

Planning Act 2008
ExQ1 Response
Interested Party Ref: [REDACTED]
ExA Ref: EN010166



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

Interested Party Ref: [REDACTED]

**ExA written questions and requests for information (ExQ1) Response
Submitted at Deadline 3 – Tuesday 10 March 2026**

Proposal:	Application by Uniper UK Limited for a Development Consent Order
Prepared by:	[REDACTED], Senior Planning Officer, Flintshire County Council
Date:	10 March 2026

Application by Uniper UK for an order granting development consent for the Connah’s Quay Low Carbon Power Project (EN010166)

The Interested Party Flintshire County Council’s (FCC) written response to Examining Authority’s written questions and requests for information (ExQ1): Issued on 17 February 2026

Dated: 10 March 2026 Deadline 3

The following table sets out the Interested Party Flintshire County Council’s (FCC) written response to the questions and requests for information - ExQ1 posed by the Examining Authority (ExA) on 17 February 2026.

The Council’s comments for Deadline 3 are entered in the right-hand column.

ExQ1	Question to:	Question:	FCC’s response
4 Planning Policy			
Q4.4	The applicant FCC	Welsh National Marine Plan ([APP-045] Ref: 6.2.7.3.34) How does the proposed development align to the Welsh National Marine Plan?	<p>The Welsh National Marine Plan (WNMP) covers both the Welsh inshore region (from mean high water spring tides out to 12 nautical miles) and offshore region (beyond 12 nautical miles) in a single document. The proposed development is not located within this area but is located on adjoining land. It therefore could affect the marine environment.</p> <p>Para 15 explains that the WNMP forms part of the relevant policy framework that will guide public authority decision making. Any Nationally Significant Infrastructure Project (NSIP) located in Wales could present substantial opportunities to transform local communities, their economy and the environment. The WSP will be a consideration in any determination of a relevant NSIP alongside any relevant</p>

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			<p>National Policy Statement (NPS) or other relevant considerations.</p> <p>Para 16 confirms that Welsh Ministers expect NSIP developments located wholly or partly in the Plan area (or relying on natural resources located wholly or partly in Wales) to contribute to the well-being of Welsh communities and the sustainable management of natural resources. NSIP proposals are encouraged to avoid, minimise or mitigate adverse impacts commonly associated with the construction, operation and decommissioning phases of major infrastructure projects. Also they should seek to deliver lasting legacy benefits for the local community, the economy and the environment, including through:</p> <ul style="list-style-type: none"> • Supporting the sustainability, vibrancy and quality of life of coastal communities; • Conserving and enhancing the cultural heritage of Wales' coastal communities and promoting the Welsh language; • Providing infrastructure, housing, facilities and services necessary to support development which is accessible to host communities and offers a legacy use; • Contributing to long term sustainable economic development and local prosperity by creating high quality, local employment opportunities, taking into account the likely requirements for training, and working with national and government training organisations; • Delivering necessary transport infrastructure and promoting sustainable modes of transport that provide enduring low carbon connectivity and a legacy benefit;

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			<ul style="list-style-type: none"> • Contributing to the transition towards the achievement of low carbon, sustainable economic development, minimising carbon emissions and increasing the resilience of people, places and the environment to the effects of climate change; and • Contributing to the conservation and enhancement of biodiversity and ecosystem resilience, as defined in the Environment Act (Wales) 20166 <p>Paras 18 to 20 of the WNMP explains that public bodies should have regard to it in respect of any decision with the potential to affect the Plan area, including those related to terrestrial activities. Para 24 directs that <i>'Relevant public authorities are responsible for assessing whether proposals are in accordance with this Plan in making planning, policy, and authorisation and enforcement decisions'</i>.</p> <p>The WNMP contains a number of policies which are grouped according to themes. In broad terms there is no policy or policies which represent a constraint to the proposed development. Whether or not the proposed development aligns with the WNMP depends on a number of detailed matters, requiring the input of statutory consultees rather than just the LPA. In this context a brief commentary on each policy is provided in Appendix A</p>
	The applicant FCC	North Wales Energy Strategy ([APP-045] Ref: 6.2.7.4.11)	The North Wales Energy Strategy has been produced by the North Wales Economic Ambition Board to develop a regional energy statement and strategy. The Executive Summary states <i>'The overall objective of this strategy is to develop a strategic</i>

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		<p>How does the proposed development align with the North Wales Energy Strategy?</p>	<p><i>pathway identifying key interventions to deliver on the region's ambitions for decarbonising its energy system and ensure the region benefits from the transition'.</i></p> <p>The document identifies a vision for North Wales which is <i>'Delivering maximum local economic, social, ecological and wellbeing benefits from transitioning to a net zero economy and becoming a net exporter of low carbon electricity through cross-border and regional cooperation'.</i></p> <p>The Strategy priorities for achieving this vision are set out below:</p> <ol style="list-style-type: none"> <i>1. To harness the abundance of local low carbon resource to become a green powerhouse and diversify the energy mix</i> <i>2. To become a world-leader in offshore wind and marine technologies</i> <i>3. To improve the energy efficiency of the region's housing and accelerate the decarbonisation of North Wales' building stock</i> <i>4. To achieve a shift to lower carbon transport'</i> <p>The document identifies the need for a number of actions by 2035 to be on track to achieve net zero by 2050. The document covers domestic, commercial and industrial and road transport. In respect of renewable energy generation the actions are:</p> <ul style="list-style-type: none"> <i>• 'Over 2.8GW of offshore wind installed;</i> <i>• 1GW tidal lagoon installed;</i> <i>• 300MW of small scale modular nuclear reactors installed;</i> <i>• 180MW of tidal stream installed;</i> <i>• 310MW of onshore wind installed'</i> <p>The document states that <i>'These assumptions summarise the level of action required between 2020 and 2035 to be on track</i></p>

