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Connah's Quay Low Carbon Power

Applicant's Response to Deadline 3 Submissions

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1. Introduction

1.1 Overview

- 1.1.1 This document has been prepared on behalf of Uniper UK Limited in connection with the application (Application) that has been submitted to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ) for a Development Consent Order (a DCO) under Section 37 of the Planning Act 2008 (PA 2008) in respect of the Connah's Quay Low Carbon Power Project.
- 1.1.2 The Application was submitted to SoS on 5th August 2025 and accepted for examination on 28th August 2025. The Examination commenced on 13th January 2026.

1.2 Purpose of this Document

- 1.2.1 This document provides the comments of the Applicant in response to the submissions made by Interested Parties (IPs) at Deadline 3 of the Examination.
- 1.2.2 Accordingly, responses to the following IPs are contained in the subsequent sections of this document:
- Section 2 – Organisations / Business (Non-Landowners)
 - Section 3 – Landowners
- 1.2.3 The Applicant has not commented on every point made within the IP's submissions. Instead, the Applicant has sought to provide comments where it is helpful to the Examining Authority (ExA) or where it considers that it would be appropriate for the ExA to have the Applicant's view on the matter raised.
- 1.2.4 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by an IP, this is not an indication the Applicant agrees with the point or comment raised or opinion expressed.
- 1.2.5 When responding to Deadline 3 submissions, the Applicant has referenced the version of each document that was current at the time the relevant matter was originally addressed, with updated material cited only where necessary, to clarify or expand upon the Applicant's position, so that the evolution of the evidence base through the Examination is transparent to the ExA. However, where mitigation or controls are discussed that would ultimately be secured through the **Draft Development Consent Order (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, 2, or 3, 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 4, the document reference is provided (e.g. EN010166/APP/X.X).

2. Organisations / Businesses (Non-Landowners)

2.1 REP3-062 Natural Resources Wales (NRW)

2.1.1 NRW's Deadline 3 submission and the Applicant's response are set out in **Table 1** below.

Table 1: Response to NRW Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Natural Resources Wales Wales' Written Submission for Deadline 3 [REP3-062]	1.15	<p>Question Reference: ExQ1 6.18</p> <p>Examining Authority Question: Atmospheric pollution at the Dee Estuary/ Aber Dyfrdwy SAC, SPA and Ramsar site – Derogations</p> <p>The RIHRA [APP-253] proposes that the measures relied on for the loss of Atlantic salt meadow (extending the duration of management of the Atlantic salt meadow within the existing Connah's Quay conservation areas that are managed by the applicant; and allowing natural coastal processes to resume south of the existing power station to substantially delay the rate of coastal squeeze) would also offset the ecological effect of nitrogen deposition during operation on the Dee Estuary/ Aber Dyfrdwy SAC/ SPA/ Ramsar site. The ExA and NE [RR-026] consider these measures to constitute compensation in relation to the direct loss of habitat impact pathway. Therefore, the applicant is requested to provide, on a without prejudice basis, a derogations case, without prejudice DCO schedules, and without prejudice compensation Implementation and Monitoring Plan(s) regarding the atmospheric pollution impact pathway on the Dee Estuary SAC, SPA and Ramsar site.</p> <p>NRW Response: NRW notes this statement and has discussed this matter in its Written Representation (Key Concern 1) and response to the Applicant's Change Notification consultation. NRW would welcome the provision of further details regarding this matter in an updated 'without prejudice HRA derogation' document and will provide further comment following review of the additional information.</p>	The Applicant is providing an update to the Notice of a proposed without prejudice HRA derogation in Wales [PDA-003] at Deadline 4.
	1.17	<p>Question Reference: ExQ1 6.25</p> <p>Examining Authority Question: Atmospheric pollution at the Deeside and Buckley Newt Sites SAC</p> <p>The applicant proposes to secure the financial contribution towards nitrogen deposition and ammonia (if the financial 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. Are NRW satisfied that this is an appropriate method of securing the relevant mitigation?</p> <p>NRW Response: NRW is satisfied that a Section 106 Agreement is an appropriate method of securing the relevant mitigation. NRW has received a draft copy of the additional site management proposals to be secured by a Section 106 Agreement and provided feedback to the Applicant about this on 27/02/26.</p>	The Applicant is currently reviewing the feedback NRW provided to the Applicant on 27 February 2026 related to the draft management activities covered by the Deed of Development Consent Obligations.
	1.21	<p>Question Reference: ExQ1 9.3</p> <p>Examining Authority Question: Gronant fields site ([APP-254] Ref: 6.13)</p> <p>A) What measures are in place to secure the Gronant fields site and what are the alternatives if this fails? B) Are the Gronant fields sites already within a designated site, or already functionally linked land to a designated site?</p>	<p>With regards to point 'A', the Applicant confirmed in its response to ExA Q1 [REP3-059] at Deadline 3 that it is the owner of the Gronant Fields site.</p> <p>With regards to point 'D', the Applicant obtained WeBS data for the Gronant Fields site as part of the mitigation site selection</p>

