

connahsquay@planninginspectorate.gov.uk

31/03/2026

Dear Sir/Madam,

PROPOSED CONNAH'S QUAY LOW CARBON POWER

PROJECT PLANNING INSPECTORATE REFERENCE: EN010166

INTERESTED PARTY REFERENCE NUMBER: F589E8331

RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 4

This letter comprises the following submission from NRW:

- Comments on the Change Application – see [Annex A](#)
- Comments on the Saltmarsh Creation Strategy – see [Annex B](#)
- Response to ExA's question to NRW during ISH3 – see [Annex C](#)

The comments provided in this submission comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008. In addition to being an interested party under the Planning Act 2008, NRW exercises functions under legislation as detailed in the cover letter of NRW's Deadline 1 Written Representations [REP1-073].

Our comments are made without prejudice to any further comments we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by the Applicant, the Examining Body or other interested parties.

NRW remains committed to further engagement with the Applicant and Examining Authority throughout the DCO Examination.

Please do not hesitate to contact me at northplanning@cyfoethnaturiolcymru.gov.uk should you require further advice or information regarding these representations.

Yours faithfully,


**Cynghorydd Arbenigol Arweiniol - Cynllunio Datblygu / Lead Specialist Advisor -
Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales**

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ANNEX A – NRW COMMENTS ON THE CHANGE APPLICATION

NRW has reviewed the updated information submitted in relation to the six proposed changes. In summary, we acknowledge that no new or different likely significant environmental effects have been identified beyond those already described in the ES [APP-046 to APP-062]. We therefore have no new concerns to raise regarding the proposed changes and maintain our Written Representations [REP1-073], including key concerns 1 to 3. However, please see our following comments on the updated documents.

1) Applicant's definition of 'in perpetuity' for HRA purposes

- 1.1 Paragraph 10.2.22 of the updated RIHRA [CR1-105/106] states 80 years as being "the standard HRA definition of 'in perpetuity'". We previously queried this in our Written Representation (para. 2.1.60) and asked for a reference to this definition to be provided. The Applicant has since responded with further details, stating that "80 years is a legal definition given for 'in perpetuity' under the Perpetuities and Accumulations Act 1964, although a longer period of 125 years is given under the Perpetuities and Accumulations Act 2009". The full details provided about this are documented in our current draft SoCG (REP3-029, item NRW 9).
- 1.2 However, following review of the Applicant's response we consider that the Applicant's reliance on the Perpetuities and Accumulations Act 1964 is not applicable in this context.
- 1.3 We understand that the purpose of this Act relates to the vesting of future interests in private trust law by specifying a "perpetuity period." Neither the 1964 nor the 2009 Act defines "in perpetuity" in a general sense. Further, we consider that there is no statutory, common-law or HRA specific basis for using those Acts for defining "in perpetuity" for HRA purposes.
- 1.4 Case law indicates that mitigation/compensation measures for HRA purposes must last as long as the adverse effect persists, which may in some cases, be permanent where there has been a permanent loss of land.
- 1.5 For this reason, we do not accept the Applicant's legal interpretation that 80 years is a standard or legally mandated definition of "in perpetuity" for HRA purposes. The period of management should, instead, reflect ecological necessity. If the Applicant wishes to justify a fixed period, they should provide robust evidential reasoning for this rather than relying on the above Acts. We would be willing to discuss this matter further with the Applicant.
- 1.6 We do accept the Applicant's statement that, in Wales, "*the appropriateness of the management period is considered on a case-by-case basis.*" In our view, applying a fixed period based solely on an Act that deals with trust law may not align with this sensible and established approach.