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			<p><i>to achieve net zero by 2050. The energy modelling focuses on known decarbonisation technologies and actions that could be implemented by 2035 in order to demonstrate a potential decarbonisation route. The scenario is not intended to be prescriptive. There are a number of potential pathways to achieve energy system transformation, including new opportunities from technology innovation that will certainly emerge as the transformation takes place. The rapid evolution of technologies and pathways means that there are some major uncertainties and varying opinions about the precise route forward. What is clear is that different pathways all must achieve significant decarbonisation; should less action be achieved in any of the areas summarized above, other sectors will need to compensate with higher action to achieve the same results'.</i></p> <p>In response to the Inspectors question as to whether the proposed development aligns to the Strategy, this will depend on the extent to which a gas fired power station, accompanied by carbon storage to create a low carbon energy generation, will work towards achieving the identified actions by 2035 and working towards net zero by 2050.</p>
	<p>The applicant FCC</p>	<p>Flintshire Local Development Plan ([APP-045] Ref: 6.2.7.4.17) How does the proposed development align to the</p>	<p>The site is located adjoining but outside of the settlement boundary of Connah's Quay which is a Tier 1 Main Service Centre in the adopted LDP. Tier 1 settlements are defined as 'Settlements with a strategic role in delivery of services and facilities'. The site therefore lies in open countryside in planning terms.</p>

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		<p>Flintshire Local Development Plan?</p>	<p>The site is identified on the proposals map as unannotated or white land with the exception of:</p> <ul style="list-style-type: none"> • The former power station site being identified as a location for waste management facilities by virtue of policy EN21 • The line of the A548 and the proposed interchange to the south of the site being identified as part of the 'Red Route' road scheme by virtue of policy PC10 <p>Both of these designations are addressed in more detail below.</p> <p>Representations by Uniper to Deposit LDP Representations were submitted by Uniper to the Deposit LDP seeking allocation of the site for employment / energy development but there was little firm detail at the time and the Inspector did not recommend that the Plan be amended. However, the Inspector did recommend that a statement be added at the end of para 9.53 of the explanation to policy EN13 '<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>'.</p> <p>Hearing Agenda Matter 11 – M11A https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Hearing-Session-Statements/Matter-10/Matter-11-Employment-Land-and-Sites-Retail-Hierarchy-Hearing-Agenda-12.05.21.pdf</p>

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			<p>Flintshire County Council Hearing Statement – M11.01 https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Hearing-Session-Statements/Matter-11/M11.01-Flintshire-County-Council.pdf Uniper UK Ltd Hearing Session – M11.03 Action Points Matter 11 - MAC011 Matters Arising Changes – MAC099 https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Schedule-of-MACs.pdf Inspectors Report – para 10.4 https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Inspectors-Report-Combined-Eng.pdf</p> <p>Relevant Policies There is no specific policy which relates to the broad principle of development on this site. The consideration of the development proposal therefore requires an assessment against a broad suite of policies which is provided in Appendix B.</p>
6	Air Quality		
Q6.26	FCC	<p>Atmospheric pollution at the Deeside and Buckley Newt Sites SAC The applicant proposes to secure the financial contribution towards nitrogen deposition and ammonia (if the financial</p>	<p>From a legal standpoint, the relevant mitigation could in principle be secured by means of a Section 106 Agreement. It is however noted that the replies are due from the applicant/NRW in respect of what is required by way of mitigation and the use of the Section 106 Agreement (ExQ1 - Q6.22 -Q6.25). There is a query why this could not be covered in the DCO and it would be helpful to see those replies to inform if the Council can provide the in principle letter requested. I can confirm that the Council has received a draft Section 106</p>

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		contribution is also intended to mitigate for ammonia - this matter is still outstanding with the applicant) impacts on the Deeside and Buckley Newt Sites SAC through a Section 106 Agreement with FCC. Are FCC satisfied that this is an appropriate method of securing the relevant mitigation? If so, are you content to provide an in-principal letter of support for this method.	<p>Agreement (copy sent in by [REDACTED], Herbert Smith Freehills Kramer LLP on behalf of the applicant) which we need to discuss internally.</p> <p>FCC will continue to work with the applicant on this matter. We have had no formal agreement from the applicant that the projects and costs submitted have been agreed, and if the intention is to mitigate for ammonia deposition within the same habitat management interventions. We are therefore unable to provide an in-principal letter of support at this time, and await some formal discussion with the applicant.</p>
7 Noise and vibration			
Q7.3	The applicant FCC	Working hours and days Can the applicant clarify and confirm that there is agreement of the proposed working hours and days between its construction programme, timings used in the noise and traffic assessment studies and the recommendations and guidelines set out by Flintshire County Council?	Flintshire's policy on construction work is : construction work should be undertaken between 08.00 – 18.00hrs mon. – fri. 08.00 – 13.00hrs sat. and no working on Sundays and bank holidays.
8 Traffic and Transport			

ExQ1	Question to:	Question:	FCC's response
Q8.2	The Applicant National Highways FCC Highways Authority	<p>Timings of traffic counts</p> <p>It is noted that traffic counts to assess the background levels of traffic at the site were undertaken in March and April only.</p> <p>Can the applicant advise how these figures might vary at other times of the year and whether they would cover any peak movements associated with holiday season or other seasonal peak points for the region and locality, such as large-scale outdoor events.</p>	<p>FCC notes that the baseline traffic surveys were undertaken in March and April. We consider these to be reasonable and representative months for establishing typical conditions based on industry best practice.</p> <p>However, to provide reassurance regarding seasonal robustness, we would supplement the existing dataset with further survey work during the summer period, should this be deemed necessary at a later stage in the development.</p> <p>In additional, FCC will check their own record for holistic traffic datasets for parts of the network. These may provide an additional reference point to confirm that the March/April baseline is reflective of normal conditions throughout the year. We consider this a proportionate and pragmatic approach rather than a requirement to repeat the existing surveys.</p>
Q8.3	The Applicant National Highways FCC Highways Authority	<p>HGV movements on local road network ([APP-048] Ref: 6.2.10 Table 10.19)</p> <p>What mitigation has the applicant considered to reduce and distribute the movement of HGV movements around the road and junctions along Kelsterton Road?</p>	<p>FCC recognises that the Applicant has already proposed a structured approach to managing construction traffic through the Framework Construction Traffic Management Plan (CTMP). Within this context, we agree that HGV movements along Kelsterton Road will need careful coordination, and FCC is working positively with the Applicant to ensure that the measures within the CTMP are suitably refined and enforceable.</p> <p>The mitigation tools available, such as defined routing agreements, scheduled delivery windows, and proactive monitoring, are well-established mechanisms, and FCC is confident that the Applicant intends to apply them appropriately supported by Planning Condition. Our aim is therefore not to request additional mitigation outright, but to ensure that the measures proposed are clearly and transparently articulated for stakeholder reassurance.</p>

