works [APP-178] . It is recognised that there are uncertainties regarding the eventual size of AILs and this will dictate the extent of arboricultural impacts at S10 and S11. Notwithstanding taking into account the quality, size and number of trees at both locations within the red line boundaries, they are not expected to be significant.	
14.18	The Route From Connah's Quay North and Route from Ellesmere Port (Options 1 and 2) do not have any arboricultural implications apart from affecting trees at the Accommodation Work Areas S10 and S11 mentioned above.	The Applicant acknowledges the statement provided and understands no further action is required at this stage.
14.19	<p>Existing Pipeline and Connector Pipe</p> <p>As no works are proposed along the existing pipeline the extent of the AIA [APP228] is limited to the two areas around the Flint Above Ground Installation and where the pipe exits the Main Development Area. In the vicinity of the Flint Above Ground Installation a hedgerow and a small group of trees will be removed but no trees or hedges will be felled where the existing pipe exits the Main Development Area.</p>	The Applicant acknowledges the statement provided and understands no further action is required at this stage.
14.20	<p>Summary of Arboricultural Impacts</p> <p>The various aspects of the proposed development will have a limited effect on the arboricultural features in the landscape, especially when the scale of the development is considered</p>	The Applicant acknowledges the statement provided and understands no further action is required at this stage.
14.21	No arboricultural features (Tree, Tree Group, Woodland or Hedgerow) of high quality (Category A) will be removed to facilitate Proposed Development. The number of moderate quality (Category B) arboricultural features that would be removed comprise of four individual trees, two tree groups, part of one woodland and part of one hedgerow. The low quality (Category C) features that would require removal comprise of 29 individual trees, 15 tree groups, part of five tree groups, 12	

Reference	Source Document Text	Applicant's Response
	hedgerows and part of two hedgerows. The Arboricultural Method Statement produced as part of the final design may result in fewer trees being impacted.	
14.22	No trees classified as ancient, or veteran will be felled, and the proposed development will not directly affect ancient woodland or have any significant indirect effects on ancient woodland.	
14.23	In accordance with the requirement to deliver a Net Benefit for Biodiversity, replacement tree planting will take place on-site within the Development Consent Order boundaries and where this is not possible, off-site.	
14.24	Net Benefit for Biodiversity (Green Structure) The Green Infrastructure Statement (GIS) [App-252] uses the AIA [App-228] as a baseline for tree and woodland removals, from where planting requirements can be determined to deliver a Net Benefit for Biodiversity (NBB). In accordance with Planning Policy Wales 12 (6.4.42) there is a requirement to plant three trees for every one tree removed.	As noted within responses provided in Table 13, clarification on the methodology used to calculate woodland creation area will be included in a revision of the Green Infrastructure Statement (EN010166/APP/6.11) at Deadline 4.
14.25	Similar to the requirement to plant three individual trees for every one tree felled the Applicant proposes to carry out replacement woodland planting but it is unclear how the figures have been calculated and the proportion that would be met through planting on site, and offsite at Gronant.	
14.26	Request for Clarification: <ul style="list-style-type: none"> • Applicant provide clarification on the status of T105 and how that will affect the assessment. The AIA provides contradictory information. • Reassurance is required regarding the protection of T149 and that development will not negative impact the RPA of this ancient tree. What measures can be considered to avoid the RPA altogether (including the temporary surfacing) and safeguarding the tree's wider setting within the context a 20 metre buffer with companion planting. A tree categorised as ancient requires a higher degree of certainty. 	The Applicant has provided responses to these points above (see responses to 14.6 to 14.10 of the LIR [REP2-021]).
14.27	Change Notification and Proposed Change 3 There is an additional removal of trees and tree groups. There is a reference to trees having been felled but it is not clear whether it refers to these trees/groups in full, or in part.	Appendix 15-G: AIA (EN010166/APP/6.4) has been updated at Deadline 3 as part of the Change Application to consider Change 3. For the purposes of the AIA the trees recorded within the Tree Constraints Plan that fall within the updated working area have been noted to be removed as part of the Proposed Development. A site visit has confirmed that only a small area of tree group 220 has been removed with all other trees still present.
14.28	Request for Clarification: It is considered that for effective assessment the AIA will be required to be updated In turn, will the additional losses be reflected in the proposed amended Green Infrastructure Statement and the amended Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy, alongside the habitat losses	
14.29	Conclusion on assessment of impact: <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: NEUTRAL 	The Applicant acknowledges the conclusions provided.

Table 12: Response to Part C, Section 15 (Water Environment and Flood Risk) of LIR

Reference	Source Document Text	Applicant's Response
15.1	Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.	With regards to the italicised bullet point text, this appears to refer to paragraph 13.4.1 of a superseded policy document, PPW Edition 9 (published in 2016) and should therefore be disregarded.
15.2	PPW 12 Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where: <ul style="list-style-type: none"> • <i>new development can be justified in that location, even though it is likely to be at risk from flooding; and</i> • <i>the development proposal would not result in the intensification of existing development which may itself be at risk; and</i> • <i>new development would not increase the potential adverse impacts of a flood event.</i> 	The Applicant has assessed the proposals against the latest edition i.e. PPW12 (published February 2024). Table 2.5 (pp174-178) of Appendix 2 of the Planning Statement [APP-262] outlines that flood risk is a relevant consideration within PPW12 and assesses the Proposed Development's compliance with PPW12, and finds no conflict. In addition, the Proposed Development has been assessed against and accords with the relevant policies in terms of flood risk contained in NPS EN-1 and TAN15 noted in paragraph 6.2.163 of the Planning Statement (NB: please refer to paragraphs 6.2.149 to 6.2.165 for relevant context relating to flood risk).
15.3	Flood Risk Flooding is also an important consideration for any new development as the Flood Map for Planning identifies the application site to be at risk of flooding and mostly within Flood Zone 3 (Sea). The Repurposed CO ₂ Connection Corridor and Water Connection Corridor also fall within Flood Zone 3 (Rivers).	The Applicant acknowledges this input.
15.4	The Council would respectfully defer to comments from Natural Resources Wales, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.	
15.5	Land drainage The Council has additional duties and powers associated with the management of flood risk under the Land Drainage Act. As Land Drainage Authorities, Ordinary Watercourse consent would be required for any permanent or temporary works that could affect the flow within an ordinary watercourse under their jurisdiction in order to ensure that local flood risk is not increased.	The Applicant acknowledges this input.
15.6	Flintshire County Council, as Lead Local Flood Authority (LLFA) is responsible for the management of risks associated with local sources of flooding such as ordinary watercourses, surface water and groundwater.	
15.7	Surface Water Drainage Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m ² .	The Applicant notes the following document was updated at Deadline 1: Outline Surface Water Drainage Strategy [REP1-022] . Section 5.7 of the Outline Surface Water Drainage Strategy [APP-213] explains how the Main Development Area would incorporate SuDS measures to capture and treat surface water runoff during the operational stage of the Proposed Development. Indicative positions and extents of SuDS features are shown on the General Arrangement drawing included as Annex G of the Outline Surface Water Drainage Strategy [APP-213] , which are subject to change as detailed design is progressed post-consent. This information is unchanged in the latest version [REP1-022] . With reference to local and national standards (including the mandatory Welsh Government standards for sustainable drainage), the SuDS approach would be confirmed and explained in the future Surface Water Drainage Strategy which would be prepared by the Principal Contractor(s), in general accordance with the relevant part of the Outline Surface Water Drainage Strategy [REP1-022] , pursuant to
15.8	New developments of more than a single dwelling or a construction area more than 100m ² must have: <ul style="list-style-type: none"> • <i>Sustainable drainage systems to manage on-site surface water;</i> • <i>Surface water drainage systems designed and built in accordance with mandatory Welsh Government standards for sustainable drainage;</i> • <i>Approval of the surface water drainage systems by the SuDS Approving Body (SAB).</i> 	
15.9	It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act	

Reference	Source Document Text	Applicant's Response
15.10	<p>2010. As such, separate, formal approval from Flintshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.</p>	<p>Requirement 6 of the Draft DCO (EN010166/APP/3.1). Pervious paving across the parking areas could be included, to allow for intercepting and treating runoff from adjacent areas.</p>
	<p>The DCO application also includes for the provision of temporary hardstanding areas for temporary construction compounds and access routes. It is not clear from the application documents how the Applicant will mitigate any impacts to watercourses, highways, as a consequence of any runoff from these temporary hardstanding areas. It is understood that temporary hard standing areas are not usually considered as part of an application for SAB approval. However, on the basis that these temporary hardstanding areas are likely to be in excess of 100 M², the length of time that these 'temporary' hardstanding areas maybe considerable, consent via the SAB may be a practical means for consideration and the Applicant would be invited to include these areas that are proposed to be 'temporary' as part of the SAB application process. Early contact could also be made with the SAB via a request for pre-application advice.</p>	<p>Filter drains or swales could provide initial treatment of road and / or building drainage. The drainage network could include oil interceptors and/or downstream defenders within each catchment to remove oils, suspended solids and sediment bound hydrocarbons, as necessary based on the development layout.</p> <p>The Applicant recognises that approval from the SAB (FCC) for drainage proposals would be required prior to construction, and that the SAB application process is independent of the DCO application process. The Applicant has had two meetings with the SAB and will be submitting a SuDS Application for Pre Application Advice form to FCC during the DCO examination period, to set out high-level drainage principles. Notes relating to the SAB meetings were included as Annex E of the Outline Surface Water Drainage Strategy [APP-213], and were retained in the Deadline 1 revision.</p>
15.11	<p>Any works involving watercourses would require ordinary water course consent. What is not clear however, is how the Applicant intends to deal with run-off and surface water issues in relation to those areas of hardstanding that are below the threshold for SAB consent, and those elements of the project that do not create hardstanding but effect watercourses such as works effecting ditches.</p>	<p>The Principal Contractor(s) would be responsible for the SuDS Application for Full Approval, post-DCO-consent. Measures to manage surface water from temporary hardstanding areas would be considered in this application and would be detailed in the final CEMPs.</p>
15.12	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: NEUTRAL 	<p>The Applicant acknowledges the conclusions provided.</p>

Table 13: Response to Part C, Section 16 (Landscape and Visual Impact) of LIR

Reference	Source Document Text	Applicant's Response
16.1	<p>In undertaking this review the following documents are referenced and have been reviewed:</p> <ul style="list-style-type: none"> • Chapter 15 Landscape and Visual Amenity [APP-053] • Chapter 24 Cumulative and Combined Effects [APP-062] • Chapter 25 Summary of Likely Significant Effects [APP-063] • Figure 15.1 Study Area [APP-142] • Figure 15.2 Topography [APP-143] • Figure 15.3 Landscape Context [APP-144] • Figure 15.4A National Landscape Character Areas [APP-145] • Figure 15.4B Local Landscape Character Area [APP-146] • Figure 15.4B1 Landmap Rev 00 [APP-147] • Figure 15.5 Public Rights of Way [APP-148] • Figure 15.6 Representative Viewpoint Locations [APP-149] • Figure 15.7 Zone of Theoretical Visibility 65m [APP-150] • Figure 15.8 Zone of Theoretical Visibility 150m [APP-151] • Figure 15.9 Canal & River Trust (CRT) Assets [APP-152] • Figure 15.10 to 15.24 Winter Viewpoint Photography [APP-153] • Figure 15.10A to 15.24A Summer Viewpoint Photography [APP-154] • Figure 15.25 to 15.30 Viewpoint Wireline Sheets [APP-155] • Appendix 1A Scoping Report [APP-172] • Appendix 1B Scoping Opinion [APP-173] • Appendix 2B Scoping Opinion Responses [APP-176] • Appendix 15A Landscape and Visual Impact Assessment Methodology [APP-222] • Appendix 15B Landscape Character [APP-223] • Appendix 15C Representative Viewpoints [APP-224] • Appendix 15D Landscape Impact Assessment [APP-225] • Appendix 15E Visual Impact Assessment [APP-226] 	<p>The Applicant acknowledges FCC's review of the submitted application documents and notes the following documents have been updated at Deadline 3:</p> <ul style="list-style-type: none"> • Chapter 15 Landscape and Visual Amenity (EN010166/APP/6.2.15); • Figure 15.5 Public Rights of Way (EN010166/APP/6.3); • Figure 15.7 Zone of Theoretical Visibility - 65 m Main Site Structures plus 7.4 m Raised Ground Level (excluding absorber stacks(s), HRSG stacks and CCP absorbers) (EN010166/APP/6.3); • Figure 15.8 Zone of Theoretical Visibility - 145 m CCP Absorber Column (including Stack) Height plus 7.4 m Raised Ground Level (EN010166/APP/6.3); and • Figure 15.25 to 15.30 Viewpoint Wireline Sheets (EN010166/APP/6.3).
16.2	<p>The NPS EN-1 provides a number of statements and guidance of relevance to the landscape, including green infrastructure and visual impacts of energy infrastructure in general.</p>	<p>The Applicant's assessment of the Proposed Development's compliance with this policy is set out within Table 2.1 at Appendix 2 of the Planning Statement [APP-262].</p>
16.3	<p>PPW12 sets out key guidance and planning policies for development and achieving good design throughout Wales with reference to landscape and natural spaces.</p>	<p>Please note the response above within Table 2, row 5.2 regarding the relevance of this policy. The Planning Statement [APP-262], in Table 2.5 in Appendix 2 assesses the Proposed Development's compliance with this policy and finds no overall conflict.</p>
16.4	<p>Policy STR13: Natural and Built Environment, Green Networks and Infrastructure of the adopted Flintshire LDP sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including landscape.</p>	<p>The Applicant's assessment of the Proposed Development's compliance with this policy is provided within Table 2.6 at Appendix 2 of the Planning Statement [APP-262], and it is confirmed that there is no conflict with this policy.</p>
16.5	<p>General Requirements Policy PC2 states that:</p> <p><i>"All development should harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape."</i> Furthermore, Policy PC3: Design states that <i>"All development should retain existing landscape and nature</i></p>	<p>The Applicant's assessment of the Proposed Development's compliance with these policies is provided within Table 2.6 at Appendix 2 of the Planning Statement [APP-262].</p>