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		<p>C) Has Gronant fields already been secured as compensatory habitat for other activities such as coastal squeeze identified in the shoreline management plan and is there a risk of additionality with other strategies or plans?</p> <p>D) What evidence is there of the existing use of the Gronant field sites by other species, in particular scheduled species and what are the likely impacts on these existing species of the planned relocation of additional species to the site?</p> <p>E) Can the Gronant site accommodate an increased population if it is already being used?</p> <p>F) How will existing species using the functionally linked land at Connah's Quay be encouraged to make use of the newly secured site at Gronant? Should the Gronant fields site be within the proposed order limits?</p> <p>G) What evidence is there that the use of the Gronant site is mitigation and not compensation with regards to the process set out in the Habitats Regulations and UK government guidance?</p> <p>NRW Response: A) NRW understands that the Gronant Fields site has been acquired by the Applicant, so it is now under their ownership. Therefore, NRW defers to the Applicant for further advice regarding this point.</p> <p>B) The Gronant fields are located within the Dee Estuary / Aber Dyfrdwy SPA, Ramsar site and SSSI.</p> <p>C) NRW is not aware of any such proposals at the Gronant Fields site. However, we advise that confirmation is sought from the Applicant and FCC</p> <p>D) NRW holds raw WeBS data from several years for the Gronant Fields land parcels. Whilst survey has not been continuous, it shows a range of different 'feature' bird species using the land. Therefore, accommodation should be made within the Curlew Mitigation Strategy (CMS) not only to enhance the site for curlew, but to provide suitable habitat to maintain and enhance the site for other potentially displaced 'feature' bird species that may use it. The Applicant has yet to approach NRW for these records, but we are willing to share them if requested, subject to any data restrictions that may apply. In relation to Schedule 1 species, the Applicant has provided NRW with results of surveys completed in March and April 2025 which showed use of the site by one barn owl, and six Cetti's warbler. However, NRW defers to the Applicant for full details of the data collected during their surveys.</p> <p>E) A figure entitled "Notable Bird Records Distribution Map" provided in the CMS document, shows curlew using two fields, one within the site boundary and one adjacent. This would appear to show that there is capacity within the Gronant Fields site to accommodate an increased curlew population, with 11 additional field parcels of varying sizes (1ha – 6.5ha) available for use. However, NRW defers to the Applicant for further supporting evidence regarding this matter.</p> <p>F) NRW considers that proximity is not, in itself, determinative. Rather, the focus is on ecological equivalence and functional connectivity. Compensation / mitigation must be capable of supporting an equivalent or greater number of overwintering curlew, such that there is no adverse effect on the integrity of the Dee Estuary SPA or its Conservation Objectives.</p> <p>G) NRW notes that this question appears to refer to the Applicant's position on this matter and therefore directs the ExA to the Applicant for their response. However, NRW has provided advice on its position regarding this in its Written Representation (Key Concern 3). Please also see our response to ExQ1 9.27 b.</p>	<p>process, as detailed in section 3 of the Curlew Mitigation Strategy [APP-254]. A summary of this data in relation to Curlew is provided in section 4.2.3. The Applicant is providing an updated Curlew Mitigation Strategy at Deadline 4 to include data on other relevant bird species, and will continue to engage with NRW on the availability of further data.</p>
	1.22	<p>Question Reference: ExQ1 9.4</p> <p>Examining Authority Question: Functionally linked land adjacent to the existing Connah's Quay power station</p>	<p>To clarify, the Applicant is not undertaking any further surveys of land within the Order limits. The Applicant acknowledges receipt of further existing data provided by Deeside Naturalists' Society</p>