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			FCC supports the Applicant in developing these refinements and considers the CTMP a suitable vehicle for their future incorporation.
Q8.4	The Applicant National Highways FCC Highways Authority	What evidence is there for the applicant's conclusion that no mitigation is required for the increase in traffic movements on the local road network?	FCC understands that the Applicant's conclusion of "no additional mitigation required" is based on the results of established capacity assessments and professional judgement. To assist stakeholders in understanding these conclusions, FCC considers that the Applicant may wish to expand the narrative around: <ul style="list-style-type: none"> • the methodology for the assessment undertaken; • how worst-case construction peaks have been captured in the modelling; • how cumulative effects have been accounted for; and how road safety considerations, particularly for vulnerable users, have been incorporated.
15	Terrestrial heritage		
Q15.1	The applicant Cadw FCC	Castell y Fflint / Flint Castle How does the proposed development change the setting, visual relationship and context with the estuary for Castell y Fflint / Flint Castle and what mitigation has been proposed to minimise this effect?	Cadw would need to answer that question. Cadw can be contacted via cadwplanning@gov.wales and [REDACTED]@gov.wales
Q15.2	The applicant Cadw FCC	Presence of unforeseen archaeological features What is the risk of encountering unforeseen archaeological features within the excavations along the route of the CO2 corridor?	Geophysical survey of the CO2 corridor as part of the pre-determination assessment found no significant archaeological anomalies in this area. AECOM identified a precautionary Medium potential for sub-surface archaeology of the Roman and other periods. This potential is adequately mitigated by the approved Written Scheme of Investigation (WSI) provided by AECOM which

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			describes a scheme of archaeological monitoring and recording during excavations along the CO2 corridor.
16 Marine heritage			
Q16.1	Cadw FCC	Marine heritage assets What are Cadw and others' views on the assessment of likely effects on marine heritage provided by the applicant and its adequacy?	[REDACTED] (Marine Investigator) at the Royal Commission would need to comment. He can be contacted via [REDACTED] @rcahmw.gov.uk
17 Socio-economics, recreation and tourism			
Q17.1	The applicant FCC	Employment prospects What is the sensitivity of the employment assessment to both peak construction and typical operational periods and what is the potential deviation from these assessed figures should they prove to be incorrect?	FCC don't have the resources or specialist knowledge to respond to this question.
Q17.2	The applicant FCC	Local accommodation for construction workforce What is the likely effect of accommodation need for the construction workforce at peak and typically on the local accommodation availability and what happens if the assessment of these effects differ from those forecast?	FCC don't have resources or specialist knowledge to respond to this question.

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22	Cumulative and combined effects		
Q22.2	The Applicant National Highways FCC	<p>How does the general growth trend included in traffic make allowance for the potential schemes in the vicinity of the proposed development and associated increased traffic coinciding with any proposed development at the site? In particular with regards to cumulative effects potential at:</p> <p>During construction:</p> <ul style="list-style-type: none"> • Residential properties West end of Kelsterton Road (including the travellers' encampment); • Kelsterton farm; • Residential properties at Kelsterton lane / Kelsterton road intersection; and • Residential properties close to Spar shop on Chester road. <p>During operation: Residential properties West end of Kelsterton road.</p>	<p>FCC acknowledges that the Transport Assessment uses standard Department for Transport-aligned growth methodologies (Trip Generation, Trip Distribution, and Traffic Impact Assessment sections). These methods inherently incorporate background growth factors suitable for accounting for wider development pressures. Furthermore, Chapter 10 of the Environmental Statement confirms that cumulative schemes and committed developments are assessed within the Consultation and Scope of Assessment and Assessment Methodology sections.</p> <p>To aid stakeholder understanding, FCC recommends that the Applicant provides a brief clarification of how local developments, particularly those closest to the site, have been accounted for within the cumulative assessment.</p> <p>FCC does not consider that additional modelling is required; rather, a clear description of how these receptors have been included within the growth assumptions would ensure transparency for the Examining Authority. FCC continues to work constructively with the Applicant to ensure the assessment remains consistent, proportionate and reflective of local conditions.</p>
Q22.7	NRW NE FCC	In-combination plans and projects	FCC believe the applicant has given insufficient weight to the cumulative impact of air pollution and point the Inspector to the High Court ruling in Wealden District Council v Secretary of State for