Reference	Source Document Text	Applicant's Response
	<i>conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity."</i>	
16.6	Policy EN4: Landscape Character states that: "New development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. Landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement."	
16.7	The Applicant's Environment Statement, Chapter 15 Landscape and Visual Amenity [APP-053] considers the impact of the development on landscape and visual amenity. It covers the development's anticipated effect on the landscape and visual amenity.	Chapter 15: Landscape and Visual Amenity [APP-053] has been updated and included within the Change Application submitted at Deadline 3 (EN010166/APP/6.2.15) and does not change the conclusions of the original assessment presented in the original submission.
16.8	Significant effects Significant landscape and visual effects are summarised within the submitted ES at Chapter 25 Summary of Likely Significant Effects [APP-063], plus Table 15.9 Summary of Likely Significant Landscape and Visual Residual Effects (Construction) and Table 15.10 Summary of Significant Landscape and Visual Residual Effects (Operation) within the Chapter 15 Landscape and Visual Amenity [APP-053].	
16.9	Receptors predicted to receive significant effects within the Flintshire authority boundary are set out in the table below: [Summary of receptors within the Council authority areas which will receive significant landscape and visual effects]	
16.10	Comments on the assessment Study Area The Study area defined in this LVIA is essentially a 'zone of visual influence', showing where the main areas of visibility are of the Proposed Development. ES Appendix 1-A: Scoping Report [APP-172] states: <i>"the study area is up to 10 km from the outer edge of the Site in terms of visual receptors. The extent of the study area has been defined and informed by a review of the Proposed Development description, initial evaluation of theoretical visibility, desk-based research, and professional judgement."</i> <i>The extent of the study area will be reviewed during the development of the PEIR and the ES, following further desk-based review and site surveys undertaken as part of the assessment process and tailored as required to provide a proportional approach, focused on potential likely significant effects."</i>	Chapter 15: Landscape and Visual Amenity [APP-053] has been updated and included within the Change Application submitted at Deadline 3 (EN010166/APP/6.2.15) and does not change the extent of the Study Area. The extent of the Study Area adheres to the LANDMAP guidance. The Applicant's Study Area for the LVIA was based on potential and actual visibility of the Proposed Development with reference to the Zone of Theoretical Visibility (ZTV) (Figure 15-8: Zone of Theoretical Visibility 150m [APP-151]), site work and the extent of landscape aspect or character areas likely to be significantly affected by the Proposed Development. The Study Area is in excess of the initial 10 km identified within the EIA Scoping Report [APP-172] as identified in paragraph 15.3.20 of Chapter 15: Landscape and Visual [APP-053] , where the study area is noted to be: <ul style="list-style-type: none"> to the north approximately 5 to 13 km from the Main Development Area; to the south approximately 4 to 6 km from the Main Development Area; to the east approximately 10 km from the Main Development Area; and to the west approximately 11 km from the Main Development Area. The ZTV indicates theoretical visibility on the north bank of the River Mersey at a distance of approximately 17 km from the Main Development Area. It is acknowledged that very distant views of the upper sections of the CCP absorber and Heat Recovery Steam Generator stacks may be theoretically visible from this location, but due to the long distance there is no potential for significant effects to arise and any impacts would be no more than negligible due to distance and the existing context of the view, which contains a number of industrial developments and tall stacks.
16.11	Additionally, NRW's guidance on using LANDMAP in LVIA's (GN46) recommends that for developments between 145m and 175m high, a study area of 20 to 24km should be used. The Proposed Development, with a maximum stack height of 157.4m, falls within this range.	
16.12	Given the height of the proposals (maximum stack height of 157.4m AOD), it's not clear why areas beyond 10km from the Site have been excluded. It is also unclear why some areas within 10km that show theoretical visibility on ES Figure 15.7 [APP-150] and ES Figure 15.8 [APP-151] have been excluded.	
16.13	Request for Clarification: <ul style="list-style-type: none"> The Applicant is requested to clarify why they did not use the LANDMAP search area recommended in the above guidance. 	The Applicant has defined the Study Area based on potential and actual visibility of the Proposed Development with reference to the ZTV and site work and there is no requirement to utilise a larger study area when there is no potential for significant effects. With reference to the conclusions of the LVIA there is no potential for significant effects beyond 2.5 km from the Main Development Area.

Reference	Source Document Text	Applicant's Response	
	<ul style="list-style-type: none"> Can the Applicant please confirm if they are confident that there are no receptors outside the defined study area that could receive significant effects? 		
16.14	<p>LANDMAP Methodology</p> <p>The LVIA includes English and Welsh landscape character areas within the study area.</p>	<p>To address the matters raised by FCC, the Applicant is undertaking an updated landscape character assessment for the component of the Study Area which lies within Wales. This updated assessment will be submitted at Deadline 4.</p>	
16.15	<p>ES Appendix 15B [APP-223] states that, based on the Natural Resources Wales (NRW) 2018 LANDMAP Area Statement for North-East Wales, there are five "Local Landscape Character Areas (LCA's) within the LANDMAP Wales". The methodology for incorporating Welsh LANDMAP aspect areas into the assessment is not clearly explained.</p>		
16.16	<p>The boundaries on Figure 15-4B1 [APP-147] are based on the LANDMAP Visual Sensory 'Landscape Types'. These are broad geographical units comprising landscapes of a consistent type. They are not equivalent to Landscape character Area.</p>		
16.17	<p>The LVIA only appears to assess the Visual and Sensory aspect at a coarse scale of similar landscape character types. This raises concerns about the granularity of the assessment and whether it adequately reflects the landscape character and value of the study area.</p>		
16.18	<p>Paragraph 5.19 of GLVIA3 states that all five LANDMAP aspects contribute to landscape character and its corresponding value. NRW's guidance note on using LANDMAP in LVIA's (GN46) reinforces this, stating that all five aspects— Geological Landscape, Landscape Habitats, Cultural Landscape Services, Visual & Sensory, and Historic Landscape—should be considered.</p>		
16.19	<p>Although GN46 states that LANDMAP can be a "starting point for creating suitably scaled character-based reporting units" before continuing "reporting units may be LANDMAP visual and sensory aspect areas, where these are not entirely suitable, other LANDMAP aspect layers can be used to assist with the subdivision or amalgamation of visual and sensory aspect boundaries", this LVIA does not appear to have considered the other aspects when creating its landscape receptor units.</p>		
16.20	<p>It is also unclear whether the Area Statement is still considered current or appropriate for this assessment, as it is from 2018 and the LANDMAP information is regularly updated.</p>		
16.21	<p>Request for Clarification:</p> <ul style="list-style-type: none"> How have all LANDMAP's constituent Aspects been considered in the landscape assessment? Has NRW's guidance on filtering LANDMAP aspects been followed? How have landscape character area receptors in the Welsh part of the Study Area been defined using LANDMAP? 		
16.22	<p>The landscape features and characteristics of the site are not assessed as receptors</p> <p>The LVIA does not appear to assess the site and its immediate surroundings as a distinct landscape receptor. The assessment of landscape receptors in Wales is based on LANDMAP Visual and Sensory 'Landscape Types' and is not evidenced that the Landscape Type in which the Site is located is at an appropriate scale to assess the landscape effects on the Site and its immediate surroundings.</p>		<p>The characteristics of the Main Development Area are considered in paragraphs 15.4.22 to 15.4.24 of Chapter 15: Landscape and Visual [APP-053]. A separate assessment of the Main Development Area was not undertaken as it was deemed to be characteristic of the LCT in which it lies. To address FCC's comment the Applicant is undertaking an updated landscape character assessment which will cover the Main Development Area, which will be submitted at Deadline 4.</p>
16.23	<p>This raises concerns regarding the adequacy of the baseline and the robustness of the landscape effects assessment.</p>		
16.24	<p>GLVIA3 states that even where existing character assessments are available, it is likely that more detailed surveys of the Site and its setting will be required to understand how it relates to the wider landscape and to identify any locally important characteristics (GLVIA3, paras 5.14–5.16).</p>		

Reference	Source Document Text	Applicant's Response
16.25	<p>Paragraph 5.16 of Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) state that:</p> <p><i>“Even where there are useful and relevant existing Landscape Character Assessments and historic landscape characterisations, it is still likely that it will be necessary to carry out specific and more detailed surveys of the site itself and perhaps its immediate setting or surroundings. This provides the opportunity to record the specific characteristics of this more limited area, but also to analyse to what extent the site and its immediate surroundings conform to or are different from the wider Landscape Character Assessments that exist, and to pick up other characteristics that may be important in considering the effects of the proposal.”</i></p>	
16.26	<p>This often results in the landscape of the Site being included as a landscape receptor in its own right, particularly where there are distinct features and characteristics that differ from the wider landscape or where the scale of the Landscape Character Area (LCA) is too broad to capture localised effects.</p>	
16.27	<p>Request for Clarification:</p> <ul style="list-style-type: none"> • Could the Applicant please provide an assessment of the effects on the site landscape, or clarify why the landscape of the Site has not been included as a landscape receptor? 	
16.28	<p>Visualisation Type 1 (Photosheets) Baseline photos do not have annotations</p> <p>The Landscape Institute's Technical Guidance Note (TGN) 06/19 'Visual Representation of Development Proposals' states that Type 1 Visualisations (Annotated Viewpoint Photograph) should “represent context and outline or extent of development and of key features” before going on to state that they should “show the extent of the site within the view, and annotate any key features within the view”.</p>	<p>The Applicant acknowledges FCC's comments and will provide a number of updated annotated photo sheets with annotated baseline views at Deadline 4 for the views where a wireline and / or photomontage has not been provided and the viewpoint lies within Flintshire.</p>
16.29	<p>Helpful photomontage and wireline visualisations have been provided for a selection of viewpoints. There are no annotations on the other baseline photographs to indicate the location and extent of the proposed development. This would be very helpful for the reader to understand the Proposed Development in its setting.</p>	
16.30	<p>Request for Clarification:</p> <ul style="list-style-type: none"> • Could the Applicant please provide a set of photosheets with baseline photos annotated with the location and approximate extent of the Proposed Development within the view. 	
16.31	<p>Tables 15-9 and 15-10 of ES Chapter 15 Landscape and Visual Amenity [APP-053] state that there will be 'no impact' and 'no effect' on the Clwydian Range and Dee Valley National Landscape (Clwydian Range and Dee Valley National Landscape) (AONB).</p>	<p>An assessment on the Special Qualities is not deemed necessary and has not been requested by NRW and they are satisfied with the conclusions of the LVIA. Within paragraph 2.6.4 of NRW's Relevant Representation [RR-027] it states <i>“Based on the above, and considering the relevant principles (27 – 29) to be secured and applied through the Design Principles Document (Appendix 7.8), we agree with the conclusion of 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”</i>.</p>
16.32	<p>However, Viewpoint 15, located within the National Landscape, is judged to have a non-significant minor adverse effect. In addition, Figures 15-8 [APP-151] and 15-9 [APP-152] show theoretical visibility in other parts of the National Landscape, some of which lie outside the defined study area.</p>	
16.33	<p>The LVIA does not explain how Viewpoint 15 within the National Landscape can be judged to have an effect, while the overall conclusion is that there will be 'no impact' or 'no effect'. The photosheets are not annotated (as detailed above) and there is no Type 4 Visualisation from Viewpoint 15, it is not clear how there could be 'no effect' on the designated landscape.</p>	
16.34	<p>GLVIA3 (para 5.12) states that effects on the Special Qualities and purposes of designation of nationally designated landscapes should be assessed. While the Special Qualities have been identified within the LVIA, effects on these do not appear to have been assessed in the LVIA. Nor has the LVIA addressed any potential effect on the purpose of the National Landscape designation.</p>	<p>As a result of the long distance (approximately 9.3km) between the Proposed Development and the Clwydian Range and Dee Valley National Landscape and with reference to the reported impacts in Chapter 15: Landscape and Visual [APP-053] there would be no significant adverse effects on the special qualities. Specific reference is made to Table 15 of Appendix 15-E: Visual Impact Assessment [APP-226] for Viewpoint 15 - Moel Famau,</p>
16.35	<p>Request for Clarification:</p>	

Reference	Source Document Text	Applicant's Response
	<ul style="list-style-type: none"> • Could the Applicant provide further evidence for concluding that there are no effects on the character of the landscape, the Special Qualities and the purpose of the designation of the National Landscape? 	Jubilee Tower, Offa's Dyke Way, Llangynhafal, Denbighshire which states that there would be a minor adverse (not significant effect) for visual receptors and Table 2 of Appendix 15D: Landscape Impact Assessment [APP-225] that states that there would be no impact on landscape characteristics and no further assessment of Special Qualities is proposed.
16.36	<p>Cumulative assessment</p> <p>NRW's guidance on assessing LANDMAP recommends that: "<i>search areas should also include the locations of other developments to be included in the Cumulative Landscape and Visual Impact Assessment (CLVIA)</i>"</p>	<p>The Applicant engaged with FCC throughout the pre-application stage on matters relating to Landscape and Visual Amenity, including the study area and viewpoint locations.</p> <p>The cumulative study area, within which any potential effects of the Proposed Development may combine with the effects arising from other proposed schemes, has been determined on the basis of the maximum study areas of the technical assessments.</p>
16.37	For developments between 146m and 175m tall, a search area of 23 to 26km is suggested.	
16.38	The Proposed Development, with a maximum height of 157.4m, falls within this range.	
16.39	<p>ES Appendix 1A [APP-172] (para 21.2.6) states that developments within 15km of the Site Boundary will be considered in the cumulative assessment. However, ES Chapter 24 Cumulative and Combined Effects [APP-062] defines the 'zone of influence' (cumulative study area) for Landscape and Visual Amenity as:</p> <ul style="list-style-type: none"> • <i>"to the north approximately 5 km to 13 km from the Main Development Area;</i> • <i>to the south approximately 4 km to 6 km from the Main Development Area;</i> • <i>to the east approximately 10 km from the Main Development Area; and</i> • <i>to the west approximately 11 km from the Main Development Area."</i> 	As noted within 16.12 and 16.13 whist the study area is 15 km, the ZTV indicated theoretical visibility at 17 km and only significant effects during construction associated with the HyNet Carbon Dioxide Pipeline (HyNet CO ₂ Pipeline Project) which lies approximately 0.07 km from the Proposed Development at its closest point would be likely. On this basis the Applicant considers that the assessment provided is robust in so far that significant effects with proposed schemes beyond the 15 km study area would not occur as the contribution from the Proposed Development to any cumulative views beyond this distance would be negligible.
16.40	The cumulative study area is the same as the LVIA study area in ES Chapter 15 Landscape and Visual Amenity [APP-053]. GLVIA3 (paras 7.30–7.32) notes that cumulative study areas for tall structures can be "very extensive" and should be agreed with the competent authority and relevant consultation bodies.	
16.41	<p>Request for Clarification:</p> <ul style="list-style-type: none"> • Could the Applicant please clarify how the cumulative study area was determined? • As a result of the chosen Cumulative Study Area, is the Applicant confident that there are no missed, potentially significant cumulative landscape impacts arising from the Proposed Development in combination with projects within a more proportionate study area, such as 25km? 	
16.42	<p>Action agreed in engagement with Applicant:</p> <ul style="list-style-type: none"> • The Applicant confirmed that the cumulative study area is larger than 10km LVIA study area – up to 15km as shown on Figure 24-1. • The Council confirmed that this is accurate, however wish to acknowledge that this is not in line with NRW guidance. However, it is accepted that the methodology used is unlikely to have resulted in any missed significant effects. 	The Applicant considers that the Study Area used within Chapter 15: Landscape and Visual Amenity [APP-053] has been developed in accordance with NRW guidance (in relation to the use of LANDMAP) as set out above in 16.10.
16.43	<p>Plumes Visibility</p> <p>Paragraph 15.6.4 of the LVIA states that the potential landscape and visual impacts of the Proposed Development include "<i>potential visibility of plumes from the Proposed Development including cooling towers at certain times of the year</i>". However, vapour plumes are not mentioned elsewhere in the LVIA or its detailed assessments in ES Appendix 15D [APP-225] and ES Appendix 15E [APP-226].</p>	The Applicant acknowledges FCC's comments and will provide an assessment of potential effects from Vapour Plumes at Deadline 4.
16.44	Given the potential for plumes to affect visual amenity, particularly in sensitive or designated landscapes, this needs to be adequately and proportionately assessed.	
16.45	Request for Clarification:	