2) Air Quality

- 2.1 The Applicant has recently submitted its Environmental Permitting Regulations (EPR) application for the proposed development, which includes the stack emissions. NRW's Installations and RSR (Radioactive Substances Regulations) Permitting Team have informed the Applicant that the application is "duly made" as of 24 March 2026. As part of the permit determination process NRW will complete a detailed review of the submitted air quality modelling information. A further information request relating to the air quality assessment may be made at this point.
- 2.2 Pending the EPR detailed assessment, our comments on the ecological air quality impacts of the DCO application are therefore based on the potentially significant assumption that the dispersion information and subsequent predicted concentrations and deposition values are accurate. We anticipate being able to provide an update from our detailed review within around a months' time.
- 2.3 We have reviewed the following updated documents regarding air quality impacts:
- 6.2.8 CQLCP Chapter 8 Air Quality Rev 02 [CR1-027]
 - 6.4 CQLCP Appendix 8-D Air Quality Operational Assessment Rev 02 [CR1-090]
 - 6.12 CQLCP Report to Inform Habitats Regulations Assessment Rev 01 [CR1-106]
- 2.4 We note that changes have been made to various emission source parameters, notably changes to stack heights and the HRSG FEED 1 volume flow (m³/s). We note these changes to stack parameters result in minor changes to predicted levels but concur that these appear not to be significant enough to change the assessed outcomes. Our comments on these changes in relation to relevant designated sites for nature conservation are as follows.

Dee Estuary SAC

- 2.5 At the Dee Estuary SAC, the Applicant's predicted in-combination nitrogen deposition process contribution reduced from 2.4% of the critical load to 2.3%, and the individual contribution from Connah's Quay power station proposal alone reduced from 1.4% to 1.3% of the critical load. The Applicant has made no changes to the predicted saltmarsh area affected either in-combination (445 ha) or alone (245 ha).
- 2.6 We therefore maintain our key concerns about nitrogen deposition on the Dee Estuary SAC Annex I saltmarsh habitat (please refer to our Written Representation [REP1-0173] and current draft SoCG [REP3-029/030] for further details regarding this).

Deeside and Buckley Newt Sites SAC

- 2.7 At the Deeside and Buckley Newt Sites SAC we note that the Applicant's predicted in-combination nitrogen deposition process contribution has reduced from 2.1% of the critical load to 1.8%. The Applicant has made no changes to the commentary of

the assessment of the potential impact due to the predicted nitrogen deposition contribution.

- 2.8 We are satisfied that a Section 106 Agreement between the Applicant and Flintshire County Council is an appropriate method of securing the proposed financial contribution mitigation measures. We have received a draft copy of the additional site management mitigation proposals to be secured by Section 106 Agreement and provided feedback to the Applicant about this on 27/02/26. We remain committed to further engagement with the Applicant regarding this matter.
- 2.9 We note that the predicted annual mean ammonia concentration in Table 38 of the Environmental Statement Volume IV Appendix 8-D: Air Quality Operational Assessment at OE11 (OE11 is identified as Connah's Quay Ponds and Woodland SSSI, but also forms part of Deeside and Buckley Newt Sites SAC (OE13)), is stated as 1.1% of the critical level of $1\mu\text{g}/\text{m}^3$. Paragraph 7.3.39 of the RIHRA states "*there are no receptors where the contribution of the Proposed Development to ammonia would exceed the 1% of the critical level threshold.*" Whilst this statement may seem a contradiction, the Applicant's response to ExQ1 Q6.20 states that "*as noted by Natural Resources Wales in paragraph 2.1.24 of their Written Representation [REP1-073], the appropriate ammonia critical level would be $3\mu\text{g}/\text{m}^3$ rather than $1\mu\text{g}/\text{m}^3$.*" Whilst our Written Representations did not explicitly specify that the ammonia critical level of $3\mu\text{g}/\text{m}^3$ was appropriate, after further discussion with NRW experts, we are of the opinion that the ammonia critical level of $3\mu\text{g}/\text{m}^3$ is appropriate for Deeside and Buckley Newt Sites SAC. Therefore, we consider that the Applicant's conclusions in the RIHRA regarding ammonia at this site are acceptable.
- 2.10 As outlined in our response to the Examining Authority's first round of questions [ExQ1 22.7, REP3-062] we are also aware of the following additional projects within Flintshire which have potential air quality impacts but do not appear to be identified in the updated RIHRA in-combination effects assessment:
- Knauf Rock Mineral Wool Facility (S42 Statutory Pre-Application Consultation stage)
 - ICT Paper Mill (Environmental Permit issued)
 - Padeswood Cement Works (Environmental Permit issued)
 - Deeside Power Station (Environmental Permit application received)
 - Arrow AD plant (Environmental Permit application received)
- 2.11 With regards to the Enfinium Parc Adfer ERF Carbon Capture development the Applicant stated that "*Although future emissions from the Enfinium project would need to be considered for cumulative impacts, there is no available data aside from a scoping report at the time this assessment is completed. Therefore, this development cannot be included in the dispersion modelling and the project won't be considered further.*" However, as the Environmental Permit Application has now been submitted to NRW, we advise that the Applicant reviews whether sufficient information is now available for them to consider this project.