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		<p>What evidence has been collected and presented to illustrate the extent of use of the functionally linked land adjacent to the existing Connah's Quay power station?</p> <p>NRW Response: NRW awaits the full survey results from the Applicant. However, NRW is aware that the Deeside Naturalists' Society and Applicant hold historic bird count data of the Functionally Linked Land area, the adjacent compartment one area and the adjacent saltmarsh that cover the years since the site environmental management plan came into effect. To NRW's knowledge, these data have not been presented to date, either to set baseline conditions or to inform the RIHRA. NRW would recommend that these data are used to inform future management baselines.</p>	<p>(covering 2023 to 2026). The Applicant will review this and will provide an update regarding the data provided at Deadline 5.</p>
	1.24	<p>Question Reference: ExQ1 9.7</p> <p>Examining Authority Question: Flightpath of birds What risks and effects are there on the flight paths of birds utilising the designated sites and functionally linked land from the new stacks at the proposed development, what evidence is there of conflict with the existing stacks at the site and what can be done to mitigate this risk?</p> <p>NRW Response: NRW awaits the full bird survey results from the Applicant (please see our response to ExQ1 9.23). However, based on known roost and feeding locations of wintering waders and wildfowl and breeding terns, flight paths between roost sites and feeding sites would not include the proposed development area. Flying from low tide feeding due to disturbance is referenced in The Dee Estuary European Site Regulation 33 document and does not include a flightpath over the proposed development area. NRW therefore does not foresee any risk to flight paths of marine/intertidal birds using the designated sites, based on currently available information. Regarding evidence of conflict with the existing stacks, NRW defers to the Applicant for comment regarding this matter.</p>	<p>To clarify, the Applicant is not undertaking any further surveys within the Order limits. The Applicant acknowledges receipt of further existing data provided by Deeside Naturalists' Society (covering January 2023 to December 2025). The Applicant will review this and will provide a summary of the data in the context of the existing baseline described in Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4) at Deadline 5.</p>
	1.29	<p>Question Reference: ExQ1 9.17</p> <p>Examining Authority Question: Loss of Atlantic salt meadows (Dee Estuary/ Aber Dyfrdwy SAC): Comments on proposed measures In the RIHRA and without prejudice HRA derogations case [APP-253] and [PD-006] respectively, the applicant proposes two measures to address AEoI on the Atlantic salt meadow qualifying feature of the Dee Estuary/ Aber Dyfrdwy SAC due to direct loss of habitat: a) extend the duration of management of the Atlantic salt meadow within the existing Connah's Quay conservation areas that are managed by the applicant; and b) allow natural coastal processes to resume south of the existing power station by realigning part of the defences inland and allowing the Atlantic salt meadow to naturally retreat to substantially delay the rate of coastal squeeze. NRW and NE: c) Confirm the efficacy of these measures to address the temporary, medium-term loss of Atlantic salt meadow. d) Do NRW and NE consider that the applicant's proposed measures, would be feasible, deliverable and ecologically effective to alleviate the scale of potential harm to the European sites? If not, what amendments or other measures would NRW/ NE propose? e) Are NRW and NE content that the applicant's proposed measures would be secured before the commencement of construction? If not, what would NRW/ NE propose?</p> <p>NRW Response: c) NRW notes that a Saltmarsh Creation Strategy will be submitted at Deadline 3 and will provide further comment on this question following review of that information. In principle, NRW</p>	<p>The Applicant notes NRW's response and awaits their further comments to the Deadline 3 documents.</p> <p>With regards to point 'e', the Applicant would like to clarify that, in accordance with Requirement 22 of the Draft DCO [REP3-009], a Saltmarsh Implementation and Monitoring Plan will be prepared in general accordance with the Saltmarsh Creation Strategy [REP3-026] following the grant of the DCO (if consent is granted). This will be submitted to and approved by the relevant planning authority, in consultation with NRW.</p>