ExQ1	Question to:	Question:	FCC's response
		<p>The RIHRA [APP-253] sets out in section 10.4 the plans and projects considered in the in-combination assessment at stage 2 appropriate assessment. Can NRW, NE, and Flintshire County Council confirm whether they are satisfied with the projects and plans that have been included within the in-combination assessment in Stage 2: Appropriate Assessment of the RIHRA?</p>	<p>Communities and Local Government, Lewes District Council, and South Downs National Park Authority [2017] EWHC 351 (Admin) on 20 March 2017 which established that Habitat Regulations Assessments (HRAs) must account for the cumulative "in-combination" impacts of air pollution from multiple local authority plans, rather than assessing each plan's traffic impacts in isolation.</p> <p>In relation to air quality, those applications scoped into a cumulative assessment should include all those projects currently in the Planning Application Stage and those within Plans including; The Flintshire Local Development Plan 2015 to 2030 (adopted by the Council on 24/01/23), Future Wales: The National Plan 2040 and The North Wales Regional Transport Plan (July 2025) which have an intention for delivery excluding statements of general aspiration, or political will or general intentions.</p> <p>With regard to the loss of Functionally Linked Land (FLL) the applicant has only scoped in projects within a distance of 2km of the Proposed Development Site. The definition of FLL provided the applicant is "habitat which is outside of the boundary of a Special Site, but which is critical to its functioning. For example, the loss of habitat outside of an SPA which is used for foraging purposes by qualifying bird species which nest within the SPA". By this definition, the in-combination assessment should include plans and projects over a much wider area. FCC believe that loss of FLL across the whole Dee Estuary should be considered in combination with the proposal. In addition, there are other Strategic Plans listed above which have not been included in the in-combination assessment.</p>
<p>24 Compulsory acquisition, temporary possession and other land or rights considerations</p>			

ExQ1	Question to:	Question:	FCC's response
<p>Q24.9</p>	<p>The applicant National Highways FCC</p>	<p>Abnormal indivisible load routes It is proposed to take temporary possession of three alternative highway routes for the movement of abnormal indivisible loads. What is the justification for requiring these powers other three route options and why cannot a single route be defined? Also, what is the justification for using the powers in the dDCO for this purpose rather than the more frequently used permitting options provided by existing legislation and the general powers that will be provided under streets within the dDCO?</p>	<p>The applicant is best placed to answer this question.</p>

Any queries regarding should be directed to:

[REDACTED]
 Senior Planning Officer
 North Wales Minerals and Waste Planning Service
 Place and Growth Portfolio

Planning Act 2008
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Interested Party Ref: [REDACTED]
ExA Ref: EN010166

Flintshire County Council

Tel: [REDACTED]

Email: mineralsandwaste@NorthWalesPlanning.wales

Appendix A

Welsh National Marine Plan – Policy Analysis

Policy	Comment
General Cross-Cutting Policies	
GEN_01: Planning policy There is a presumption in favour of the sustainable development of the plan area in order to contribute to Wales’ well-being goals.	Para 1.18 of PPW12 confirms that ‘Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated’.
GEN_02: Planning policy Relevant public authorities should take a proportionate, risk-based approach to application of relevant marine planning policies in decision making.	As above
ECON General Policy – Achieving a Sustainable Marine Economy	
ECON_01: Sustainable economic growth Proposals for economically sustainable activities are encouraged, particularly where they contribute to: <ul style="list-style-type: none"> • the sustainable management of natural resources thereby supporting ecosystem resilience; • a more resilient economy; • employment opportunities particularly for coastal communities; • protecting and creating employment at all skill levels; • maintaining communities with a high-density of Welsh speakers; and/or • tackling poverty by supporting deprived coastal communities. 	The proposed development would represent a significant investment in and contribution to the local economy.
ECON_02: Coexistence Proposals should demonstrate how they have considered opportunities for coexistence with other compatible sectors in order to optimise the value and use of the marine area and marine natural resources.	

SOC General Policy - Ensuring a Strong, Healthy and Just Society	
<p>SOC_01: Access to the marine environment Proposals that maintain or enhance access to the marine environment are encouraged.</p>	<p>There are no public rights of way between the proposed development site and the marine environment. The Coastal Path and Cycles Route both run on the landward side of the site.</p>
<p>SOC_02: Well-being of coastal communities Proposals that contribute to the well-being of coastal communities are encouraged.</p>	
<p>SOC_03: Marine pollution incidents Proposals should demonstrate how they minimise their risk of causing or contributing to marine pollution incidents.</p>	<p>This is a matter for NRW to comment on.</p>
<p>SOC_04: Welsh language and culture Proposals that contribute to the promotion and facilitation of the use of the Welsh language and culture are encouraged.</p>	<p>A Welsh Language Assessment has been undertaken by Uniper. Connah's Quay has low levels of Welsh speaking of around 8% and it is not considered that the proposed development would bring about any harm to the Welsh Language.</p>
<p>SOC_05: Historic assets Proposals should demonstrate how potential impacts on historic assets and their settings have been taken into consideration and should, in order of preference: a. avoid adverse impacts on historic assets and their settings; and/or b. minimise impacts where they cannot be avoided; and/ or c. mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance historic assets are encouraged.</p>	<p>This is considered to be a matter for Cadw to advise on.</p>
<p>SOC_06: Designated landscapes Proposals should demonstrate how potential impacts on the purposes and special qualities for which National Parks or Areas of Outstanding Natural Beauty have been designated have been taken into</p>	<p>The site is located some 10km from the Clwydian Range and Dee Valley National Landscape and it is not considered that an impact from the proposed development is likely.</p>

<p>consideration and should, in order of preference:</p> <ul style="list-style-type: none"> a. avoid adverse impacts on designated landscapes; and/or b. minimise impacts where they cannot be avoided; and/or c. mitigate impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance designated landscapes are encouraged.</p>	
<p>SOC_07: Seascapes</p> <p>Proposals should demonstrate how potential impacts on seascapes have been taken into consideration and should, in order of preference:</p> <ul style="list-style-type: none"> a. avoid adverse impacts on seascapes; and/or b. minimise impacts where they cannot be avoided; and/or c. mitigate impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance seascapes are encouraged.</p>	<p>This is considered to be a matter for Natural Resources Wales to advise on.</p>
<p>SOC_08: Resilience to coastal change and flooding</p> <p>Proposals should demonstrate how they are resilient to coastal change and flooding over their lifetime.</p>	<p>This is a matter for NRW to advise on given that the proposed site lies predominantly within a flood zone 3 and involves highly vulnerable development.</p>
<p>SOC_09: Effects on coastal change and flooding</p> <p>Proposals should demonstrate how they:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts upon coastal processes; and • minimise the risk of coastal change and flooding; <p>Proposals that align with the relevant Shoreline Management Plan(s) and its policies are encouraged.</p>	<p>This is a matter for NRW and FCC as Lead Local Flood Authority to advise on.</p>
<p>SOC_10: Minimising climate change</p> <p>Proposals should demonstrate how they, in order of preference:</p>	