2.12 We advise that the Local Planning Authority for the application site (Flintshire County Council, FCC) is consulted for advice on the planning application status of the above projects and advise that FCC and other relevant Local Planning Authorities are consulted regarding any other relevant projects and plans that may be within the project's Zone of Influence, including any located in England.

3) Marine water quality

3.1 We have reviewed the updated Appendix 13-B: Water Framework Directive Report, Rev 01, by AECOM, dated March 2026 [CR1-093/094] regarding Proposed Change 6 (Hardstanding Expansion at Connah's Quay North Jetty) and are satisfied with the changes made.

4) Flood Risk

4.1 The proposed expansion to the hardstanding area as shown on Figure 4, Appendix A of the Change Notification Appendices is within Flood Zones 2 and 3 (Sea) as per the Flood Map for Planning (FMfP) accompanying TAN15: development, flooding and coastal erosion.

4.2 The FMfP shows estimated flood extents over the next 100 years when considering the impacts of climate change (sea level rise). Current day flood maps i.e. not accounting for the impact of climate change, do not show the expanded hardstanding area to be at risk from flooding from the sea (based on the Flood Risk Assessment Wales map).

4.3 We note that the proposed lifetime of the development is 30 years from a construction date in the 2030's, and on that basis, it was agreed that the 2074 climate change epoch would cover the lifetime of the Proposed Development. It was also agreed that the 2100 epoch would be analysed as a conservative approach to flood risk, as the normal lifetime considered for Highly Vulnerable Development is 100 years.

4.4 Proposed Change 6 would not impact flood risk elsewhere when considering tidal flood risk.

4.5 Therefore, we advise that due to the development lifetime being less than 100 years, we are satisfied that no further assessments are required in support of Proposed Change 6 in terms of fluvial and tidal flood risk.

4.6 Based on the available information, we do not have any comments to make regarding flood risk impacts for the other proposed changes.

5) Landscape and Visual Amenity

5.1 We note that Proposed Change 4 would result in a reduction in the heights of the following structures:

- HRSG Stacks (reduced from 150m to 130m)
- CCP Absorbers (reduced from 150m to 92m)
- CCP Absorber Stacks (reduced from 150m to 145m)

- 5.2 We understand that the Applicant considers Proposed Change 4 is not anticipated to give rise to any new or different likely significant effects and therefore is not expected to materially alter the landscape and visual impact assessment conclusions in ES Chapter 15 [APP-053].
- 5.3 As far as it concerned the Clwydian Range and Dee Valley National Landscape (CRDVNL), our previous advice agreed with the conclusion of ES Chapter 15. We noted 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 agreed there would be no significant adverse effects on the special qualities of the CRDVNL. As Proposed Change 4 proposes to reduce the heights of the tallest elements within the proposed development, this conclusion would remain valid, and therefore we do not have concerns with the proposed change.
- 5.4 Based on the available information, we do not have any comments to make regarding landscape and visual impacts for the other proposed changes.

ANNEX B – NRW COMMENTS ON THE SALTMARSH CREATION STRATEGY [REP3-026]

We have reviewed the Saltmarsh Creation Strategy (SCS) (by AECOM, dated March 2026, REP3-026) and our comments are as follows.