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		<p>considers that the Applicant's proposed measures, if secured and delivered satisfactorily, could be effective in adequately addressing the temporary loss of Atlantic salt meadow related to the new surface water outfall. The area to be created would be greater than the combined area of predicted permanent and temporary habitat loss. We consider that the temporary loss of Atlantic salt meadow vegetation would be likely to recover as the adjacent saltmarsh will provide a seed source.</p> <p>d) NRW considers that the proposed measures to create the conditions for the development of saltmarsh appear feasible in principle. The new area will be adjacent to the existing saltmarsh, which will be beneficial as a seed source. The Applicant has agreed to monitoring for sediment deposition and vegetation cover to ensure saltmarsh development occurs and a contingency plan if the site is unsuccessful. NRW notes that a Saltmarsh Creation Strategy will be submitted at Deadline 3 and will therefore provide further comment following review of that information.</p> <p>e) NRW notes that the Applicant will prepare a Detailed Saltmarsh Creation Strategy which will take into account the advice given in our Written Representation, to be prepared prior to construction in general accordance with a new Framework Saltmarsh Creation Strategy that will be submitted at Deadline 3, and secured by a new requirement within the Draft DCO. We understand that the Strategy will include details of any proposed monitoring (to be implemented during construction and used through operation) following its creation and provide details of a contingency plan should the saltmarsh not establish.</p> <p>NRW will therefore provide further comment on this following our review of the additional information to be submitted at Deadline 3</p>	
	1.30	<p>Question Reference: ExQ1 9.23</p> <p>Examining Authority Question: Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site): Baseline data for and assessment of qualifying bird species Are NRW and NE satisfied with the methodology, data/ surveys and qualifying bird species and assemblages included within the assessment of AEol for loss of functionally linked land at Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site? If not, why not? Please set out the specific information that would still be required.</p> <p>NRW Response: NRW's standard advice is to collect two years' worth of ornithology survey data to assess potential impacts on a site. The Applicant has completed one years' worth of surveys (November 2023 to October 2024 inclusive) at the development site, which we consider is insufficient to be able to draw conclusions on the species which may be impacted by the development. However, given the large amount of historical data available (Deeside Naturalists' Society: January 2012 to December 2023 – Monthly wetland bird survey data and data held by the Applicant for the current site management), which NRW has asked to be included in the assessment, we would accept the use of one years' worth of surveys for this project if those data were confirmed to be transferrable to the Applicant's survey data and utilised in their assessment. If this were not demonstrated to be the case, we would advise that two years' worth of survey data should be collected.</p> <p>NRW is satisfied with the threshold of determining functionally linked land used by the Applicant (this being 1% of the SPA and Ramsar site populations of named features).</p>	<p>As set out in Table 1 of Appendix 11D: Ornithology Technical Appendix [APP-193], these data are supported by other third party data, including ornithological surveys undertaken within the Order limits between April 2022 and February 2023 by Aspect Ecology, monthly wetland bird data collected by the Deeside Naturalists' Society for the Connah's Quay Power Station Nature Reserve spanning the period January 2013 to December 2023 and Wetland Bird Survey (WeBS) data obtained from the British Trust for Ornithology (BTO) for the period 2018 to 2023. The Deeside Naturalists' Society have provided the Applicant with survey data they have collected between December 2023 and March 2026.</p> <p>The Applicant acknowledges receipt of further existing data provided by Deeside Naturalists' Society. The Applicant will review this and will provide an update regarding the data provided at Deadline 5.</p>
	1.31	<p>Question Reference: ExQ1 9.27</p> <p>Examining Authority Question: Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site): Comments on proposed measures</p>	<p>The Applicant will continue to engage with NRW on the presentation of baseline data for the Main Development Area.</p>

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		<p>In the RIHRA and without prejudice HRA derogations case [APP-253] and [PD-006] respectively, the applicant proposes to deliver 25/ 26 ha of functionally linked land at Gronant Fields at Prestatyn which is approximately 21.2 km from the Main Development Area and within the SPA / Ramsar site. a) Do NRW and NE consider that the applicant's proposed measures would be feasible, deliverable and ecologically effective to alleviate the scale of potential harm to the European sites? If not, what amendments or other measures would NRW/ NE propose?</p> <p>NRW Response: a) Until appropriate baseline data for the Main Development Area is presented by the Applicant NRW is unable to advise if the Applicant's proposed measures will be ecologically effective to alleviate the scale of potential harm to the Dee Estuary / Aber Dyfrdwy SPA. NRW has requested further clarifications and details on the CMS which can be found in its Written Representation (Key Concern 3). NRW is unable to comment on the feasibility and deliverability of the Applicant's proposed measures until an updated CMS has been submitted and agreed.</p> <p>b) NRW acknowledges that the Gronant Fields site is located within the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site. However, the Functionally Linked Land ('FLL') affected sits outside of the SPA and Ramsar site. We have commented on this in relation to the Briels case in our Written Representation (Key Concern 3) and it is noted that, following Briels and subsequent case law, the general rule is that proposed replacement land that sits within a European site boundary may usually be considered compensatory. Each matter, should, however, be considered on its own facts, and there are factual differences between Briels and the present application in that the land to be replaced is FLL rather than land located within the European site boundary. In any event, any proposed measures will be subject to the certainty of their implementation and effectiveness being beyond reasonable scientific doubt such that there is no adverse effect on site integrity. Previously, until being acquired by the Applicant, Gronant Fields has been managed by a third party for agricultural purposes, which has resulted in grassland and arable weeds, notably maize, dominating some field parcels. Such habitat is not effective for the bird features associated with the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site, and this is confirmed by the raw WeBS data NRW hold which show a lack of consistent use of the fields by these species. Therefore, NRW is satisfied that Gronant Fields does not fall within the existing management and condition obligations of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site and could be suitable for mitigation / compensation.</p> <p>NRW notes that the Gronant Fields site has been acquired by the Applicant and we are therefore satisfied that the site has been secured. However, until the remaining information sought by NRW has been submitted and agreed, we are unable to confirm the effectiveness of the measures set out by the Applicant.</p>	<p>The Applicant is also submitting an updated version of the Curlew Mitigation Strategy at Deadline 4 which addresses the comments within the NRW response.</p> <p>With regard to the classification of the proposed measures as mitigation or compensation, see the response to Action Point 4 in the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 3 and Response to Action Points (EN010166/APP/9.19).</p>
	1.36	<p>Question Reference: ExQ1 11.4</p> <p>Examining Authority Question: Flood risk ([APP-051] Ref: Table 13-7 & [APP212] Fig 13C-1) Was joint probability considered in the hydraulic analysis? Where in the tidal modelling has the risk of overtopping of defences from wave action and breach of defences been considered? The appendices state that the MDA is free from flood risk but the Figure 13C 1 appears to contradict this. Why is the site shown in flood zone 3 if the site is actually free from flood risk including future climate change projections? Have the most recent allowances for climate change been included in the flood risk assessment including the uplifts required for flood modelling of critical national infrastructure, such as H++ sea level rise?</p> <p>NRW Response: NRW defers to the Applicant to confirm how they have addressed these matters in their submission. Please also refer to our SoCG with the Applicant (NRW39 – 41). However, regarding</p>	<p>Please refer to the responses provided to ExQ1 Q11.4 in the Applicant's Response to ExQ1 [REP3-059].</p> <p>With regards to wave overtopping, liaison with NRW was undertaken (October 2024) (Appendix 13-F – Hydraulic Modelling Report) [APP-215] which confirmed NRW did not hold any wave data for the site of the wider Dee Estuary. NRW were unaware of historic wave overtopping issues, nor did they hold any historic flood outlines which related to wave overtopping in the site location. They therefore felt it unlikely that wave overtopping is a significant risk at the site.</p>