<p>a. avoid the emission of greenhouse gases; and/or b. minimise them where they cannot be avoided; and/or c. mitigate them where they cannot be minimised. Where significant emission of greenhouse gases cannot be avoided, minimised or mitigated, proposals for regulated activities must present a clear and convincing case for proceeding.</p>	
<p>SOC_11: Resilience to climate change Proposals should demonstrate that they have considered the impacts of climate change and have incorporated appropriate adaptation measures, taking into account Climate Change Risk Assessments for Wales. Proposals that contribute to climate change adaptation and/or mitigation are encouraged.</p>	
ENV General Policy – Living within Environmental Limits	
<p>ENV_01: Resilient marine ecosystems Proposals should demonstrate how potential impacts on marine ecosystems have been taken into consideration and should, in order of preference: a. avoid adverse impacts; and/or b. minimise impacts where they cannot be avoided; and/or c. mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Proposals that contribute to the protection, restoration and/or enhancement of marine ecosystems are encouraged.</p>	
<p>ENV_02: Marine Protected Areas Proposals should demonstrate how they: • avoid adverse impacts on individual Marine Protected Areas (MPAs) and the coherence of the network as a whole; • have regard to the measures to manage MPAs; and</p>	

<ul style="list-style-type: none"> • avoid adverse impacts on designated sites that are not part of the MPA network. 	
<p>ENV_03: Invasive non-native species Proposals should demonstrate how they avoid or minimise the risk of introducing and spreading invasive non-native species. Where appropriate, proposals should include biosecurity measures to reduce the risk of introducing and spreading of invasive non-native species.</p>	
<p>ENV_04: Marine litter Proposals should demonstrate how they:</p> <ul style="list-style-type: none"> • avoid the deliberate introduction of litter into the marine plan area; and • minimise the risk of accidental release of litter. 	
<p>ENV_05: Underwater noise Proposals should demonstrate that they have considered man-made noise impacts on the marine environment and, in order of preference:</p> <ol style="list-style-type: none"> a. avoid adverse impacts; and/or b. minimise impacts where they cannot be avoided; and/or c. mitigate impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	
<p>ENV_06: Air and water quality Proposals should demonstrate that they have considered their potential air and water quality impacts and should, in order of preference:</p> <ol style="list-style-type: none"> a. avoid adverse impacts; and/or b. minimise adverse impacts where they cannot be avoided; and/or c. mitigate adverse impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	

<p>ENV_07: Fish Species and Habitats Proposals potentially affecting important feeding, breeding (including spawning & nursery) and migration areas or habitats for key fish and shellfish species of commercial or ecological importance should demonstrate how they, in order of preference:</p> <ol style="list-style-type: none"> a. avoid adverse impacts on those areas; and/or b. minimise adverse impacts where they cannot be avoided; and/or c. mitigate adverse impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	<p>This is considered to be a matter for NRW to comment on.</p>
<p>GOV General Policy – Promoting Good Governance</p>	
<p>GOV_01: Cumulative effects Proposals should demonstrate that they have assessed potential cumulative effects and should, in order of preference:</p> <ol style="list-style-type: none"> a. avoid adverse effects; and/or b. minimise effects where they cannot be avoided; and/or c. mitigate effects where they cannot be minimised. <p>If significant adverse effects cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Proposals that contribute to positive cumulative effects are encouraged.</p>	
<p>GOV_02: Cross-border and plan compatibility Relevant public authorities, in making their decisions, should have regard to:</p> <ul style="list-style-type: none"> • any applicable policy in a relevant marine plan; • any applicable policy in relevant terrestrial development plans or related documents; • the Natural Resources Policy; • any relevant local well-being plan(s) (including the local well-being assessment); and • evidence in any relevant Area Statement(s) produced by Natural Resources Wales (NRW). 	
<p>SCI General Policy – Using Sound Science Responsibly</p>	
<p>SCI_01: Risk-based decision making</p>	

<p>Relevant public authorities should make decisions using sound evidence and a risk-based, proportionate approach. Where appropriate they should apply the precautionary principle and consider opportunities to apply adaptive management.</p>	
<p>Sector Policies:</p>	
<p>DEF_01: Defence (safeguarding) Proposals that:</p> <ul style="list-style-type: none"> • potentially affect Ministry of Defence (MOD) Danger Areas, Exercise Areas or strategic defence interests; and/or • potentially interfere with communication, surveillance and navigation facilities necessary for defence and national security; <p>should only be authorised with the agreement of MOD.</p>	<p>n/a</p>
<p>SAF_01: Safeguarding existing activity</p> <p>a. Proposals likely to have significant adverse impacts upon an established activity covered by a formal application or authorisation must demonstrate how they will address compatibility issues with that activity. Proposals unable to demonstrate adequate compatibility must present a clear and convincing case for the proposal to progress under exceptional circumstances.</p> <p>b. Proposals likely to have significant adverse impacts upon an established activity not subject to a formal authorisation must demonstrate how they will address compatibility issues with that activity. Proposals unable to demonstrate adequate compatibility must present a clear and convincing case for proceeding. Under SAF 01 a and b, compatibility should be demonstrated through, in order of preference:</p> <ul style="list-style-type: none"> • Avoiding significant adverse impacts on those activities, and/or • Minimising significant adverse impacts where these cannot be avoided; and/or • Mitigating significant adverse impacts where they cannot be minimised 	<p>The WNMP explains that this policy applies to the safeguarding of all sectors other than Defence and aims to safeguard existing activity and resource use. It is considered that NRW are best placed to advise on consented activities and resource uses.</p>