Section 1: Introduction

1. We note that the Applicant does not concur with our Key Concern 1 that the saltmarsh managed realignment proposal is inadequate to offset the negative impacts of nitrogen deposition (Ndep) on Annex I saltmarsh habitat (paragraph 1.1.1). The predicted exceedance of the critical load for Ndep covers 245ha related to this project alone (445ha in-combination with other projects).
2. The proposed managed realignment site is intended primarily to offset the 650m² combined permanent and temporary saltmarsh loss from the new surface water outfall works. We note that the Applicant also considers that creating a 0.13ha area of saltmarsh would not only address the direct loss of habitat due to the new surface water outfall but also mitigate the likely impacts across the wider saltmarsh in the Dee Estuary because of elevated nitrogen deposition.
3. However, the managed realignment site is only 0.32% of the area which would be affected by increased Ndep from this project, and we understand that it would also receive the same increased Ndep rates. We therefore maintain our position regarding Key Concern 1 of our Written Representation [REP1-073] regarding Ndep impacts on the Annex I saltmarsh.
4. In respect of our Key Concern 2 we consider that the proposed saltmarsh creation measures to offset the impact of permanent and temporary saltmarsh loss due to the new surface water outfall are satisfactory in principle, subject to further clarification of the detailed proposals being submitted, as reflected in our following comments and SoCG with the Applicant.
5. The area identified for managed realignment to offset the permanent and temporary loss of saltmarsh is located outside of the Dee Estuary Special Area of Conservation (SAC) but is within part of the current Connah's Quay power station Conservation Area (Compartment 3).

Section 2: Baseline

6. The baseline data will need to provide sufficient information to inform the managed realignment site design. Old, contaminated sediments may become exposed or redistributed as the new marsh develops. The pre-intervention monitoring should therefore include a review of the contamination risk of the area proposed for managed retreat in the form of sediment cores.

Section 3: Permanent habitat loss and air quality effects and offsetting solution

7. We welcome the Applicant's continued efforts to further exploring the alternative drainage solutions outlined within the Outline Surface Water Drainage Strategy [REP2-012] throughout the detailed design process (para. 3.1.1).

Section 4: Identifying Location for Saltmarsh Creation

8. The Applicant's Response to Deadline 2 Submissions [REP3-057] states that "The Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5) identifies that a Saltmarsh Method Statement would be prepared to detail soil stockpiling and the suitability of using turves as well as setting out the proposed approach to monitoring saltmarsh recovery."
9. Paragraph 4.1.5 of the SCS states that final proposals will be outlined within the Saltmarsh Implementation and Monitoring Plan to be submitted in accordance with Requirement 22 (saltmarsh creation) of the Draft DCO (EN010166/APP/3.1).
10. We therefore seek clarification on whether the 'Saltmarsh Method Statement' is the same as the Saltmarsh Implementation and Monitoring Plan, or a different document, and the role of each document.
11. We welcome the consideration of further enhancement opportunities to remove man-made features within their landholding and note that they have identified the possibility to remove an area of hard standing equating to 5m².

Section 5: Saltmarsh Implementation and Monitoring Plan

12. We advise that, in general, saltmarsh develops between mean high water neap tides at the lowest level and the highest astronomical tide rather than "within mean spring tidal range to highest astronomical tide (HAT)" as stated in paragraph 5.3.2.
13. We welcome that the final location of the Saltmarsh Creation Area would be determined and plans developed in discussion with NRW as outlined in paragraph 5.3.6 following the completion of the surveys.
14. However, we seek clarification on the timeline around the production of the detailed plans, and whether there is a DCO requirement for this to be finalised before construction.
15. The tide gauge data is proposed to be collected over a four-to-eight-week period, which is in line with best practice as outlined in Frost et al (2006) and covers a Spring-Neap Cycle.
16. The pre-intervention surveys to prepare the digital terrain model and digital surface model are not detailed. We assume that they will include a UAV survey and ground truthing with an RTK-GNSS, but this detail should be confirmed.

17. Topographic surveys should include areas outside of the site which could be impacted by the breach. Brooks et al (2022) outline the physical processes information required to inform small-scale projects and should be used to determine the scale of influence of the managed realignment and therefore the scale of monitoring required.
18. To inform managed realignment design wave and tidal current data are normally collected to inform understanding of hydrodynamic conditions and inform breach design. We therefore advise that tidal current velocity data should be collected. The location of the breach may be too far inland to be affected by waves but additional information regarding the wave climate at this location should be provided to confirm this.
19. A breach design tool (empirical tool) which can inform the initial dimensions of the breach has been developed and is available from Coastal Science & Engineering Applications (CoastalSEA). We advise that a model based on tidal flows, topography and the designed breach would help to inform predicted velocities/bed shear stresses within the managed realignment site.
20. The post-construction surveys all appear to comply with best practice in terms of frequency and purpose. However, we advise that post-breach tidal data are collected to inform whether the required tidal levels have been achieved.
21. Regarding para. 5.4.24, a cutting regime would only be required if the site starts to develop a dense cover of grasses. The general aim should be to achieve a varied mosaic of sward heights.
22. The final bullet point of para. 5.4.27 should be proof-read as there appears to be a typographical error (“translation of curves” instead of “translocation of turves”).
23. We advise that the SCS should reference the following further design factors that should be considered at the detailed design stage:
 - The amount of sediment that will need to be removed to create the right elevation for the site.
 - The location of where the material is to be deposited after altering the topography of the site.
 - Whether an artificial creek system is needed within the site
 - Whether the sediment at the site is compacted and any decompaction is required prior to a breach