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		<p>consideration of a breach in defences for the tidal modelling, this was subject to previous discussions and agreement between the Applicant and NRW. There are no NRW maintained flood risk management defences alongside the Main Development Area and therefore it is considered that the modelling approach (undefended scenario) will provide conservative estimates of flood levels/risk.</p> <p>Regarding the site's susceptibility to flood risk, the Flood Map for Planning at the location of the site is based on broad-scale fluvial and tidal modelling. As part of the submitted Flood Consequences Assessment, the Applicant has taken a copy of NRW's most up-to-date hydraulic model for this location and updated this to provide a more detailed representation of risk to the site, following preapplication engagement between NRW and the Applicant. This is documented in the Hydraulic Modelling Report. Further advice on the details of the modelling should be sought from the Applicant.</p> <p>For the H++ scenario, Section 7 of the Welsh Government's current Climate Change Allowance guidance "Flood Consequences Assessments: Climate change" states that "You should contact the Local Planning Authority to establish whether an assessment of the H++ scenario is required as part of a flood consequences assessment." We therefore direct the ExA to FCC for any further advice regarding this matter.</p>	<p>With regards to the H++ scenario the Flood Consequences Assessments: Climate change guidance (2021)¹ recommends the H++ scenario is more often used for infrastructure with a longer design life beyond the end of the century and / or is particularly sensitive to flooding. The Proposed Development has a design life of 30 years, and it was shown in Figure 13F-20: Tidal Maximum Extents (70th Percentile Events) in Appendix 13-F: Hydraulic Modelling Report [APP-215] to be no flooding within the operational footprint during the design flood event.</p> <p>Within the Statement of Common Ground with Flintshire County Council [APP-280] the assessment methodology for the Flood Consequence Assessment was agreed between the parties to be appropriate / acceptable.</p> <p>Within Table 12 of the Applicant's Response to Local Impact Report [REP3-058] it is noted that FCC would defer to comments from NRW, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.</p>
1.38	Question Reference: ExQ1 14.1	<p>Examining Authority Question: Coastal change</p> <p>What are the coastal erosion risks to the site of the proposed development over its lifetime, how are these mitigated and what effects might these mitigations have on shoreline management policies upstream and downstream of the site, and the long term evolution for this section of the coast?</p> <p>NRW Response: The site is within Shoreline Management Plan Policy Unit 22 11a 5.3: Flint Marsh to Chester Weir to Sealand Rifle Range which has a Hold the Line policy for all epochs. The main development would not alter this erosion risk. Any alteration of the erosion risk or downstream impacts would be associated with the proposed realignment to the south of the proposed development - this is further discussed in ExQ1 14.2.</p>	<p>The Proposed Development does not plan to alter the coastal environment, instead utilising existing infrastructure, and as such will not alter the risk of erosion due to the development of the site. The future evolution of the coast will continue through natural processes over the lifetime of the Proposed Development.</p>
1.39	Question Reference: ExQ1 14.2	<p>Examining Authority Question: Shoreline management</p> <p>How does the proposed realignment of existing coastal defences to the south of the proposed development align with the preferred policy in the shoreline management plan for the respective management unit and what are the associated effects that might arise from this policy?</p> <p>NRW Response: The headline SMP policy for the site is Hold the Line. However, the policy detail refers to supporting further studies for localised managed realignment following consideration of the impact on channel morphology, down estuary impacts, and changes to defence costs. NRW has provided further comments on this in its Written Representation; paragraph 2.1.42. The information provided should also</p>	<p>The development of a Habitat Creation Site (HCS) along the southern boundary of the site will involve the modification of the current coastal defence embankment. However, the defence structure in question is a sediment bank that is set back from the saltmarsh edge by between 94 to 110 metres, has an aspect facing away from the prevailing and storm event wave direction, storm surge direction and as such is unlikely to be acted upon directly by dynamic waves. The majority of the current saltmarsh sits at elevations close to highest astronomical tide or higher and as such the majority of the tidal and wave energy is prevented from transmitting past the saltmarsh edge.</p>