<p>SAF_02: Safeguarding strategic resources</p> <p>Proposals which may have significant adverse impacts upon the prospects of any sector covered by this plan to engage in sustainable future strategic resource use (of resources identified by an SRA) must demonstrate how they will address compatibility issues with that potential resource use.</p> <p>Proposals unable to demonstrate adequate compatibility must present a clear and convincing case for proceeding. Compatibility should be demonstrated through, in order of preference:</p> <ul style="list-style-type: none"> • Avoiding significant adverse impacts on this potential strategic resource use, and/or • Minimising significant adverse impacts where these cannot be avoided; and/or • Mitigating significant adverse impacts where they cannot be minimised 	
<p>AGG_01: Aggregates (supporting)</p> <p>AGG_01 a: Proposals for new aggregate extraction will be supported, within any tonnage limits, where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>AGG_01 b: Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities:</p> <ul style="list-style-type: none"> • for the sustainable use of wider marine aggregate natural resources; • to define and, once in place, further develop and refine Strategic Resource Areas for aggregates; <p>in order to support the sustainable development of the aggregate sector through marine planning.</p>	n/a
<p>Aquaculture</p> <p>AQU_01: Aquaculture (supporting)</p> <p>AQU_01 a: Proposals for new aquaculture</p>	n/a

<p>developments will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>AQU_01 b: Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of aquaculture resources including the identification of:</p> <ul style="list-style-type: none"> • natural resources that provide aquaculture potential • opportunities to define and, once in place, further develop and refine Strategic Resource <p>Areas for aquaculture in order to support the sustainable development of the aquaculture sector through marine planning.</p>	
<p>Dredging and Disposal</p> <p>D&D_01: Dredging and Disposal (supporting)</p> <p>Proposals that maintain navigable channels and long term access to open at-sea disposal sites for appropriate material will be supported where they contribute to the objectives of this plan.</p> <p>Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p>	n/a
<p>Energy – Low Carbon</p> <p>ELC_01: Low carbon energy (supporting) wind</p> <p>ELC_01 a: Proposals for offshore wind energy generation will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations. Proposals for wind >350MW will be considered by UK Government in accordance with relevant national policy. In determining an NSIP for a wind proposal, the decision maker will have regard to this plan. Any determination in relation to energy developments of any scale will be taken in accordance with this plan alongside any other relevant considerations.</p>	<p>Given that the proposal is not utilising wind technologies then this policy is not considered applicable.</p>

<p>ELC_01 b: In order to understand future opportunities for offshore wind development, including floating technologies, this plan supports strategic planning for the sector. Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of wind energy resources including identification of:</p> <ul style="list-style-type: none"> • natural resources that provide potential opportunity for future use; • evidence to de-risk consenting for the sector; and • opportunities to define and, once in place, further develop and refine Strategic Resource Areas for offshore wind energy resource safeguarding; in order to support the sustainable development of the sector through marine planning. <p>Relevant public authorities should make appropriate evidence available to support planning and decision making in order to support the sustainable development of the sector through marine planning, where it is appropriate to do so.</p>	
<p>ELC_02: Low carbon energy (supporting) wave</p> <p>ELC_02 a: Proposals for wave energy generation will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>ELC_02 b In order to understand future opportunities for wave energy development, relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of wave energy resources including identification of:</p> <ul style="list-style-type: none"> • natural resources that provide potential opportunity for future use; • evidence to de-risk consenting for the sector; and • opportunities to define and, once in place, 	<p>Given that the proposal is not utilising wave technologies then this policy is not considered applicable.</p>

<p>further develop and refine Strategic Resource Areas for wave energy resource safeguarding; in order to support the sustainable development of the sector through marine planning.</p> <p>Relevant public authorities should make appropriate evidence available to support planning and decision making in order to support the sustainable development of the sector through marine planning, where it is appropriate to do so.</p>	
<p>ELC_03: Low carbon energy (supporting) tidal stream</p> <p>ELC_03 a: Proposals for tidal stream energy generation will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>ELC_03 b: In order to understand future opportunities for tidal stream energy development, relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of tidal stream energy resources including identification of:</p> <ul style="list-style-type: none"> • natural resources that provide potential opportunity for future use; • evidence to de-risk consenting for the sector; and • opportunities to define and, once in place, further <p>develop and refine Strategic Resource Areas for tidal stream energy resource safeguarding; in order to support the sustainable development of the sector through marine planning.</p> <p>Relevant public authorities should make appropriate evidence available to support planning and decision making in order to support the sustainable development of the sector through marine planning, where it is appropriate to do so.</p>	<p>Given that the proposal is not utilising tidal stream technologies then this policy is not considered applicable.</p>

<p>ELC_04 Low carbon energy (supporting) tidal range ELC_04: In order to understand future opportunities for tidal range development, strategic planning for the sector is encouraged. Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to:</p> <ul style="list-style-type: none"> • collect evidence to support understanding of environmental constraints and opportunities for the sustainable use of the tidal range resource; • support understanding of the optimal siting of tidal lagoon developments across Wales as part of a wider, UK perspective; and • identify opportunities to define and, once in place, further develop and refine Strategic Resource Areas for tidal lagoon safeguarding purposes. <p>Relevant public authorities should make appropriate evidence available to support planning and decision making in order to support the sustainable development of the sector through marine planning, where it is appropriate to do so.</p>	<p>Given that the proposal is not utilising tidal range technologies then this policy is not considered applicable.</p>
<p>Energy – Oil and Gas O&G_01: Oil and gas (supporting) O&G_01 a: Proposals that maximise the economic recovery of oil and gas sustainably will be supported where they comply with the objectives of this plan, and fully meet the environmental safeguards contained within the statutory processes of awarding production licences and subsequent activity-specific approvals. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>O&G_01 b: Welsh Government policy is to avoid the continued extraction of fossil fuels in intertidal areas and estuaries and coastal inlet waters that fall within the Welsh onshore licence area. Applications for new petroleum licenses in these areas should not be supported, unless required for mine safety or scientific purposes.</p>	<p>Given that the proposal is not extracting / processing gas then this policy is not considered applicable.</p>