Reference	Source Document Text	Applicant's Response
	<ul style="list-style-type: none"> Can the Applicant please provide an assessment of potential effects from Vapour Plumes, or provide justification as to why this has not been provided as part of the supporting application documentation? 	
16.46	<p>Assessment of Visual Receptors and Key Routes</p> <p>The Visual Assessment presents visual assessments for 15 representative viewpoints, several of which include more than one type of visual receptor. However, the assessment does not differentiate between these receptor types when assigning sensitivity ratings. For example, Viewpoint 6 includes residential, recreational, and road user receptors, yet only one overall sensitivity rating is applied. This approach does not reflect the differing levels of susceptibility to change and therefore sensitivity that each receptor type might have.</p>	<p>Where multiple receptor groups have been identified, the assessment has taken into consideration the highest sensitivity rating for each receptor, as set out below.</p> <p>National Cycle Route 5 is assessed within Representative Viewpoint 13 as stated within Table 15-7 of Chapter 15: Landscape and Visual Amenity [APP-053] and assessed in Table 13 of Appendix 15-E Visual Impact Assessment [APP-226] and within paragraphs 15.6.27 and 15.6.28 of Chapter 15: Landscape and Visual Amenity [APP-053]. An assessment of users of local roads is set out in paragraph 15.6.29 of Chapter 15: Landscape and Visual Amenity [APP-053].</p>
16.47	<p>GLVIA3 (paras 6.32 to 6.36) explains that susceptibility is primarily a function of the activity or occupation of the receptor and the extent to which their attention is focused on the view. It identifies residents at home as generally having high susceptibility, recreational users as medium, and road users as typically lower, unless travelling on scenic routes. Applying a single sensitivity rating to a mixed group of receptors risks masking important differences in how each group may experience visual change. This is reflected in Paragraphs 1.7.7 – 1.7.11 and Table 10 of ES Appendix 15A Landscape and Visual Impact Assessment Methodology [APP-222], but it is unclear why this methodology does not appear to have been followed in the assessment.</p>	
16.48	<p>The LVIA assesses “<i>Dynamic views in close proximity to the Proposed Development including Dee Estuary, NCR 5, and PRow on the north bank of the River Dee</i>” as an individual visual receptor. The LVIA does not include specific assessments of visual effects on key routes, such as the National Cycle Network (NCN) Route 5 (e.g. Viewpoint 13) or strategic road corridors, such as the A5119, A548 and A55 North Wales Expressway. GLVIA3 (para 6.15) highlights the importance of considering sequential views along key routes, and paragraph 6.21 recommends that viewpoints should, where possible, include sequential views along transport corridors. The omission of route-based assessments means that the LVIA does not fully account for the experience of receptors travelling through the landscape, particularly where visibility of the Proposed Development from parts of the route may vary or be sustained or repeated.</p>	
16.49	<p>Request for Clarification:</p> <ul style="list-style-type: none"> At viewpoints where multiple receptor types are present, it is not clear why individual receptor types have not been assessed separately. Can the Applicant please justify why a single sensitivity rating is applied to mixed visual receptor groups at viewpoints? <p>Can the Applicant provide a rationale for why key routes, including the National Cycle Network Route 5, the A5119, A548 and A55, have not been individually assessed for visual effects?</p>	
16.50	<p>Action agreed in engagement with Applicant:</p> <ul style="list-style-type: none"> The Applicant state that the sensitivity of grouped receptors was not averaged or amalgamated, but rather, the highest receptor sensitivity in each viewpoint group was used, to ensure the worst case was accounted for. <p>The Council stated that this isn't made clear in the report and are of the opinion, that whilst this is potentially better than averaging sensitivity across different receptor types, It still does not represent an accurate and robust assessment and is likely to lead to over assessment of some effects.</p>	<p>The assessment of the highest sensitivity receptor at locations where multiple receptors are present provides a 'worst-case' assessment within Chapter 15: Landscape and Visual Amenity [APP-053]. Where lower sensitivity receptors are present then it is assumed that impacts and resulting effects would be equal to or less than that reported for the representative viewpoint location and would not change the overall conclusions of the LVIA.</p>

Reference	Source Document Text	Applicant's Response
16.51	<p>Summary</p> <p>The following points require clarification from the Applicant:</p> <ul style="list-style-type: none"> • There is no assessment of effects on the Landscape of the site. • There were no significant effects predicted on any landscape receptor. However, the methodology used to reach this conclusion is queried in this report. • The rationale for limiting the study area to a 10 km radius should be explained, particularly given NRW guidance recommending a 20–24 km radius for developments of this height. Confirmation is also needed as to whether receptors beyond the 10km Study Area would experience significant effects • Further detail is required on how all five LANDMAP aspects have been considered in the assessment and whether NRW guidance on filtering aspects has been followed • The absence of Type 1 annotations on baseline photos that are not visualised should be addressed, to show the location and extent of the Proposed Development within each view • Evidence should be provided to support the conclusion of 'no effect' on the Clwydian Range and Dee Valley National Landscape, including assessment of impacts on its Special Qualities and purpose of designation. • An assessment of potential visual effects from vapour plumes should be included, as these are referenced but not assessed in the LVIA. • The viewpoints in the LVIA represent several receptor types, but the way susceptibility and sensitivity ratings of the different represented receptor types is not clear and potentially leads to errors. The LVIA should assess and report effects on each receptor type separately. • Route-based sequential assessments for key corridors such as NCR 5 and major roads should be provided. 	<p>The Applicant has responded to these points in the rows above within Table 13.</p>
16.52	<p>The Applicant's change notification (Land Designation Adjustment and North Jetty Hardstanding Expansion)</p> <p>The Council has also reviewed the information provided by the Applicant to support their change request notification. The Council wishes to acknowledge the provision of photomontages by the Applicant and consider they have been extremely helpful in aiding the appreciation of the degree and nature of the proposed changes. At this stage, the Council agrees with the Applicant that the proposed changes are unlikely in new or materially different landscape or visual effects, and therefore the proposed changes do not alter any of the issues raised in the previous sections of this Chapter.</p>	<p>The Applicant acknowledges FCC's comments and has provided an updated assessment of the landscape and visual effects associated with the proposed changes within the Change Application. This includes an updated Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15) and updated photomontages within ES Figure 15.25 to 15.30 Viewpoint Wireline Sheets (EN010166/APP/6.3).</p>
16.53	<p>Furthermore, the Council welcomes the commitment of the Applicant in providing a further assessment of the proposed reduction in stack height and looks forward to receiving the assessment for further review and comment, and engaging with the Applicant further on the proposed change</p>	
16.54	<p>Conclusion on assessment of Landscape impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: NEGATIVE 	<p>The Applicant acknowledges the conclusions made by FCC, and summarises their responses, below:</p> <p>Construction Phase: The Applicant has confirmed that:</p> <ul style="list-style-type: none"> • the scope and methodology were developed in accordance with best practice, with significant effects confined to within 2.5 km of the Main Development Area;

Reference	Source Document Text	Applicant's Response
		<ul style="list-style-type: none"> • the assessment accords with PPW12, Future Wales and Flintshire's LDP, with no identified conflict; • as identified in Appendix 15-D: Landscape Impact Assessment and Appendix 15-E: Visual Impact Assessment, construction activities would result effects ranging from Negligible to Major Adverse, reflecting temporary plant, laydown areas, and construction infrastructure – these are reduced through embedded mitigation including fencing, screening and early-stage planting commitments set out in the Outline LEMP (EN010166/APP/6.9); • temporary moderate adverse visual effects are acknowledged for the closest receptors, with mitigation provided via screening, lighting controls, and careful construction management; • where considered appropriate, further material requested by FCC will be provided at Deadline 4; and • Construction Phase mitigation is secured through the Framework CEMP (EN010166/APP/6.5). <p>Operational Phase: The Applicant has responded as follows:</p> <ul style="list-style-type: none"> • Operational landscape effects relate primarily to the CCGT and CCS structures. Effects are assessed as ranging from Negligible to Major Adverse. • As identified in Appendix 15-D: Landscape Impact Assessment and Appendix 15-E: Visual Impact Assessment, no significant effects on the Clwydian Range and Dee Valley National Landscape; a conclusion supported by NRW. • Sequential views along key routes (e.g., NCR 5, A548) have been assessed and are not considered significant. • Only the HyNet CO₂ Pipeline Project produces a significant cumulative effect with no additional cumulative effects occurring beyond the 15 km study. • A plume related visual impact assessment will be provided at Deadline 4. • The Applicant maintains that the Proposed Development accords with relevant policy, with effects appropriately minimised and mitigated through embedded design measures and long-term stewardship established in the Draft DCO (EN010166/APP/3.1).

Table 14: Response to Part C, Section 17 (Principle of Development/Climate Change) of LIR

Reference	Source Document Text	Applicant's Response
17.1	The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.	The Proposed Development will make a positive contribution toward this target in addition to the UK Government's legally binding target of net zero by 2050 and its Clean Power 2030 action plan.
17.2	PPW provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.	The Applicant notes that renewable energy policy is not considered relevant to the Proposed Development. The Applicant provides its assessment of the Proposed Development's compliance with policy related to low carbon energy within Table 2.5 at Appendix 2 of the Planning Statement [APP-262] .
17.3	Future Wales, the National Plan 2040 forms part of the adopted development plan for all local planning authority areas in Wales.	This is noted.
17.4	Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, 'in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.	The Applicant provides its assessment of the Proposed Development's compliance with this policy at Table 2.4 of Appendix 2 of the Planning Statement [APP-262] .
17.5	Policy 1 drives the delivery of the Future Wales Outcomes and ensures 'Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.	The Proposed Development will make a positive contribution to the decarbonisation of the power sector in addition to the security of electricity supply.
17.6	LDP Policy EN13: Renewable and Low Carbon Energy Development states that: <i>"All renewable or low carbon energy proposals will be permitted provided that: i. the development does not prejudice the purpose of the ILSAs [indicative local search areas] to maximise opportunities for large scale solar PV development; ii. the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location; iii. there would not be unacceptable loss of public amenity or accessibility to the area; iv. the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered; v. there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting; vi. any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality; vii. in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground; viii. adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use."</i>	The Applicant provides its assessment of the Proposed Development's compliance with this policy within Table 2.6 at Appendix 2 of the Planning Statement [APP-262] .
17.7	Of relevance, the explanatory text that accompanies Policy EN13 states: <i>"The Council is aware that the energy sector is going through significant changes in the light of the need to de-carbonise energy production. Innovative new energy sources such as hydrogen are being developed and there may be opportunities for such development within the County given its long standing energy production role"</i>	The Applicant notes that there are other innovative technologies such as Carbon Capture and Storage. Paragraph 4.2.6 of Planning Statement [APP-262] details how the Clean Power 2030 Action Plan (2024) defines carbon capture as an innovative technology. As outlined within the Planning Statement, the Applicant considers that this is of relevance to the Proposed Development.
17.8	Welsh Government has declared a climate emergency in Wales and has set plans for the public sector to be carbon neutral by 2030 (Welsh Government, 2019). As a result, the Council has set the target date of 2030 to decarbonise Council operations and promote the protection and enhancement of the county's natural environment. The Council has published a Climate Strategy – 2029/30) to help meet this goal (Flintshire County Council, 2021).	The Applicant notes that the date of the strategy should be 2022-2030, and it was adopted in 2022.

Reference	Source Document Text	Applicant's Response
17.9	The Applicant's Planning Statement [APP-262] considers the Energy and Planning Policy and Legislative context for this proposed development. The document sets out general conformity with NPS EN-1, NPS EN-2, NPS EN-4 and NPS EN-5.	The Planning Statement [APP-262] (Section 6, Section 8 and Policy Assessment Tables (Appendix 2)) demonstrates that there is no conflict between the Proposed Development and relevant national, regional or local planning policy and that its benefits outweigh any limited residual impacts, notwithstanding the fact it is low carbon infrastructure that is a critical national priority.
17.10	From a carbon reduction perspective, the Council are supportive of the proposal due to the anticipated carbon emissions savings that would be prevented from entering the atmosphere. As such, the CQLCP project would contribute to carbon reduction and, in turn aid the UK in its target to be net zero carbon by 2050. The Council agree that the proposal would deliver clear and substantial benefits on a local, regional and national level in this regard.	This is acknowledged by the Applicant.
17.11	The Council does however retain concerns relating to the carbon capture component of the facility its future operation and interdependence with other schemes. The Council is aware that this development is dependent on provision of the HyNet development and seeks greater consideration of outcomes if the HyNet development were to not be developed or were to fail. The Council believe that further consideration should be taken of a scenario where the carbon capture technology were to not be operating.	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 Table 3 of the Applicant's Response to Deadline 2 Submissions (EN010166/APP/9.14) , the Applicant considers that the separate pollution control regime, together with the DPA, will adequately control the operational emissions from the Proposed Development.
17.12	It is noted in paragraph 4.12.10 of NPS EN-1 makes it clear that the Secretary of State, in considering applications of this kind, " <i>should work on the assumption that the relevant pollution control regime will be properly applied and enforced by the relevant regulator</i> " as referenced in the Initial Specific Hearing 1. However, the Council retains a concern that should the carbon capture element not be delivered the positive policy support for a development of this kind is no longer applicable.	Nevertheless, for the avoidance of doubt, the Applicant has updated the Draft DCO (EN010166/APP/3.1) at Deadline 3 to define " <i>carbon dioxide capture plants</i> " to mean those which are " <i>designed to capture a minimum rate of 95% of the carbon dioxide emissions of the generating station operating at full load</i> " (Article 2(1)) and to insert a new requirement providing that " <i>Work No. 1(a) may not be brought into commercial use without Work Nos. 1(b), 1(c), 1(e), 7 and 8 also being brought into commercial use and Work Nos. 7 and 8 being connected to an operational storage site</i> " (Schedule 2, Part 1, Requirement 21).
17.13	<p>Summary</p> <p>The following position of the Council should be noted:</p> <ul style="list-style-type: none"> The Council are supportive of the proposal due to the anticipated carbon emissions savings and notes significant policy support. The proposal would contribute to the UK in its target to be net zero carbon by 2050 and would deliver clear and substantial benefits on a local, regional and national level. However, the Council retains significant concerns that should the carbon capture component of the facility fail in its future operation or be undeliverable due to interdependence with other schemes. Then the positive policy support for this Proposed Development is no longer applicable. 	This is noted and responded to above.
17.14	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> Construction Phase: NEUTRAL Operational Phase: POSITIVE (should carbon capture be delivered) NEGATIVE (should carbon capture be delivered) 	<p>For the operational phase, FCC concludes a "NEGATIVE" assessment of impact "should carbon capture be delivered". However, it is assumed that this should read "should carbon capture not be delivered" (our emphasis in bold).</p> <p>Please see the responses above at references 17.11. and 17.12.</p>