¹ Department for Environment, Food & Rural Affairs (Defra) and Environment Agency (2021). Flood risk assessments: climate change allowances [online]. Available at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (accessed 06/03/2026).

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		<p>refer to issues raised in paragraphs 2.1.40 and 2.1.41 of NRW's Written Representation about the suitability of the managed realignment site.</p>	<p>The HCS is currently in the options design phase and there are two potential options under consideration:</p> <ol style="list-style-type: none"> 1. Modified "set-back" defence embankment. Whereby, the current defence embankment is re-routed around the HCS leaving it dynamically open to the existing saltmarsh and Dee estuary. This is the proposed method to allow for natural retreat of the saltmarsh due to sea level rise associated with coastal squeeze (Saltmarsh Creation Strategy [REP3-026]). This option modifies the defence structure by setting back a portion of the defensive embankment. 2. Retained defence embankment and culvert. Whereby, the existing coastal defence remains in its current position and a culvert is installed through to the HCS to allow the flow of tidal water into the HCS. This is a semi-closed option as the HCS is not open to the existing saltmarsh or Dee estuary. <p>The SMP policy covering this site is "Hold the Line" and does allow for localised realignment of the coastal defence structure provided that consideration of any potential impacts of the realignment to the estuary and flood risk to railway and infrastructure are assessed.</p>
	1.40	<p>Question Reference: ExQ1 14.3</p> <p>Examining Authority Question: Deposition and disturbance of material and sediment from cooling water What are the risks associated with the deposition of any solid matter that collects in the cooling water discharge and also the risks associated with the mobilisation of sediment adjacent to cooling water discharges. What are the consequences for the physical processes adjacent to the proposed development from any change in sedimentation regime?</p> <p>NRW Response: ES Chapter 16, paragraphs 16.6.9- 16.6.14 provide information about the impact of the cooling water abstraction and discharge. The capacity of the outfall and intake structures and the rate of discharge into the estuary would be the same design as the existing power station. Therefore, there would be no change (associated with scour and erosion) to the riverbed as water is discharged into the estuary. The estuary is also dynamic undergoing natural changes over varying timescales on a local and wider scale.</p> <p>The Proposed Development would use the existing Connah's Quay Power Station cooling water abstraction and discharge infrastructure located within the River Dee. Therefore, the position of the discharge will not be altered. Cooling water abstraction and discharge would be limited to periods around high water in line with the current abstraction permit. This management practice maximises dilution and enhances dispersion.</p>	<p>The physical processes and risk of mobilisation of sediment adjacent to the cooling water discharge infrastructure will remain unchanged from its present state. To ensure that the abstraction and discharge of fluids from the infrastructure does not negatively impact the surrounding sedimentary environment, it will be conducted over high water. The greater prevailing tidal flow during the ebb stage of the tide will envelop and dissipate the discharge downstream from the outlet and disperse any sediment transferred to it and there will be no effect to riverbed morphology.</p>