References:

- Brooks, A.J., Roberts, H., Trigg, C. 2022. Advice on Physical Processes for Small-scale Marine and Coastal Projects. NRW Evidence Report No: 624, 48pp, Natural Resources Wales, Cardiff
- Frost, N. Hull, S. and Pontee, N (2005) Habitat Quality Measures and Protocols Defra/ Environment Agency R and D Technical Report FD1918

ANNEX C – NRW RESPONSE TO EXAMINING AUTHORITY’S QUESTION TO NRW DURING ISSUE SPECIFIC HEARING 3 (ISH3)

1. During ISH3 on 17 March 2026 the ExA stated that it was seeking to establish if NRW is content with the current management of the saltmarsh under the existing Connah’s Quay power station conservation management plan for the site. NRW has since considered this question, and our response is as follows.
2. A Conservation Areas Management Plan is currently in place at the site, secured as mitigation for environmental impacts associated with previous developments at this location. The Conservation Areas Management Plan for the land within the Applicant’s control, which is a legal requirement of the Section 36 consent for the existing Connah’s Quay Power Station, must be maintained for the life of the existing Connah’s Quay Power Station.
3. Within the current Conservation Areas Management Plan, there are three ‘compartments’:
 - Compartment 1: the pools and hinterland within the SSSI to the north-west of the power plant, this is not intertidal and therefore has no saltmarsh. The focus of this area is to provide pools to attract waders and wildfowl for feeding, roosting and potentially nesting.
 - Compartment 2: the saltmarsh bordering the north-eastern edge of the plant, which is ungrazed and has artificial ‘bunded pools’ that are periodically maintained to retain tidal water, in order to attract a range of over-wintering and passage birds. Whilst one of these is currently in disrepair, the Applicant has recently consulted NRW in respect of undertaking management to address the issue.
 - Compartment 3: this is a small area of saltmarsh to the south of the power station, which is ungrazed and has non-intervention management - it is left to its own devices. This area of saltmarsh is adjacent to the area where the Applicant proposes small-scale managed realignment.
4. There is currently no grazing on any of the saltmarsh but there is limited mowing of areas in front of the bird viewing hides (to maintain sight lines to the pools). The large bunded pools are maintained every five years or so (for birds rather than saltmarsh). NRW has historically been comfortable with the current management, due to the mixture of species and habitat that we are aiming to see managed across the site.
5. Therefore, in general, NRW is satisfied with the current management of the saltmarsh by the Applicant under the extant management plan agreement but would not object to Compartment 3 being grazed appropriately if it is safe for stock do so. NRW is currently awaiting the renewal of the 5-year management plan at the Connah’s Quay power station site, which is overdue.
6. To ensure the continuity of the extant environmental management commitments associated with the ongoing use of the site as a power station, we would expect a

new Conservation Areas Management Plan to be implemented for the life of the Proposed Development. We therefore welcome the Applicant's confirmation that an updated Conservation Areas Management Plan would be prepared as an embedded design measure and submitted to FCC and NRW for approval prior to the commencement of operation of the Proposed Development. We would expect this to encompass the existing conservation management compartments, and any new compartments associated with the Proposed Development. We note that the updated Conservation Areas Management Plan would be secured by DCO Requirement 13 (as part of the Operational and Maintenance Environmental Management Plan) and remain in place until completion of the decommissioning of the Proposed Development, unless otherwise agreed with FCC and NRW (commitment ref. TAE – 39).