Table 15: Response to Part C, Section 18 (Land Contamination) of LIR

Reference	Source Document Text	Applicant's Response
18.1	<p>Planning Policy Wales (PPW) guidance sets out the land use planning policies of the Welsh Government. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.</p>	<p>This is noted by the Applicant.</p>
18.2	<p>Policy STR14 of the adopted Flintshire Local Development Plan sets out strategic principles in respect of climate change and environmental protection and states that:</p> <p><i>“The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:</i></p> <p><i>vi. Ensuring that new development has regard to the protection of the environment in terms of... contaminated land.”</i></p>	<p>The policy is considered within the Planning Statement [APP-262] at Table 2.6, Appendix 2.</p>
18.3	<p>PC2: General Requirements states that all development should not result in or be susceptible to problems related to, contamination, either on or off site.</p>	<p>Policy PC2 is considered within the Planning Statement [APP-262] at Table 2.6 Appendix 2.</p>
18.4	<p>The Council's contaminated land officer has provided the Applicant with preapplication advice, and there has been ongoing discussions with the Applicant's consultants. In terms of dealing with land contamination, the approach to that had, for the most part, been put in place in the Applicant's Land Contamination Methodology [APP-217].</p>	<p>The Applicant acknowledges FCC's inputs and has no further comment.</p>
18.5	<p>The extent and scope of the Applicants' approach to land contamination is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed. It is understood that information relating to the findings of the sampling and any remediation which may be necessary, will be submitted in due course.</p>	
18.6	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: NEUTRAL 	<p>The Applicant acknowledges the conclusions provided by FCC.</p>

Table 16: Response to Part D, Section 19 (General Comments on the Draft DCO) of LIR

Reference	Source Document Text	Applicant's Response
19.1	<p>In undertaking this review the following document is referenced and has been reviewed: - Draft Development Consent Order - Document Reference: EN010166/APP/3.1 dated August 2025 [APP-019]</p>	<p>The Applicant acknowledges the inputs provided by FCC regarding the Draft DCO (EN010166/APP/3.1) and responds to the specific points of drafting below.</p>
19.2	<p>The Council reserves the right to provide additional comments on the draft DCO at a later stage as it is understood that further amendments will be submitted at a later stage in the Examination</p>	
19.3	<p>Notwithstanding this, it is noted that: The Local Highway Authority is satisfied with the proposed draft DCO requirements which will ensure that full traffic management plans and construction worker travel plans will be approved in consultation with the Local Highway Authority prior to the commencement of any stage of development</p>	
19.4	<p>PART 3 – Streets</p> <p>Article 17 provides access to works and gives the Applicant powers to layout temporary and permanent means of access within the Order Limits. We notice that in the HyNet DCO the Applicant had to first obtain the consent of the Authority which allowed the Authority to vet/consider the detailed design of these works. If not covered elsewhere we believe this should also be repeated in this DCO.</p>	<p>Article 17 (access to Works) of the Draft DCO (EN010166/APP/3.1) mirrors Article 16 (access to works) of the HyNet Carbon Dioxide Pipeline Order 2024 (HyNet Order) in that paragraph (2) requires the consent of the street authority, in consultation with the relevant planning authority. Paragraph (2) of Article 16 the HyNet Order is broken down into the equivalent paragraphs (2), (3) and (4) of Article 17 of the Draft DCO (EN010166/APP/3.1) to ensure that the Draft DCO (EN010166/APP/3.1) follows best practice statutory instrument drafting but the content of the provisions is equivalent in that both 'access to works' articles provide:</p> <ul style="list-style-type: none"> (1) the power to form and lay out means of access, or improve existing means of access, at such locations within or adjacent to the Order limits as the undertaker reasonably requires for the purposes of the Proposed Development; (2) that subject to certain conditions, this power cannot be exercised without the consent of the street authority in consultation with the relevant planning authority; (3) that such consent can be subject to conditions but cannot be unreasonably withheld or delayed; (4) consent is deemed if not given within 42 days; and (5) where the access in question is already specified in Schedule 1 or 7 (new means of access), consent is not required. <p>The power provided for in the Draft DCO (EN010166/APP/3.1) is equivalent to that in the HyNet Order and, therefore, the equivalent approval power is provided for the local authority. This wording is, therefore, is considered suitable by the Applicant and no change is proposed to the drafting of this Article.</p>
19.5	<p>PART 6 - Miscellaneous and general</p> <p>Article 44 provides that Schedule 13 (protective provisions) has effect. From the Highways Development Control perspective, Flintshire County Council believe that the draft DCO needs to include the protective provisions for the Local Highway Authority which were again covered in the Hynet DCO. The protective provision gave comfort in terms of highway condition and assets surveys, HGV route remediation and allowed for an appropriately qualified officer of the Authority to participate in the design of the works covered by the DCO.</p>	<p>Whilst there is precedent for protective provisions being included for the benefit of the local highway authorities within the HyNet Order, such protections were secured in the context of a different project with different highways impacts and, importantly, a different form of control on traffic management within the requirements. Whilst the HyNet Order secured an Outline CTMP in the same way as the Draft DCO (EN010166/APP/3.1) secures the Framework CTMP [REP1-025] within Requirement 5 of the Draft DCO (EN010166/APP/3.1), the content of these outline plans differs. The Applicant considers that the gaps within the HyNet CO₂ Pipeline Project Outline CTMP, which were filled by the highways protective provisions in the HyNet Order, are already covered by the Framework CTMP [REP1-025].</p> <p>For example, paragraph 4.2.17 of the Framework CTMP [REP1-025] already provides a requirement for highway condition surveys to take place for the proposed routes for</p>

Reference	Source Document Text	Applicant's Response
		<p>construction within the vicinity of the Proposed Development. Section 3.4 of the Framework CTMP [REP1-025] provides for detail regarding HGV forecasts and recommended routes. The design of certain highway works, such as the access to site, is provided indicatively within the Framework CTMP [REP1-025].</p> <p>In addition, unlike the HyNet Order, all highway works required for the project are within the same highway authority boundary and so all final CTMP(s) will be approved by the same planning authority in consultation with the same highway authority pursuant to Requirement 5 of the Draft DCO (EN010166/APP/3.1).</p> <p>The Applicant considers that if additional controls are required by the highway authority, these should be secured within the CTMP, rather than a separate set of protective provisions. The Applicant is open to engagement with the local highway authority regarding the form and content of the Framework CTMP [REP1-025] accordingly.</p>

Table 17: Response to Part D, Section 20 (Commentary on Applicant's Draft DCO Requirements) of LIR

Reference	Source Document Text	Applicant's Response
20.1	The Council has reviewed the Applicant's Draft Planning Requirements set out in Schedule 2 of the DCO and has and the following observations to make.	The Applicant responds to each point raised below.
20.2	<p>PART 1 Requirements</p> <p>Detailed design (3)</p> <p>Detailed design (3) states that in relation to any stage of the authorised development no development of that stage is to commence until details for that stage have been submitted to and approved by the relevant planning authority. However (2) states that the written details that are submitted for approval pursuant to sub-paragraph (1) must be in 'general accordance' with the design principles document.</p>	<p>Requirement 3 provides for the relevant planning authority's approval of detailed design for each stage of the Proposed Development.</p> <p>To provide a basis for the approval by the relevant planning authority and ensure that the assumptions in the ES regarding design have been adequately secured within the Draft DCO (EN010166/APP/3.1), sub-paragraph (2) additionally provides that the details so approved need to be in general accordance with the design principles document, lighting strategy and parameter plans.</p> <p>This is not to the exclusion of other control documents, which are separately secured within the requirements and will also need to be adhered to by the Applicant. See for example, Requirement 10 which secures the LEMP.</p>
20.3	This is too vague to enable other assessments / detailed mitigation e.g. Visual and ecological impacts LEMP. Mitigation against worst case scenario may well result in unnecessary mitigation resulting other impacts / effects.	<p>It will be for the Applicant to ensure that the design it obtains approval for under Requirement 3 adequately aligns with the LEMP approved under Requirement 10 (and other equivalent control documents secured by other requirements). These all fit together to form a comprehensive control on the way in which the Proposed Development will be delivered to ensure that the assumptions made within the ES and the mitigations relied upon for the ES conclusions are adequately secured.</p> <p>As explained in response to Action Point 8 within the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 and response to Action Points [REP1-065], where any requirement provides that the authorised development or any part of it is to be carried out in 'general accordance' with details, or a scheme, plan or other document, this is intended to mean that the undertaker will carry out such works in a way that is consistent with the information set out in those details, schemes, plans or other document or any subsequent version of the details, scheme, plan or document approved under a requirement. The reason for 'general accordance' to be used, rather than simply 'accordance', is due to the nature of the management plans to which these requirements relate.</p>
20.4	It is recommended that an additional requirement is included to provide detailed design for approval on a stage-by-stage basis. Details include the need to see the elevations for example.	<p>As explained above, Requirement 3, when read in combination with the other requirements in Schedule 2, provides for the detailed design approval on a stage by stage basis.</p> <p>It is unclear what the additionally requested requirement would secure beyond what is already secured within Requirement 3. Requirement 3 already requires approval of detailed design on a stage by stage basis in compliance with relevant control documents and includes the approval of details such as "<i>(a) the siting, layout, scale and external appearance, including colour, materials and surface finishes of all new permanent buildings and structures; (b) finished floor levels; (c) the height of the stacks which must be at a level at which— (i) the environmental effects will be no worse than those identified within chapter 8 of the environmental statement; and (ii) there would be no adverse effect on integrity of any European Site; (d) hard standing; and (e) the internal vehicular access and circulation roads, vehicle parking, cycle parking and routes, and pedestrian facilities and routes.</i>"</p>
20.5	PART 2 - Applications made under requirements	The 35-day timescale for discharge is precededented in past Orders such as The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024

Reference	Source Document Text	Applicant's Response
	Applications made under requirements (23) has given only 35 days for the determination of applications. This is 5 weeks in comparison to the 8 weeks for discharge of Hynet and for other planning conditions. This period is too short and not in accordance with standard timescales for determining applications.	(Paragraph 1 (applications made under requirements) of Schedule 4 (discharge of requirements)).
20.6	It is recommended that this be amended to 56 days (8 Weeks) to remain in line with the HyNet DCO and gives comfort to Flintshire County Council to consider the requirement.	From a practical perspective, the Applicant would intend to work closely and pro-actively with FCC to ensure that the 35-day timescale can be met. This process, which the Applicant would be pleased to discuss in detail with FCC, will allow all future applications to be determined swiftly and within the timescales set out.
		The Applicant considers that 5 weeks is adequate time to discharge the relevant requirement applications. Extending this timescale to the requested 56 days would not be conducive to delivering the Proposed Development in the timely manner required. As set out in the Planning Statement [APP-262] , there is an urgent need for the Proposed Development to be delivered as a Critical National Priority Project. Accordingly, the five-week timescale proposed by the Applicant is justified and necessary to ensure timely delivery of the Proposed Development.
20.7	<p>Multiple Discharging Authorities</p> <p>Part 2 of Schedule 2 appears to omit reference to 'Multiple Discharging Authorities'. It is recommended that wording is provided:</p> <p><i>"Where an application is required to be made to more than one discharging authority for any single consent, agreement or approval under a requirement, the undertaker may submit a request for comments in respect of its proposed application to each discharging authority and, where it does so, each discharging authority must provide its comments in writing on the proposed application within a period of 20 days beginning with the day immediately following that on which the request is received by the authority, or such longer period as may be agreed in writing by the undertaker and the relevant authority or authorities, so as to enable the undertaker to prepare a consolidated application to each discharging authority in respect of the consent, agreement or approval required by the requirement."</i></p>	FCC is the only 'relevant planning authority' within the Order limits. Only the 'relevant planning authority' is the discharging authority for the purposes of requirement discharges (there are various other consultees for requirements but only FCC has the discharging authority). Accordingly, a paragraph covering multiple discharging authorities is not required.
20.8	<p>Further Information</p> <p>Part 2 of Schedule 2 'Further Information' (24) states that:</p> <p><i>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within 10 business days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within 10 business days of receipt of such a request and in any event within 20 business days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</i></p>	<p>The wording provided for in the Draft DCO (EN010166/APP/3.1) is longer than the precedent of the Hynet Order because the Draft DCO (EN010166/APP/3.1) allows for '10 business days' rather than just '10 days'.</p> <p>The Applicant considers the timescales within paragraph 24 (further information) to be highly standard and does not propose any amendment to this drafting.</p>
20.9	This allows a timeframe for any consultation responses to be returned to the undertaker. It allows 10 days to issue consultation from the date of receipt, then 10 days for comments to be turned around. This is considered to be too restrictive. There is little point of the 5 week total time (8 week requested) when this is the case in most discharges of requirements. Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.	
20.10	<p>Fees</p> <p>Part 2 of Schedule 2 'Fee's (25) states that:</p>	The Applicant has reviewed the figures in the fees schedule against the latest fees, which came into effect following the submission of the Application, and has updated the Draft DCO (EN010166/APP/3.1) to provide for the updated sum.

Reference	Source Document Text	Applicant's Response
	<i>(a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or (b) a fee of £117 per application or request.</i>	
20.11	It is considered that this fee is nominal. If it could be increased from £117 to reflect new fee regulation (which is £242) at the very least that would be an improvement. The new fees were applied from 1 December 2025 onwards 'The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015' (as amended).	
20.12	<p>Issues with Simultaneous discharge applications</p> <p>There appears to be no restriction on the submission of multiple applications being sent at the same time. This has caused issues with resources with the turnaround dates (including consultation issues with the proposed 10 days for comments) to be complete in the time scales.</p>	<p>Whilst the Applicant appreciates the potential resourcing constraints at the local planning authority, there is an urgent need to deliver the Proposed Development, as a Nationally Significant Infrastructure Project (NSIP) that is of Critical National Priority. At Deadline 1, the Applicant made amendments to the Draft DCO (EN010166/APP/3.1) to provide for a staging plan to be submitted to the relevant planning authority for information. This should aid the authority in resource planning for when requirement discharges for each stage will be submitted.</p> <p>It would be highly inappropriate to control when requirement discharges may be submitted and contrary to the need to deliver NSIPs quickly and efficiently. Accordingly, the Applicant proposes no amendment to the drafting of the Draft DCO (EN010166/APP/3.1) in this regard.</p>

2.2 Part E: Conclusions

- 2.2.1 The Applicant acknowledges Part E: Conclusions of the LIR **[REP2-021]** and has responded in turn, in the tables above, where these are originally stated.