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		<p>NRW agrees with the conclusion that there would be no effect on estuary bed morphology as a result of cooling water and abstraction discharge. However, we have concerns about potential impacts of the surface water discharge which are addressed in Annex B.</p>	
	1.44	<p>Question Reference: ExQ1 22.7</p> <p>Examining Authority Question: In-combination plans and projects 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>NRW Response: NRW is aware of the following additional projects within Flintshire that do not appear to be identified in the current RIHRA:</p> <ul style="list-style-type: none"> • Knauf Rock Mineral Wool Facility (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) <p>NRW directs the ExA to FCC for advice on the planning application status of the above projects and advises that FCC and other relevant Local Planning Authorities are consulted regarding any other relevant projects and plans that may be within the project's Zol.</p>	<p>Regarding operational stack emissions the air quality assessment on which the HRA relies considered all schemes within 15km of the operational facility in line with NRW guidance. It should be noted that the schemes considered in the air quality modelling were not specifically listed separately in the RIHRA report, which confined itself to listing projects of relevance to other impact pathways, notably loss of functionally-linked land. However, they are identified in the air quality modelling documentation, Appendix 8-D: Operational Air Quality Assessment, Annex D [REP2-009].</p> <p>ICT Paper Mill and Padeswood Cement Works are listed in the air quality assessment as being included in the cumulative operational scenario.</p> <p>Deeside Power Station is currently permitted at 927 MWth with unlimited operational hours and the permit application relates to reducing this to 110 MWth with 2000 hours of operation. The current background concentration maps and Air Pollution Information System (APIS) background projection include the impact from this facility at the permitted operation capacity and as such overestimate the future impacts.</p> <p>Knauf Rock Mineral Wool Facility has not yet submitted its Environmental Permit application and information relating to its future emissions is not available at this time.</p> <p>The combustion of biogas through CHP units from the Arrow AD plant is relatively small in scale and would only be capable of having perceptible impacts within a few hundred meters of the 3m high points of release, within the industrial area. The Environmental Statement for the Arrow AD Plant (planning application reference "05870" at Flintshire County Council) identified negligible impacts within its Air Quality assessment on all receptors (including nature conservation sites).</p>
	1.45	<p>ANNEX B – RESPONSES TO THE APPLICANT'S DEADLINE 2 SUBMISSIONS B.1: Connah's Quay Low Carbon Power Geomorphological Walkover Survey Report [REP2-020]</p> <p>B.1.1 NRW has reviewed the Applicant's Geomorphological Walkover Survey Report (REP2-020, February 2026) and our comments are as follows.</p>	<p>Significant works were carried out within the saltmarsh in the late 1990's in forming the lagoons within the saltmarsh including the associated embankments. Based on historic ordnance survey drawings included within ground investigation and site feasibility reports, the culverted watercourse outfall was created before 1962. The hollow in the saltmarsh is associated with the outlet of the Old Rockcliffe Brook Culvert that is adjacent to and</p>

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		<p>B.1.2 The Geomorphological Walkover Survey Report concludes that additional discharge from the surface water outfall will not result in additional erosion/scour of the channel. The walkover survey shows that the dominant cause of erosion in the drainage basin is tidal ingress.</p> <p>B.1.3 However, adjacent to the outfall structure there is evidence of scour from a combination of outfall discharge and tidal ingress resulting in a vortex and an area of erosion; this is supported by plate 3 and paragraph 3.1.3 of the report.</p> <p>B.1.4 This does not support the Environmental Statement, Volume II, Chapter 11: Terrestrial and Aquatic Ecology, paragraph 11.6.141, which states that "The Proposed Surface Water Outfall would not result in an increase in saltmarsh erosion due to the discharge", as the existing discharge levels are showing scour impacts.</p> <p>B1.5 We therefore advise that the Applicant should undertake an assessment of scour for the new permanent surface water outfall. The design of the outfall should consider best practice to reduce scour such as the headwall not projecting beyond or above the bank. If scour protection is required, this should include the use of natural materials.</p> <p>B1.6 Plate 3 shows that saltmarsh is extending across the discharge channel which could affect how water discharges from the surface outfall. The Applicant should therefore confirm whether they intend on clearing the channel at this point and, if so, whether this has been accounted for within the RIHRA</p>	<p>north of the existing Surface Water Outfall which serves the existing site. However, in subsequent years post 2005 the saltmarsh has recovered significantly, reducing the widest portion of the hollow by approximately 1.6 m. This indicates that the saltmarsh is capable of and continues to recover, despite the discharge from the Old Rockcliffe Brook Culvert outlet.</p> <p>There has been recent bank erosion 7 m downstream from the existing Surface Water Outfall that is unrelated to any discharge from it. Instead, this is associated with drainage of the tidally flooded saltmarsh draining back into the creek through a shallow depression in the saltmarsh surface and can therefore be attributed to natural processes.</p> <p>The above observations support the conclusion that the existing Surface Water Outfall is not contributing to an ongoing process of saltmarsh erosion. On this basis it should therefore be possible for the proposed Surface Water Outfall to be designed such that any future risk of saltmarsh erosion is reduced to an acceptable level.</p> <p>The Applicant is not proposing to remove the saltmarsh extended across the discharge channel for the existing Surface Water Outfall as this does not form part of the application. Any intervention for this area would be undertaken as part of the Conservation Areas Management Plan agreed with the relevant parties.</p> <p>As discussed above, the channel is a long-standing feature of approximately 65 years and it is not intended to remove any saltmarsh that may currently appear to be extending across the discharge channel, as natural water flows along the channel will continue to maintain it in the event that saltmarsh develops across it.</p>