<p>Proposals for the development and extraction of oil and gas in these areas with land based elements must provide robust and credible evidence to demonstrate how they conform to the Planning Policy Wales Energy Hierarchy for Planning, including how they make a necessary contribution towards decarbonising the energy system.</p> <p>O&G_02: Oil and gas (supporting) Proposals that support the long-term development of carbon capture and storage technology will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p>	
<p>Fisheries FIS_01: Fisheries (supporting) FIS_01 a: Proposals that support and enhance sustainable fishing activities will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>FIS_01 b: Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities to develop a strategic evidence base to improve understanding of opportunities for the sustainable development of fisheries in order to support the sustainable development of the fisheries sector through marine planning.</p>	<p>This is a matter for NRW to advise on.</p>
<p>Ports and Shipping P&S_01: Ports and Shipping (supporting) P&S_01 a: Proposals for ports, harbours and shipping activities will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p>	<p>n/a</p>

<p>P&S_01 b: Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities to support the sustainable development of the ports and shipping sector through marine planning.</p> <p>P&S_02: Ports and Shipping (supporting) Proposals that provide for the maintenance, repair, development and diversification of port and harbour facilities will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p>	
<p>Subsea Cabling CAB_01: Subsea cabling (supporting) Proposals that facilitate the growth of digital communications networks and/or the optimal distribution of electricity will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p>	n/a
<p>Tourism and Recreation T&R_01: Tourism and recreation (supporting) T&R_01 a: Proposals that demonstrate a positive contribution to tourism and recreation opportunities and policy objectives (for the sector) around the Welsh coast will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>T&R_01 b: Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for sustainable tourism and recreation around the Welsh coast, including:</p>	<p>The key tourism and recreational resource in the vicinity of the power station is the Wales Coast Path and North Wales Coast Cycle Route, both of which follow a route along the A548 Chester Road and Kelsterton Road / B5129. The proposed development should ensure that the routes remain safe and attractive for users.</p> <p>It is not considered likely that the proposed development would harm Wepre Country Park given the topography of intervening land.</p>

<p>a. developing a strategic evidence base to improve understanding of current and potential tourism and recreation activities, including eco-tourism and other low impact activities; and</p> <p>b. opportunities to define areas of future opportunity for tourism and recreation;</p> <p>in order to support the sustainable development of the tourism and recreation sector through marine planning.</p>	
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Appendix B

Policy Analysis of alignment with the Flintshire Local Development Plan

Relevant Policies

There is no specific policy which relates to the broad principle of development on this site. The consideration of the development proposal therefore requires an assessment against a broad suite of policies

Policy STR1 Strategic Growth

This policy sets out the quantity of development that the Plan will deliver in terms of housing and employment. Clearly, not all development proposals that may arise following adoption of the Plan are able to included and referenced in the Plan. Such 'windfall' proposals must be determined against the development plan (including Future Wales) and on their individual merits having regard to material planning considerations.

Policy STR2 The Location of Development

This policy sets out the spatial location of development within the County. The policy directs new development to allocated sites (housing and employment), Principal Employment Areas and to sustainable settlements based on a settlement hierarchy.

Both policies STR1 and STR2, in terms of the amount of growth and the location of that growth, reflect the fact that the County is defined in Future Wales as a National Growth Area and also an Enterprise Zone. Since the adoption of the LDP the Deeside area has been designated as an Investment Zone to bring about investment in Advance Manufacturing industry. The proposed development site is well located in this context, being close to major existing and proposed employment development.

Policy STR13 Natural and Built Environment, Green Networks and Infrastructure

This policy sets a strategic context in terms of natural and built environment, green networks and infrastructure. The following criteria are considered to be of relevance to the development proposal:

- Criteria i) Protect open countryside and the undeveloped coastline
- Criteria iii) Conserve, protect and enhance the quality and diversity of Flintshire's natural environment including landscape, biodiversity, the Dee Estuary and the Clwydian Range and Dee Valley AONB
- Criteria iv) Promote opportunities to enhance biodiversity and ensure resilience
- Criteria v) Maintain, enhance and contribute to green infrastructure
- Criteria vi) Create and protect green spaces and open space / play environments that encourage and support good health, well-being and equality
- Criteria vii) Conserve, protect and enhance the local distinctiveness and quality of Flintshire's built and historic environment including listed buildings, conservation areas, registered historic parks, gardens and landscapes, scheduled ancient monuments and other locally important historic assets
- Criteria viii) Make financial contributions where appropriate, to facilitate and maintain the favourable conservation status of key environmental assets
- Criteria ix) Support measures to minimise the consequences of climate change

Policy STR14 Climate Change and Environmental Protection

This policy addresses climate change and environmental protection. The policy seeks to mitigate the effects of climate change and ensure appropriate environmental protection in the County through the criteria below. It should be noted that criteria v) references renewable and zero / low carbon development.

- i. Ensuring new development is sustainably located and designed so as to reduce the need for travel by private car;
- ii. Encouraging the use and development of appropriate or suitable brownfield land;
- iii. Adopting a sustainable approach to water resource management including supply, surface water run-off and waste water treatment;
- iv. Directing development away from flood risk areas, assessing the implications of development in areas at risk of flooding and ensuring that new development does not increase the risk of flooding elsewhere;

- v. Encouraging energy efficient development, environmentally acceptable renewable and zero / low carbon energy generation and combined heat and power and communal / district heating networks;
- vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution, unstable and contaminated land and former landfill sites;
- vii. Designing development to be adaptable and resilient to future effects of climate change.

Policy PC1 The Relationship of Development to Settlement Boundaries

This policy sets out the significance of settlement boundaries. It identifies the types of development that will be permitted outside settlement boundaries, but this does not specifically mention energy development. However, criteria d) permits '*Other development which is appropriate to the open countryside and where it is essential to have an open countryside location, rather than being sited elsewhere*'. The applicant will need to address and explain how this policy requirement has been met.