Abbreviations

Abbreviation	Term
AGI	Above Ground Installation
AIA	Arboricultural Impact Assessment
AIL	Abnormal Indivisible Load
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
APP	Application document reference
BS	British Standard
BwNSF	Building with Nature Standard Framework
BCT	Bat Conservation Trust
CCGT	Combined Cycle Gas Turbine
CCP	Carbon Capture Plant
CCS	Carbon Capture and Storage
CCUS	Carbon Capture, Usage and Storage
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CLVIA	Cumulative Landscape and Visual Impact Assessment
CMP	Core Management Plan
CO2	Carbon dioxide
CRDVNL	Clwydian Range and Dee Valley National Landscape
CTMP	Construction Traffic Management Plan
CWTP	Construction Worker Travel Plan
DAS	Discretionary Advice Service
DBW	Daytime Bat Walkover
DCC	Denbighshire County Council
DCO	Development Consent Order
DECCA	Diversity, Extent, Condition, Connectivity and Aspects
DeeNats	Deeside Naturalists' Society
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DNS	Deeside Naturalists' Society

DPA	
EcIA	Ecological Impact Assessment
EIA	Environmental Impact Assessment
EN-1	Overarching National Policy Statement for Energy
EN-2	National Policy Statement for Fossil Fuel Electricity Generating Infrastructure
EN-4	National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines
EN-5	National Policy Statement for Electricity Networks Infrastructure
ES	Environmental Statement
ExA	Examining Authority
FCC	Flintshire County Council
FCS	Favorable Conservation Status
FCC	Flintshire County Council
FEED	Front End Engineering Design
FLL	Functionally Linked Land
FWMA	Flood and Water Management Act
GCN	Great Crested Newt
GI	Green Infrastructure
GIS	Green Infrastructure Statement
GLVIA3	Guidelines for Landscape and Visual Impact Assessment, Third Edition
GN46	National Resource Wales guidance on using LANDMAP in Landscape and Visual Impact Assessment
GPS	Global Position System
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HRSG	Heat Recovery Steam Generator
HSI	Habitat Suitability Index
IAP	Important Areas for Ponds
IEF	Important Ecological Feature
IEMA	Institute of Environmental Management and Assessment
ILSA	Indicative Local Search Area
INNS	Invasive Non-Native Species
IP	Interested Parties

JNCC	Joint Nature Conservation Committee
kV	Kilovolt
LCA	Landscape Character Area
LCT	Landscape Character Type
LDP	Local Development Plan
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LSE	Likely Significant Effect
LVIA	Landscape and Visual Impact Assessment
MHWS	Mean High Water Springs
MW	Megawatt
MWe	Megawatts electrical
NBB	Net Benefit for Biodiversity
NBW	Night-time Bat Walkover
NCC	Nature Conservancy Council
NCN	National Cycle Network
NCR	National Cycle Route
NGET	National Grid Electricity Transmission plc
NOx	Nitrogen oxides
NPS	National Policy Statement / Statements
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
NVC	National Vegetation Classification
OHS	Outer Horizontal Surface
OLS	Obstacle Limitation Surface
OMH	Open Mosaic Habitat
ONG	Other Neutral Grassland
PA 2008	Planning Act 2008
PEA	Preliminary Ecological Appraisal
PEIR	Preliminary Environmental Information Report
PPE	Personal Protective Equipment
PPW	Planning Policy Wales

PRA	Preliminary Roost Appraisal
PRF	Potential Roost Feature
PRoW	Public Right of Way
RIHRA	Report to Inform Habitats Regulations Assessment
RPA	Root Protection Area
RR	Relevant Representation
RTK	Real Time Kinematic
S7	Section 7 (priority habitat/species under the Environment (Wales) Act 2016)
SAB	Sustainable Drainage Systems Approving Body
SAC	Special Area of Conservation
SCR	Selective Catalytic Reduction
SEPA	Scottish Environment Protection Agency
SMNR	Sustainable Management of Natural Resources
SoS	Secretary of State
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TAN	Technical Advice Note
UDP	Unitary Development Plan
UAV	Unmanned Aerial Vehicle
UKBAP	United Kingdom Biodiversity Action Plan
UKCCC	UK Committee on Climate Change
UKHab	UK Habitat Classification
WHO	World Health Organization
ZoI	Zone of Influence
ZTV	Zone of Theoretical Visibility

Appendix A: Noise Histogram Plots Showing the Distribution of the L_{A90} Data

The histograms show the distribution of the background sound (L_{A90}) data for each of the long term sound monitoring locations as detailed in Table 9-8 of **Chapter 9: Noise and Vibration [APP-047]**, along with the mean, median, mode L_{A90} values and professional judgement have been used to determine the representative daytime and night-time background sound levels for each monitoring location. Where there has been a range of potential representative L_{A90} values, a conservative approach has been taken to select the lower value.

As stated in paragraph 9.3.12 of **Chapter 9: Noise and Vibration [APP-047]** baseline sound monitoring locations are the same as those set out in Chapter 7 of the EIA Scoping Report (**Appendix 1-A: Scoping Report (EN010166/APP/6.4)**) apart from:

- ST3 – a short-term measurement in place of LT7, on the basis that a secure place to leave the sound monitoring equipment could not be found;
- LT2 – a long-term measurement placed in the garden area of receptor R21 instead of R22, due to access availability; and
- Ecology 1 to 4 – replacing LT10 to provide additional baseline data for ecological assessments.

Long Term (LT) 1

Plate 1: Distribution of Daytime L_{A90} Background Sound Levels (LT 1)

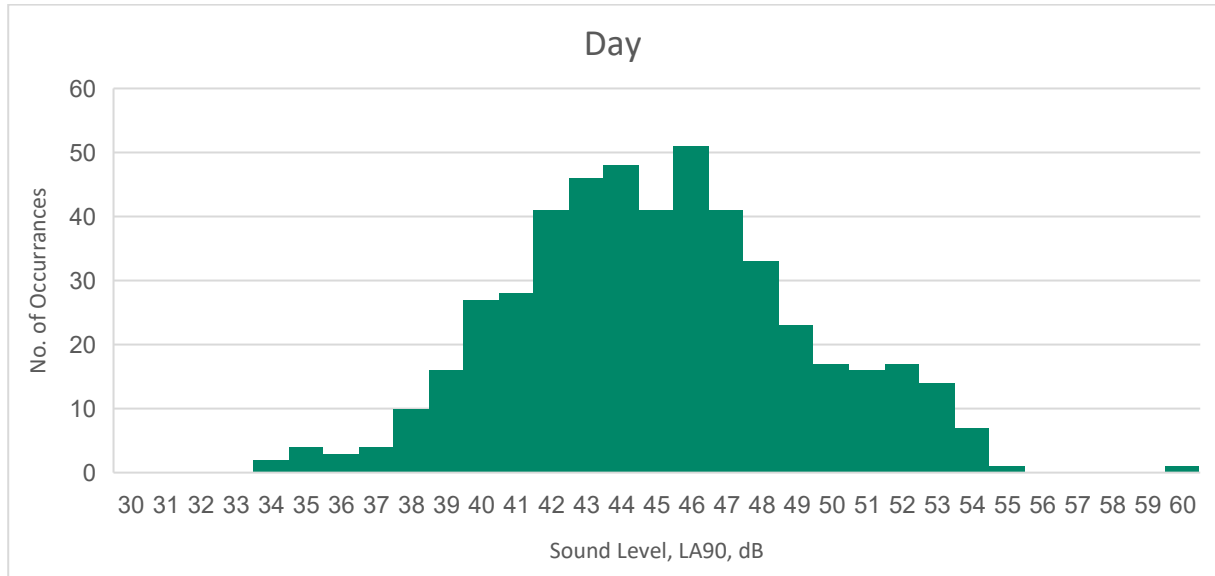


Plate 2: Distribution of Night-time L_{A90} Background Sound Levels (LT 1)

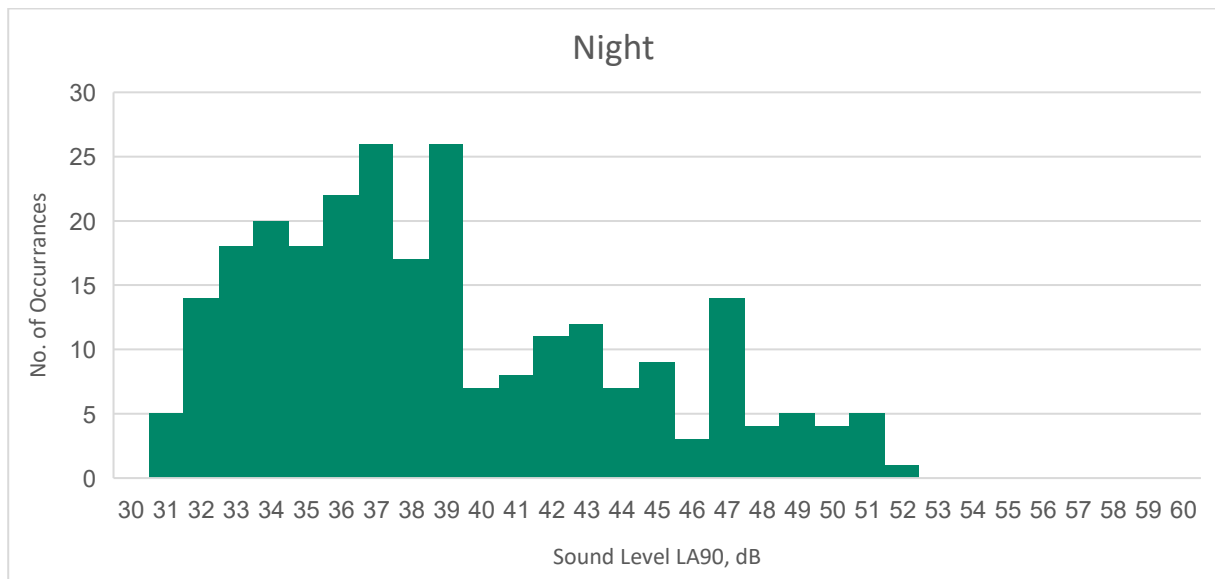


Table 1: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 1)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	45	38
Mean	45	39
Mode	46	39
Representative	44	37

LT 2

Plate 3: Distribution of Daytime L_{A90} Background Sound Levels (LT 2)

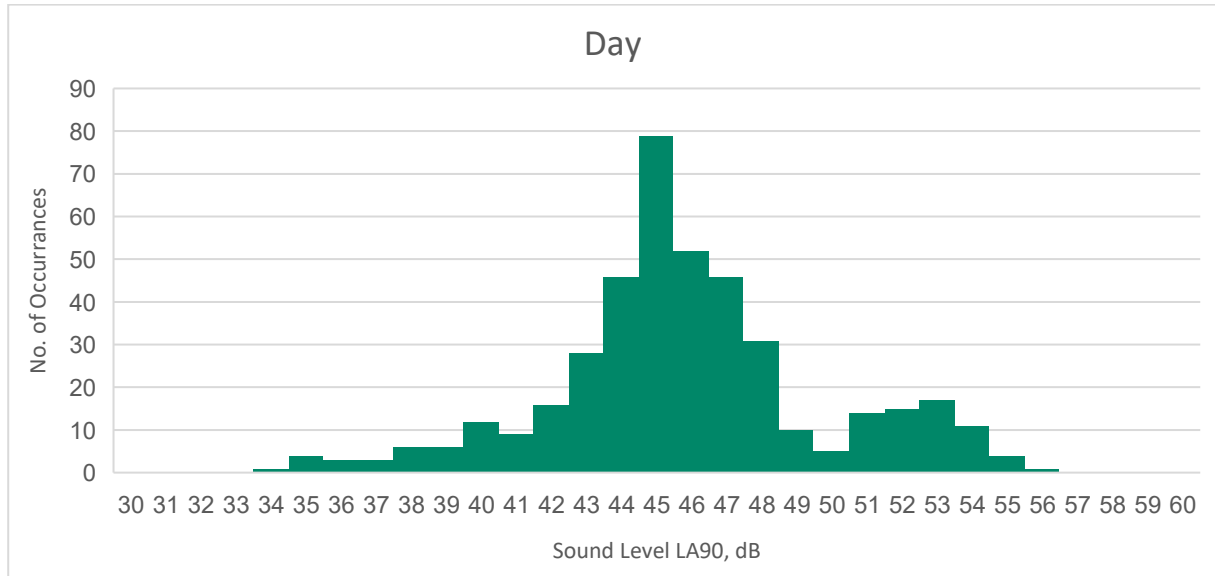


Plate 4: Distribution of Night-time L_{A90} Background Sound Levels (LT 2)

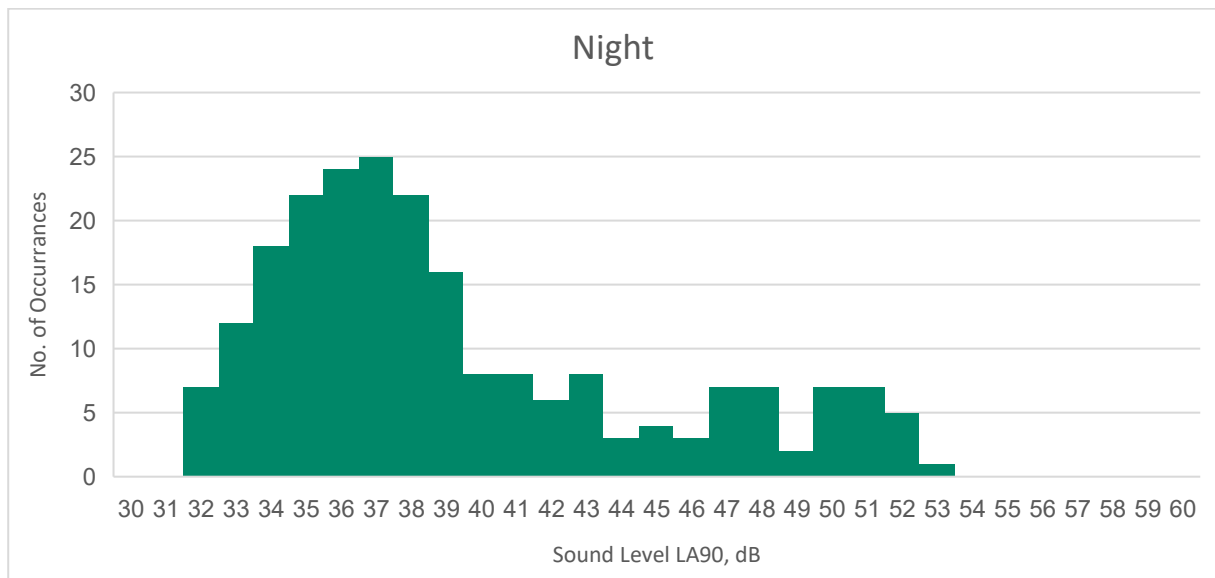


Table 2: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 2)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	45	38
Mean	46	39
Mode	45	37
Representative	45	37

LT 3

Plate 5: Distribution of Daytime L_{A90} Background Sound Levels (LT 3)

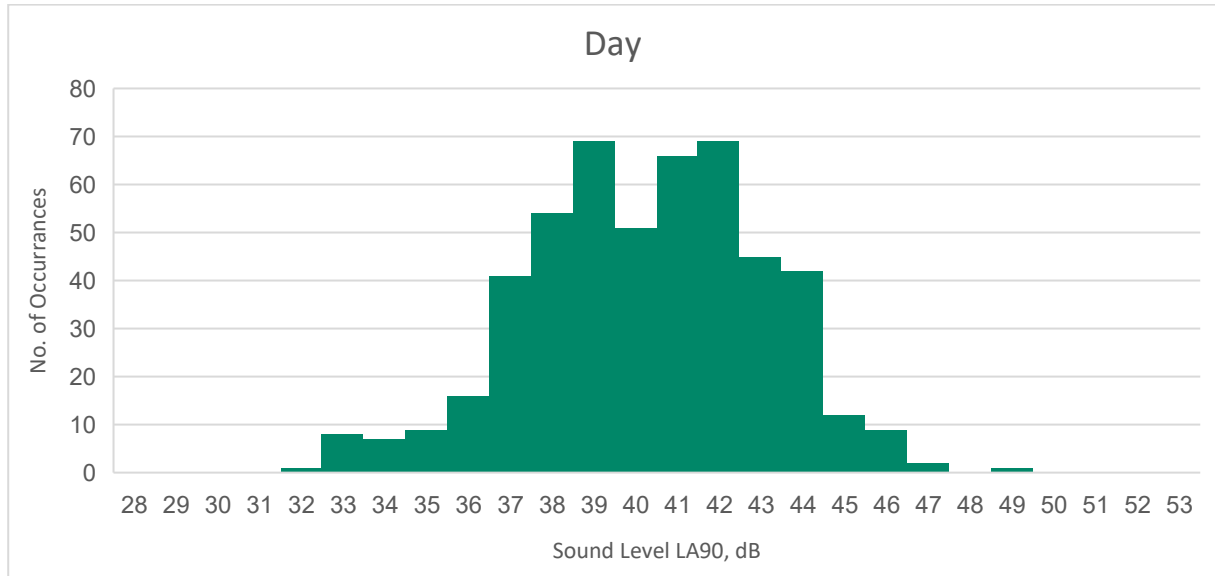


Plate 6: Distribution of Night-time L_{A90} Background Sound Levels (LT 3)

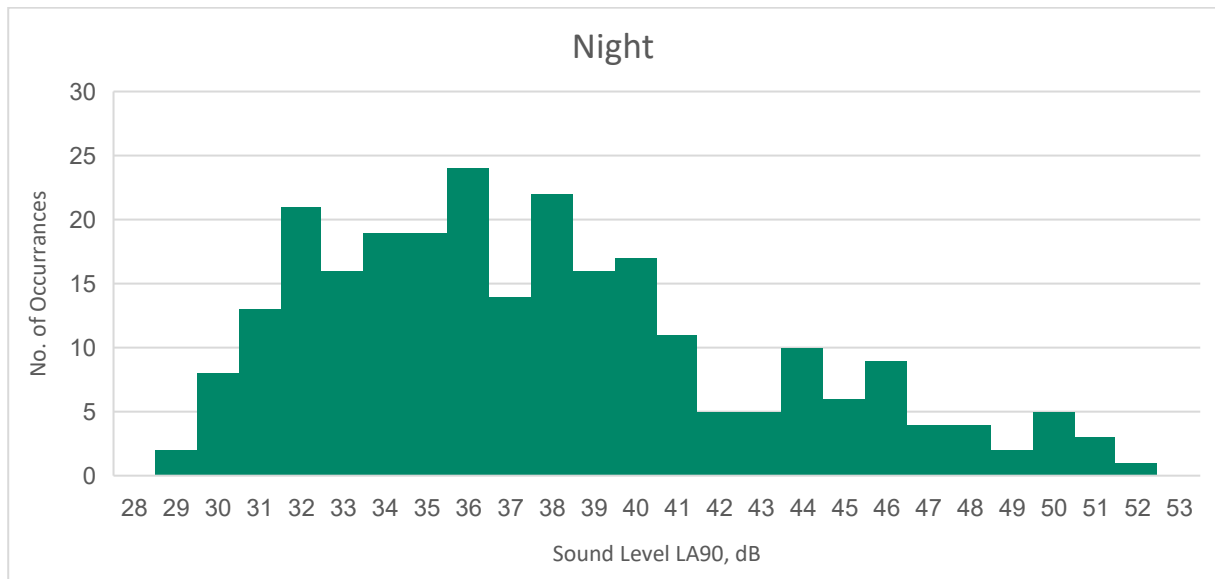


Table 3: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 3)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	40	37
Mean	40	38
Mode	39	36
Representative	39	36

LT 4

Plate 7: Distribution of Daytime L_{A90} Background Sound Levels (LT 4)

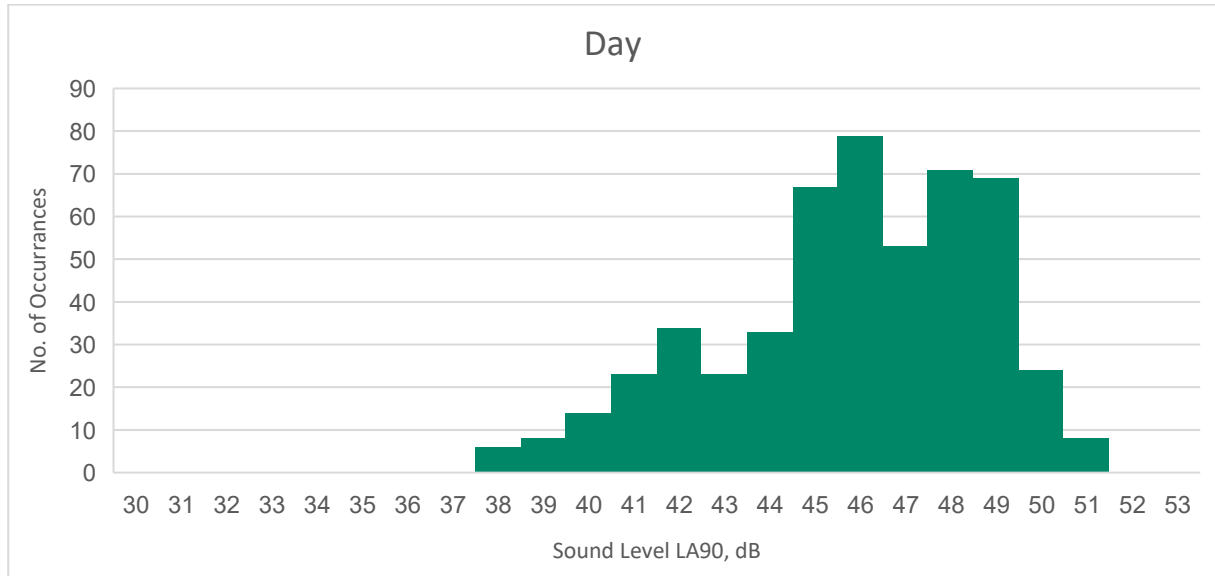


Plate 8: Distribution of Night-time L_{A90} Background Sound Levels (LT 4)

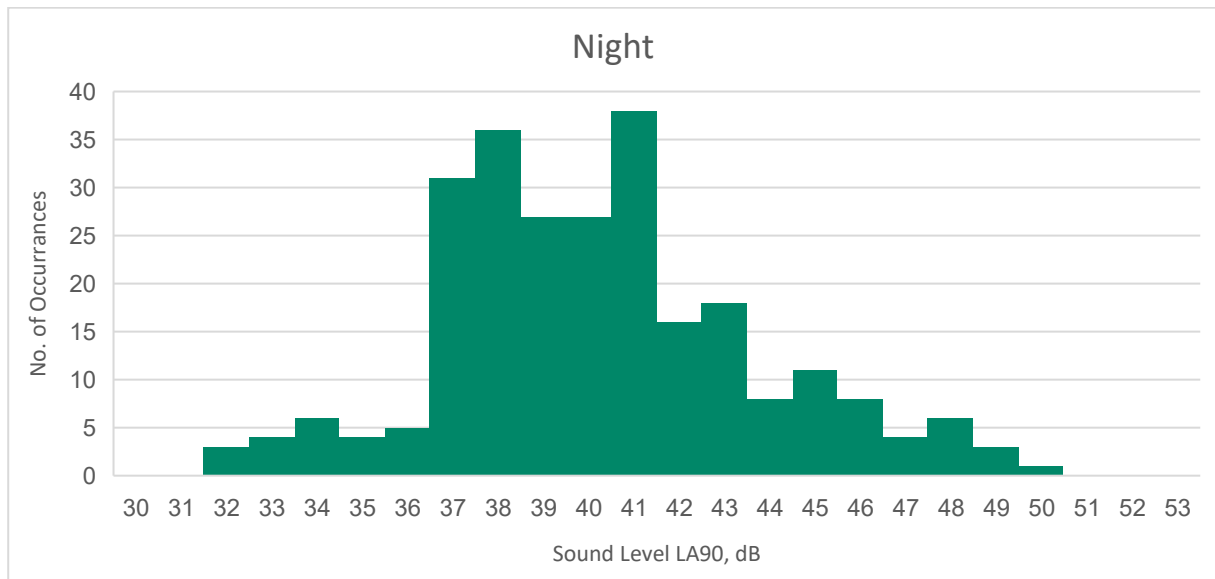


Table 4: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 4)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	46	40
Mean	46	40
Mode	46	41
Representative	46	38

LT 5

Plate 9: Distribution of Daytime L_{A90} Background Sound Levels (LT 5)

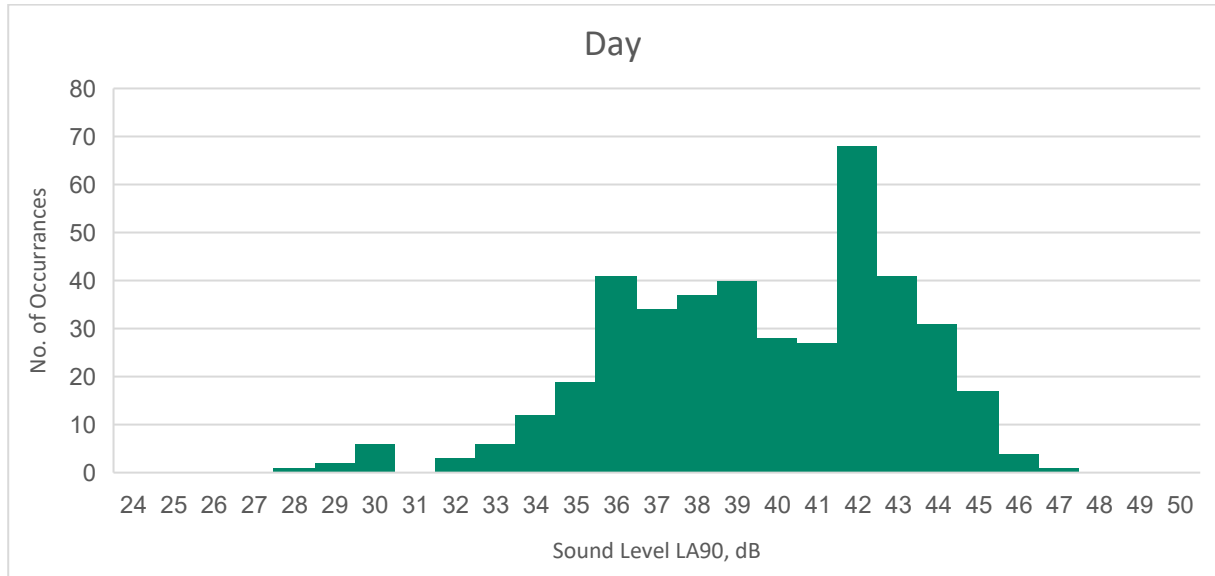


Plate 10: Distribution of Night-time L_{A90} Background Sound Levels (LT 5)

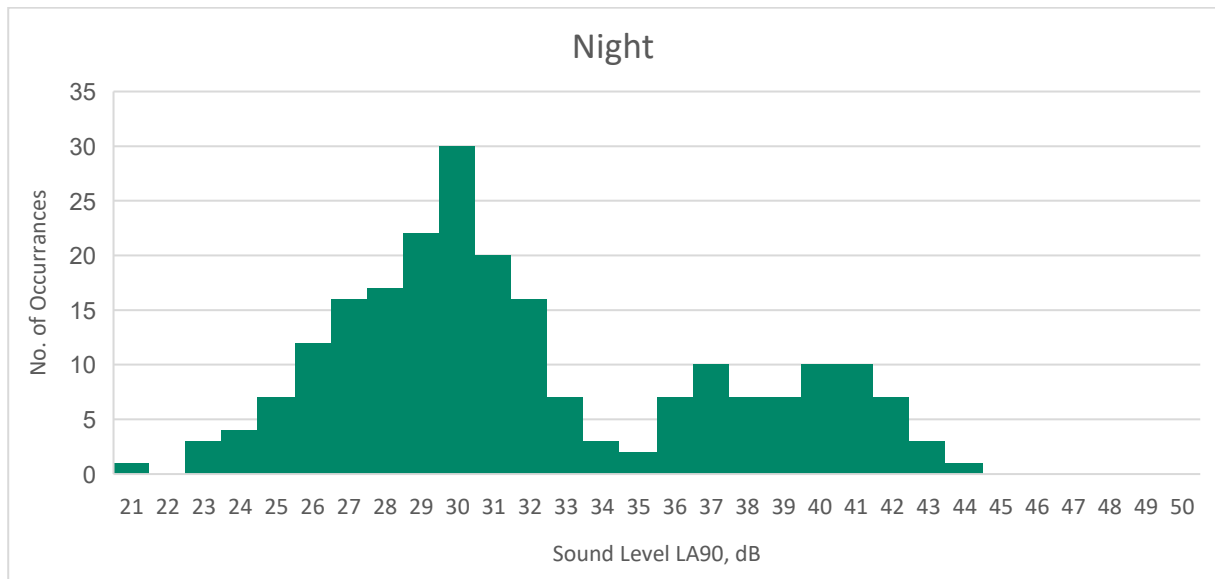


Table 5: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 5)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	40	30
Mean	40	32
Mode	42	30
Representative	36	30

LT 6

Plate 11: Distribution of Daytime L_{A90} Background Sound Levels (LT 6)

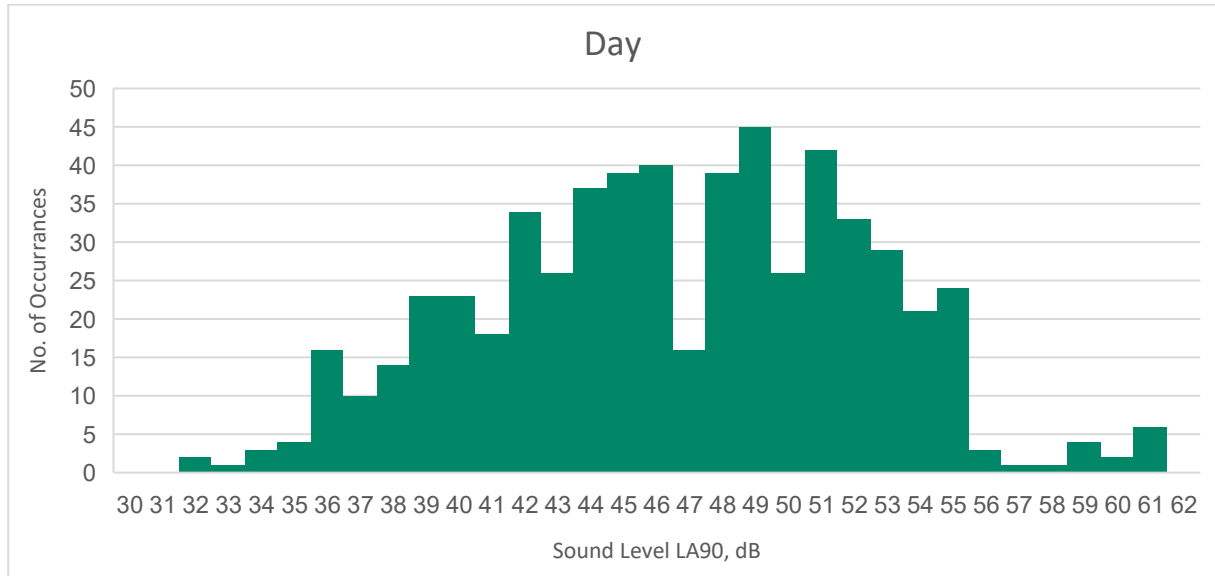


Plate 12: Distribution of Night-time L_{A90} Background Sound Levels (LT 6)