Policy PC10 New Transport Schemes

Criteria i) safeguards land for the A494 / A55 / A548 road scheme known as the Red Route. The Welsh Government undertook a Roads Review (published February 2023) which culminated in this road scheme being dropped by Welsh Government as it was not considered to meet with objectives and policy in terms of discouraging private car based travel and reducing carbon. Consultation should take place with Welsh Government Trunk Roads in terms of access arrangements for the proposed development and whether there is likely to be any re-visiting of the Red Route scheme and the relationship between the site access proposals and the junction arrangement specified in the TR111. In dealing with a planning application (450/25) at the Northop Interchange (junction A55 and A5119) for a Battery Energy Storage System, Welsh Government have directed that planning be refused on the basis that the TR111 is still in place.

Policy EN3 Undeveloped Coast and Dee Estuary Corridor

The site sits to the north of the A548 in an area which policy EN3 refers to as the 'Undeveloped Coast and Dee Estuary Corridor'. Although part of the site comprises previously developed land, part is greenfield land. The policy advises that development will be permitted only where:

- a. it can be demonstrated a coastal location is essential;
- b. it conserves and enhances the open character of the coast;
- c. it would not unacceptably harm areas of nature conservation, landscape or biodiversity;
- d. it would not harm existing or proposed recreational or active travel routes;
- e. extensive coastal protection measures are not required; and
- f. it would not be potentially at risk of flooding nor unacceptably increase erosion or flooding or interfere with natural coastal processes.

Policy EN6 Sites of Biodiversity and Geodiversity Importance

The policy states '*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*'. It goes on to state '*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*'. The site adjoins the Dee Estuary SSSI, SPA, SAC and Ramsar site.

The present proposal must also meet the requirements of Chapter 6 of PPW12 in terms of protection of sites, biodiversity net benefit and also green infrastructure.

Policy EN13 Renewable and Low Carbon Energy Development

This policy provides guidance in respect of Renewable and Low Carbon Energy Development. The first part of the policy states that such development may be permitted for two types of development subject to satisfying a number of detailed policy tests:

- a) Solar PV farms (less than 10 MW) within the Solar Indicative Local Search Areas identified on the proposals map
- b) small scale and/or community-based proposals (less than 5MW) for wind, solar, biomass, energy from waste, anaerobic digestion and hydropower in appropriate locations;

The policy wording states that all renewable and low carbon energy proposals will be permitted provided that they satisfy a number of detailed criteria. Para 9.53 states '*The policy also sets out a criteria-based approach which will enable detailed development proposals to be assessed against a robust set of criteria. This will be particularly useful to enable the assessment of smaller or community based renewable energy proposals of less than 5MW which may arise over the Plan period, as well as larger schemes that may arise that are not within an ILSA but may still be appropriate subject to assessment against the criteria and provision of suitable mitigation. It is also relevant to note that for proposals of 10MW or more, the determination of these will be made by the Welsh Ministers against policy 18 of Future Wales, under the Developments of National Significance (DNS) process and not by the Local Planning Authority*'. It is noted that the proposed scale of generation of the gas fired power station is considerably in excess of that within the scope of the policy, being between 1,000MW and 1,380MW. However, the detailed criteria within the policy are considered to be relevant to the consideration of larger proposals.

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

- i. the development does not prejudice the purpose of the ILSAs 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.

Policy EN14 Flood Risk

The policy provides guidance in respect of flood risk and the key requirement is that it meets the requirements in national guidance in TAN15. Since the adoption of the LDP an updated TAN15 has been published. The proposed development is considered to represent highly vulnerable development and lies within Flood Zone 3. Para 10.22 states '*Planning applications in zone 3 require the strongest justification. No new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments and NRW will not consider these conclusions. Welsh Ministers must be notified of any such proposal a planning authority intends to approve*'.

Policy EN21 Locations for Waste Management Facilities

This policy identifies areas of the County which are considered to be suitable in principle for waste management uses. One of these designated areas is the 'Old Power Station Site', reflecting the brownfield nature of this parcel of land. It is important to note that new waste management uses are not restricted to these areas and may take place elsewhere in the County subject to detailed assessment. It is also important to note that these are not firm allocations and there is no

compulsion or requirement for waste uses to take place. However, it does establish the broad principle of development on the site, subject to detailed assessment. That detailed assessment is undertaken against the criteria in policy EN22.

Other LDP policies

There are also a number of more general policies which will be applied to development proposals and these are:

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR6: Services, Facilities and Infrastructure

Policy STR7: Economic Development, Enterprise and Employment

Policy STR15: Waste Management

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel

Policy PC7: Passenger Transport

Policy EN2: Green Infrastructure

Policy EN4: Landscape Character

Policy EN7: Development Affecting Trees, Woodland and Hedgerows

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Policy EN18: Pollution and Nuisance

Policy EN19: Managing Waste Sustainably

Policy Assessment

From the policies referenced above it is evident that there is no specific policy or policies which provide support for a development of the scale and type proposed. The Plans strategy and policies seek to support development of a scale and location which supports the designation of Wrexham and Deeside as a National Growth Area. The recent designation of an Investment Zone reinforces the importance of the Wrexham and Deeside area as an area of manufacturing and growth. The Plan references broad support for renewable and zero / low carbon energy development but its policies do not relate to the scale of this proposed development. The Plan contains a number of policies covering a range of environmental considerations which are applicable to the proposed development in terms of potential planning harm. The policies in Future Wales and guidance in Planning Policy Wales and Technical Advice Notes will provide a broader policy context for the determination of this proposal.

In response to the Inspectors question it is not considered that the development proposed 'aligns' to the LDP. However, Future Wales contains a broader policy context for the development proposed and PPW12 provides guidance on a range of topics and matters. Alongside the 'development plan', weight should be given to other material planning considerations relating to this proposal.