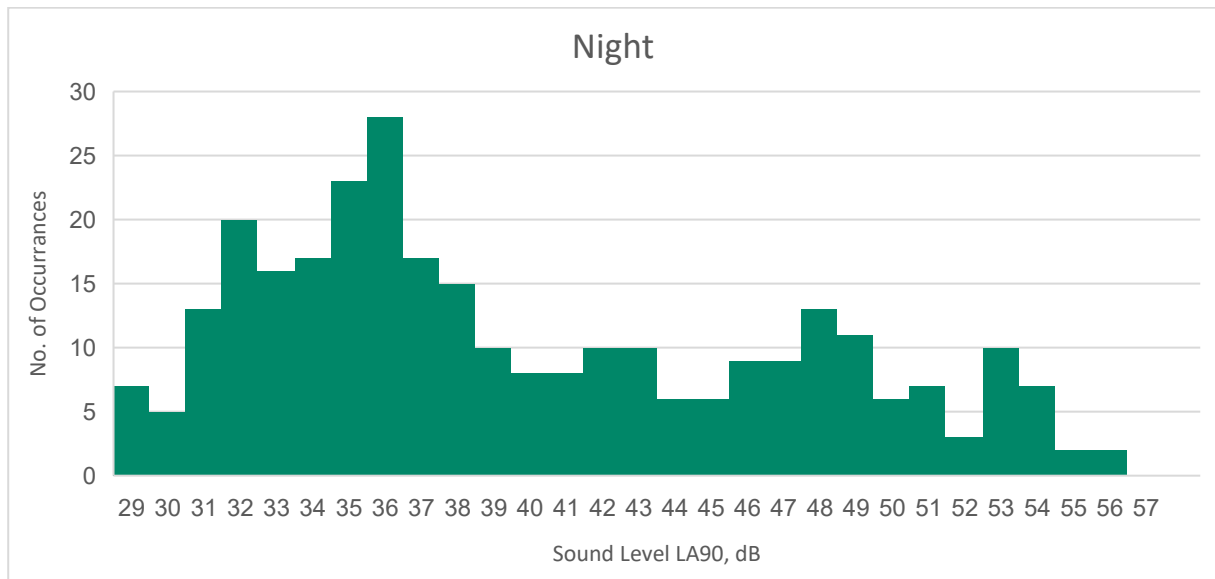


Table 6: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 6)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	47	38
Mean	47	40
Mode	49	46
Representative	39	36

LT 8

Plate 13: Distribution of Daytime L_{A90} Background Sound Levels (LT 8)

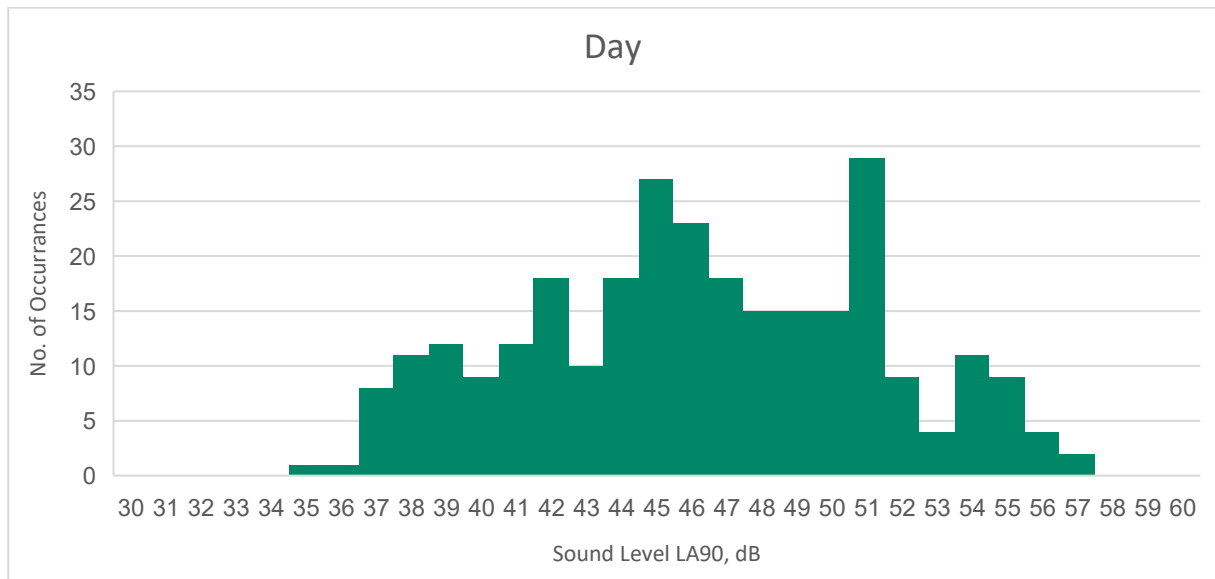


Plate 14: Distribution of Night-time L_{A90} Background Sound Levels (LT 8)

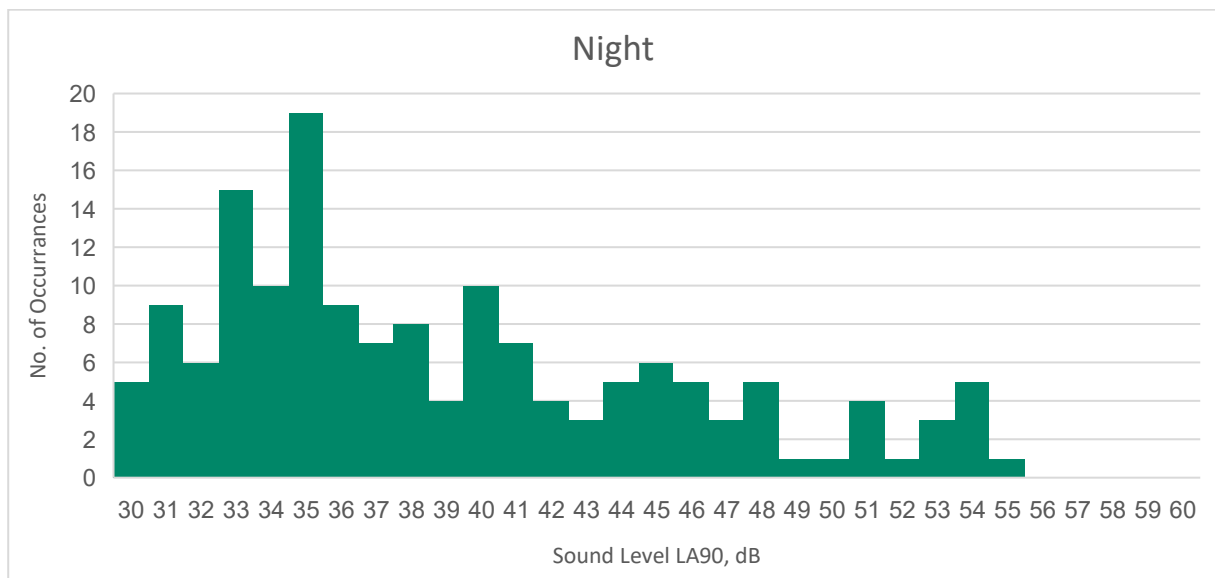


Table 7: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 8)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	46	37
Mean	46	39
Mode	51	35
Representative	45	35

LT 9

Plate 15: Distribution of Daytime L_{A90} Background Sound Levels (LT 9)

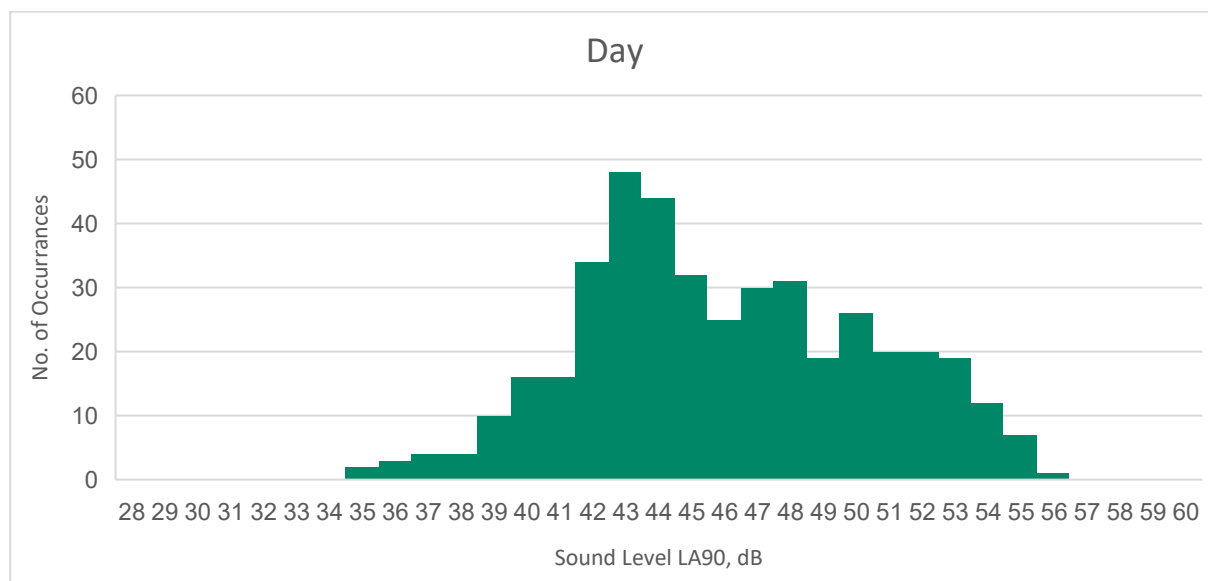


Plate 16: Distribution of Night-time L_{A90} Background Sound Levels (LT 9)

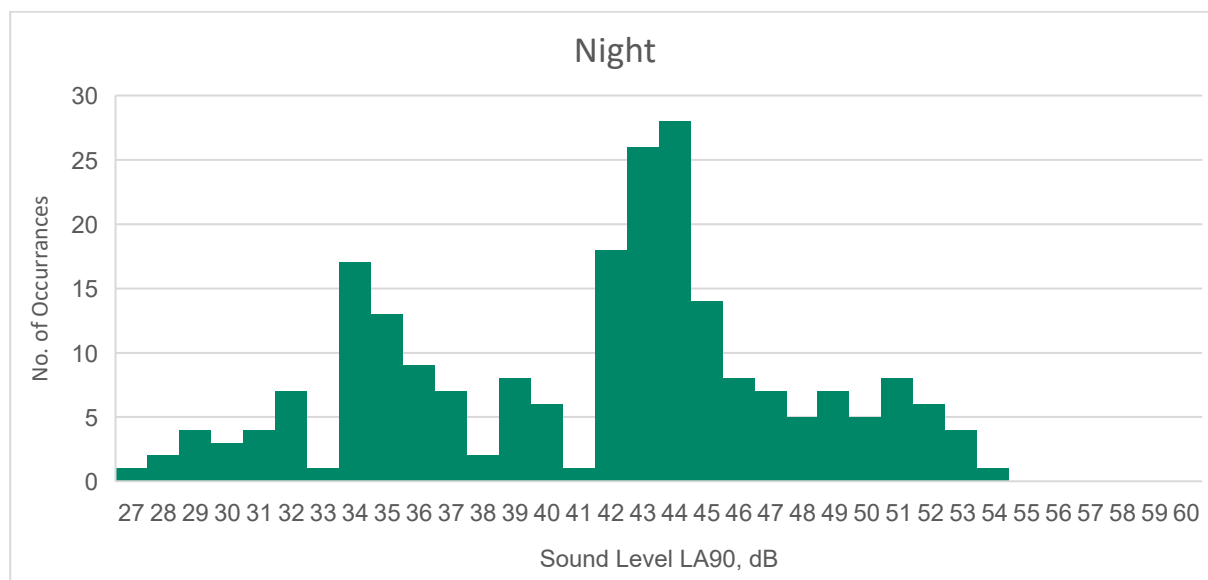


Table 8: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 9)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	45	43
Mean	46	41
Mode	43	44
Representative	43	34

LT 11

Plate 17: Distribution of Daytime L_{A90} Background Sound Levels (LT 11)

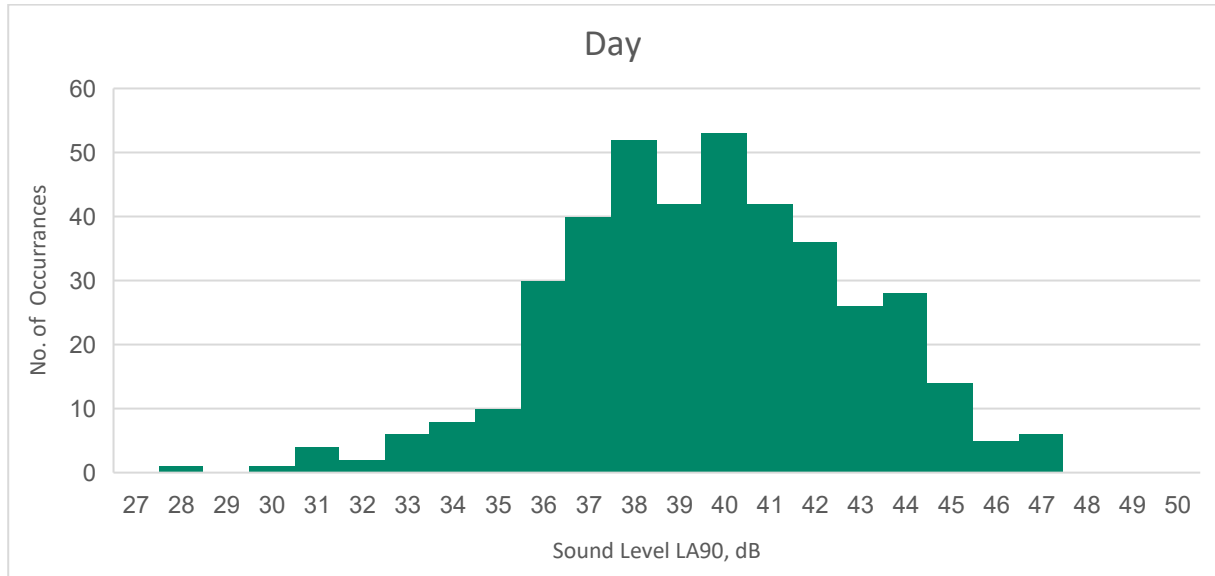


Plate 18: Distribution of Night-time L_{A90} Background Sound Levels (LT 11)

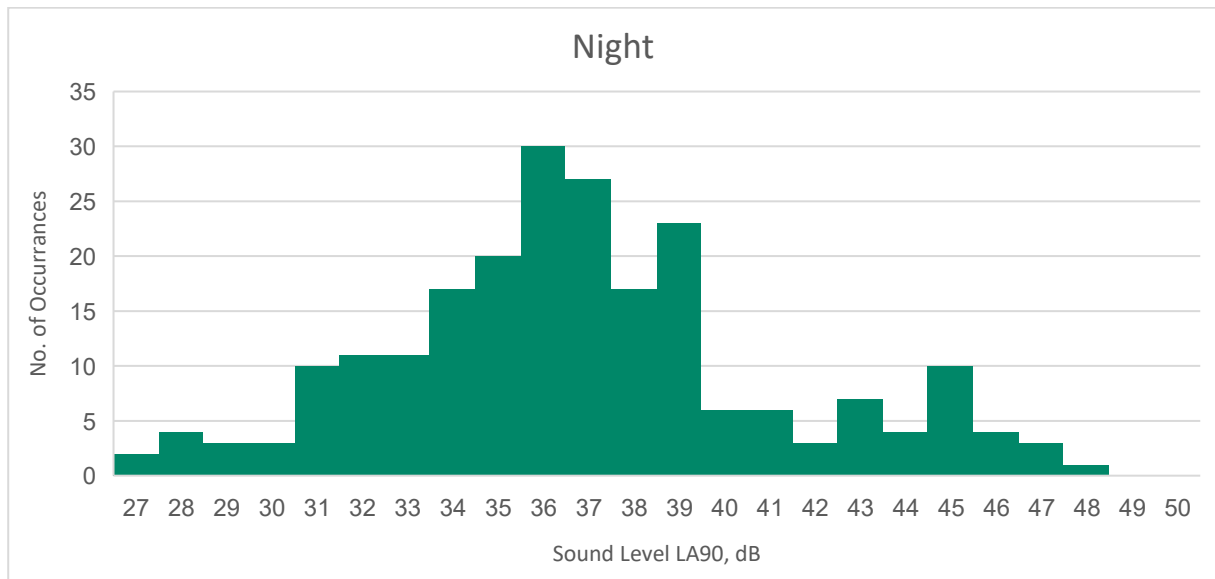


Table 9: Statistical Summary of Daytime and Night-time Background Sound Levels (L_{A90}) (LT 11)

Average Analysis	Daytime (07:00-23:00) $L_{A90,T}$ dB	Night time (23:00:07:00) $L_{A90,T}$ dB
Median	40	37
Mean	40	37
Mode	40	36
Representative	38	36

Appendix B: Noise LIR Justification

This Appendix shows the Applicant's justification for the +8 dB noise rating level, that was shared with FCC and their representatives. Once FCC and their representatives have reviewed the justification, the Applicant welcomes further engagement with FCC on this matter. The Applicant has made some minor edits in this version, as opposed to the wording submitted to FCC and their representatives, for clarification and to include cross-referencing to relevant documents in the Examination Library.

Assessment of operational sound has been undertaken in accordance with British Standard 4142:2014+A1:2019.

BS 4142 states that:

- *“Typically, the greater the difference, the greater the magnitude of impact. A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending upon the context.*
- *A difference of around +5 dB is likely to be an indication of an adverse impact, depending upon the context.”*

The proposed +8 dB rating level excess above background sound level is the middle ground between significant adverse impact and adverse impact, and when taking context into consideration (e.g. including that the surrounding area is already noisy) effects had been defined as not significant. This approach has been adapted from English DCOs where there is policy related to LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level) and where routinely a no greater than +5 dB criterion is used. However, on the basis that the project is in Wales and not in England, there are no LOAELs or SOAELs and therefore the same policy requirement to minimise and mitigate levels to below the LOAEL do not exist. In BS 4142, the word significant is used at around +10 dB, which in previous similar DCO's (Net Zero Teesside, Immingham Green Energy Terminal, H2 Teesside) has been aligned with the SOAEL. There is more flexibility on this matter in Wales as opposed to England, because as there is no policy on SOAELs and LOAELs, hence this is what drove the previous discussions with FCC prior to DCO application submission.

Table 1 below illustrates the adopted magnitude of impact scale that was used in the assessment based upon the numerical level difference. Although the consideration of context (including the absolute level of the sound under consideration) can vary the overall classification of effects (**Table 2**).

Table 1: Magnitude of Impact for Industrial Sound

Magnitude of Impact	BS 4142 Descriptor	Rating Level – Background Sound Level (dB)
High	No BS 4142 descriptor for this magnitude level	+14 / >=15
Medium / High	No BS 4142 descriptor for this magnitude level	+12 / +13
Medium	Indication of a significant adverse effect, depending upon context	+9 / +10 / +11

Magnitude of Impact	BS 4142 Descriptor	Rating Level – Background Sound Level (dB)
Low / Medium	No BS 4142 descriptor for this magnitude level	+7 / +8
Low	Indication of an adverse effect, depending upon context	+4 / +5 / +6
Very low/Low	No BS 4142 descriptor for this magnitude level	+2 / +3
Very Low	Indication of low impact, depending upon context	≤0 / +1

Table 2: Classification of Effects

Sensitivity/Value of Resource/Receptor	Magnitude of Impact			
	High	Medium	Low	Very Low
Very high	Major	Major	Moderate	Minor
High	Major	Moderate	Minor	Negligible
Medium	Moderate	Minor	Negligible	Negligible
Low	Minor	Negligible	Negligible	Negligible

Table 3 presents the initial BS 4142 night-time assessment, before context is taken into consideration. **Table 3** gives the predicted specific sound levels for operation of the Proposed Development assuming implementation of the additional attenuation measures suggested in Table 9-22 of **Chapter 9 Noise & Vibration [APP 047]**. The final mitigation measures will be assessed and confirmed as part of the detailed design process. At NSRs other than R21, when the predicted rating levels are compared to the assigned representative background sound levels the differences range between +6 and -7 dB.

Table 3: Initial Assessment of Night-Time Rating Level relative to Background Sound Level (with mitigation)

NSRS	Specific sound level with mitigation $L_s (L_{Aeq,Tr})$, (dB)	Acoustic feature correction, (dB)	Rating level $(L_{Ar,Tr})$, (dB)	Representative background sound level $(L_{A90,T})$, (dB)	Excess of rating level over background sound level $(L_{Ar,Tr} - L_{A90,T})$, (dB)	Initial magnitude of impact	Initial classification of effect
R19	34	0	37	37	-3	Very low	Negligible
R20	38	3	41	37	4	Low	Negligible
R21	42	3	45	37	8	Low/Medium	Minor/Moderate
R22	40	3	43	37	6	Low	Negligible
R23	40	3	43	37	6	Low	Negligible
R24	37	3	40	37	3	Very low/Low	Negligible
R25	36	0	36	37	-1	Very low	Negligible
R26	33	0	33	37	-4	Very low	Negligible
R28	32	0	32	37	-5	Very low	Negligible
R29	31	0	31	37	-6	Very low	Negligible
R30	31	0	31	35	-4	Very low	Negligible
R31	28	0	28	35	-7	Very low	Negligible

Note: R1-R18 are further away from the Proposed Development. R27 and R32 are education facilities and have not been included in the BS4142 assessment.as BS 4142 states it is for assessing premises for residential use only

As shown in **Table 1**, +7 / +8 dB excess above background sound level at R21 is in between adverse and significant adverse effects. This is aligned with a Low/Medium magnitude of impact in terms of the EIA descriptors, which according to **Table 2** is classified as a Minor/Moderate effect for High sensitivity receptors (e.g. residential properties), before consideration of context.

Context considerations include, but are not limited to:

- Character of the existing ambient sound environment – this is dominated by existing infrastructure at and near the existing Connah's Quay Power Station (including National Grid substations), traffic on the local road network including the A548, B5129 and Chester Road and rail traffic. Following the inclusion of appropriate mitigation in the design, the Proposed Development would not alter the existing mixed industrial and transport related noise character of the area;
- Historical context of the use of the area – since 1954 there has been industrial plant on the Connah's Quay Power Station site and the current CCGT has been operating since 1996;
- Lack of complaints – Noise from day-to-day operations on the existing Connah's Quay Power Station is well controlled and there have been no recent noise complaints. Over the operational lifetime of the existing Connah's Quay Power Station there have been some historical complaints, which were associated with the cooling towers. These complaints were investigated, and mitigation implemented accordingly.
- Operating scenario – the EIA was based upon the Pre-FEED design information and parameters, and for operational sound it was assumed that all Proposed Development plant would be operating at full power at the same time. This is considered a robust worst-case scenario. In reality, operational sound levels may be lower as not all plant may be able to/or need to run together.
- At the closest NSR to the existing Connah's Quay Power Station, R23, the Applicant's predictions indicate past and future operational sound levels from two-unit operation would range from approximately 41 to 45 dB (depending on which two units were generating).

In relation to the existing sound environment, road traffic has a significant influence on the L_{Aeq} levels throughout both the daytime and night-time period. Welsh Government noise maps² indicate the NSRs nearest to the Proposed Development (R19, R20, R21, R22 and R23) to be in the close vicinity of the 50 dB L_{Aeq} night-time prediction contour for road traffic noise. This is consistent with 52 dB L_{Aeq} measured during the long-term monitoring undertaken at LT2 near to R21 in April and May 2024 for the DCO ES assessment, as shown in Table 9-8 in **Chapter 9 Noise & Vibration [APP 047]**.

Table 4 below presents the existing ambient sound levels and predicted specific sound levels with the mitigation detailed in Table 9-22 of **Chapter 9 Noise & Vibration [APP 047]** applied to the noise model of the Proposed Development. The predictions are undertaken at NSRs with reference to the IEMA impact guidance as set out in Table 9 in **Appendix 9-A Noise and Vibration Methodology [APP-184]**.

² https://datamap.gov.wales/maps/new?layergroup=geonode:Environmental_Noise_Mapping_2022#/ (Environmental Noise Mapping 20222 – Road Traffic noise – all Roads (L_{night}) 2022 layer) (accessed 04/09/25)

Table 4: Change in Ambient L_{Aeq} Due To Night-Time Operation of Proposed Development

NSR	Existing Ambient Sound Level $L_{Aeq,T}$, (dB)	Predicted Specific Sound Level with mitigation, L_s $L_{Aeq,T}$, (dB)	Logarithmic Sum of Existing Ambient Sound Level with Predicted Specific Sound Level, $L_{Aeq,T}$, (dB)	Predicted Increase in Ambient Sound Level due to the Proposed Installation, $L_{Aeq,T}$, (dB)	Magnitude of Impact of Noise Change
R19	51.9	34.2	52.0	0.1	Low
R20	51.9	37.8	52.1	0.2	Low
R21	51.9	42.0	52.3	0.4	Low
R22	51.9	39.9	52.2	0.3	Low
R23	51.9	40.0	52.2	0.3	Low
R24	51.9	37.2	52.0	0.1	Low
R25	51.9	35.7	52.0	0.1	Low
R26	46.9	33.3	47.1	0.2	Low
R28	46.9	32.1	47.0	0.1	Low
R29	46.9	32.0	47.0	0.1	Low
R30	54.4	30.5	54.4	0.0	No Change
R31	54.4	28.0	54.4	0.0	No Change

Note: R1-R18 are further away from the Proposed Development. R27 and R32 are education facilities and have not been included in the BS4142 assessment.as BS 4142 states it is for assessing premises for residential use only

Table 4 shows that the predicted change in ambient sound levels, experienced at NSRs R19, R20, R21, R22, R23, R24, R25 and R26 would represent a low magnitude of impact during the night and R30 would experience no predicted change in ambient sound levels once the Proposed Development is operational.

Additional insight into the local circumstances is gained by considering the magnitude of *specific/rating levels* from the Proposed Development relative to the current range of specific levels due to operation of the existing Connah's Quay Power Station. The existing 4 unit Power Station operates in various modes. It is rare that the existing Connah's Quay Power Station is completely shutdown and typically there are cooling processes that operate overnight, irrespective of whether a unit is generating power. **Figure 1** shows the percentage of nights when the existing site was in an operational state overnight between midnight to 5am. The 'none' and '1 or more' points on **Figure 1** sum to 100% as these classifications cover all possible scenarios. The other points/lines provide a breakdown of the unit operation combinations behind the '1 or more' percentage.

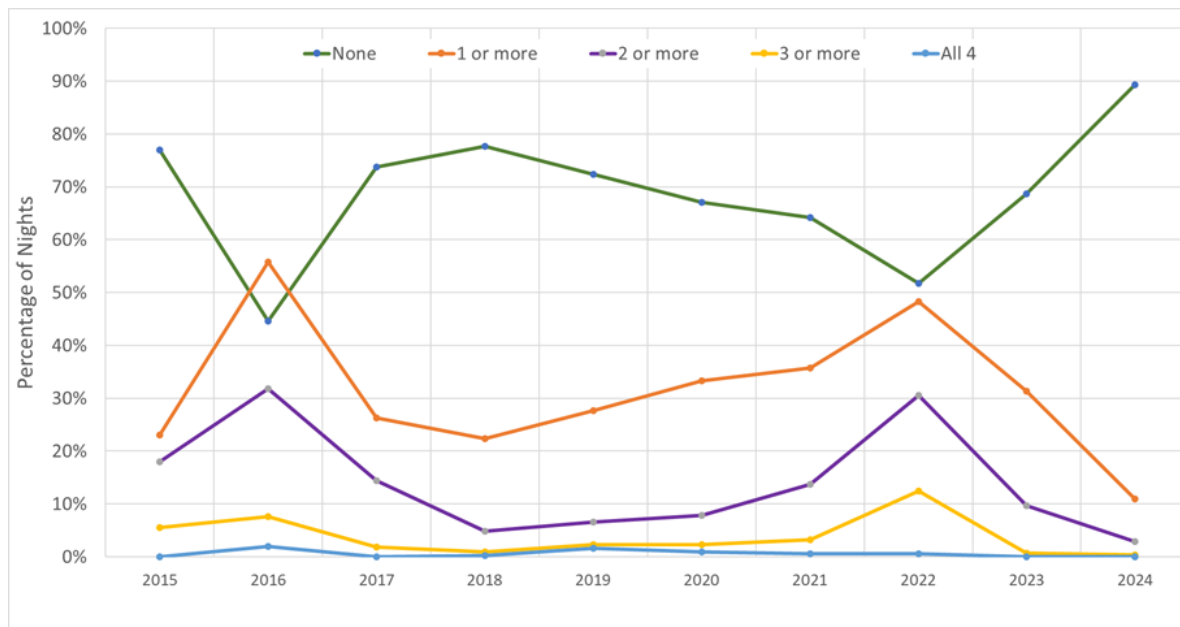


Figure 1: Overnight Pattern of Generating Unit operation for existing Connah's Quay Power Station

Whilst it has been common for there to be no units generating electricity overnight, the pattern of generation varies between years. In 2022 it was common for 1 or more units to be generating electricity (48% of the night-time periods) and 2 or more units operated overnight 31% of the time. The noise model predicts that for two existing units operating overnight, a specific sound level of 41 to 45 dB L_{Aeq} (depending on unit combination) would have arisen at the nearest NSR, R23.

It is considered important to take into account the fact that operation of the existing Connah's Quay Power Station has not resulted in any recent noise complaint from nearby NSRs. It is predicted that the *specific level* from the operation of the Proposed Development would be similar to those that have arisen at NSRs in the past due to operation of the existing Connah's Quay Power Station, hence a similar absence of complaint could be anticipated. Furthermore, the influence of road traffic across the daytime and night-time periods means that changes in ambient (L_{Aeq}) sound levels at NSRs are assessed as being of low impact.

Therefore, it is considered that a rating level of 8 dB above the existing background sound level, which provides an initial indication of Minor/Moderate adverse significance of effect, would be reduced to Minor adverse at the nearest NSRs (R21 and R22), once the impact is adjusted for context.