2.2 REP3-060 Flintshire County Council (FCC)

2.2.1 FCC's Deadline 3 submission and the Applicant's response are set out in **Table 2** below.

Table 2: Response to FCC Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Flintshire County Council Written Submission for Deadline 3 [REP3-060]	2.2	<p>Question Reference: Q4.4</p> <p>Examining Authority Question: 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> <p>FCC Response: 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</p>	<p>As set out in the Applicant's Response to ExQ1 [REP3-059], the Applicant considers the Proposed Development complies with the policies contained in the Welsh National Marine Plan (WNMP) in so far as they are relevant.</p> <p>The Applicant notes FCC's brief commentary on each policy in Appendix A of its response to Q4.4. The Applicant's assessment</p>

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		<p>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 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> <p>Supporting the sustainability, vibrancy and quality of life of coastal communities;</p> <ul style="list-style-type: none"> • 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; 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 'Relevant public authorities are responsible for assessing whether proposals are in accordance with this Plan in making planning, policy, and authorisation and enforcement decisions'. 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>	<p>of the Proposed Development against the WNMP is set out in Table 2.3 in Appendix 2 of the Planning Statement [APP-262].</p> <p>The Applicant has sought to minimise adverse impacts of the Proposed Development (as summarised in the Section 7.3 of the Planning Statement [APP-262]) whilst also delivering a number of benefits (as summarised in Section 7.2 of the Planning Statement).</p> <p>The benefits of the Proposed Development include: meeting an urgent need for low carbon infrastructure (as identified in NPS EN-1); acting as an important enabler in the development of the HyNet Cluster; making use of its proximity to the HyNet Cluster and its existing electricity grid and other existing infrastructure; economic benefits (which include jobs during the construction and operational stages, along with positive multiplier effects within the local economy through indirect/induced employment and Gross Value Added – it is estimated that the construction workforce of the Proposed Development would contribute £33.24m directly to the national economy during the construction phase of which £14.98m would likely be within the 60-minute drive time); and Net Benefit for Biodiversity.</p> <p>The Applicant notes FCC's brief commentary on the respective policies in the WNMP in FCC's Appendix A [REP3-060] and responses to these are set out at 2.18 to 2.35 of this document.</p>
	2.3	<p>Question Reference: Q4.5</p> <p>Examining Authority Question: North Wales Energy Strategy ([APP-045] Ref: 6.2.7.4.11) How does the proposed development align with the North Wales Energy Strategy?</p> <p>FCC Response: 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 'The</p>	<p>In the Applicant's Response to ExQ1 [REP3-059], the Applicant has set out how the Proposed Development is aligned with the North Wales Energy Strategy (NWES).</p> <p>FCC state that whether the Proposed Development aligns to the NWES will depend on the extent to which a gas-fired power station with carbon capture technology, to generate low carbon</p>

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		<p><i>overall objective of this strategy is to develop a strategic pathway identifying key interventions to deliver on the region's ambitions for decarbonising its energy system and ensure the region benefits from the transition'. The document identifies a vision for North Wales which is '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'. The Strategy priorities for achieving this vision are set out below:</i></p> <p><i>'1. To harness the abundance of local low carbon resource to become a green powerhouse and diversify the energy mix</i></p> <p><i>2. To become a world-leader in offshore wind and marine technologies</i></p> <p><i>3. To improve the energy efficiency of the region's housing and accelerate the decarbonisation of North Wales' building stock</i></p> <p><i>4. To achieve a shift to lower carbon transport'</i></p> <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"> • 'Over 2.8GW of offshore wind installed; • 1GW tidal lagoon installed; • 300MW of small scale modular nuclear reactors installed; • 180MW of tidal stream installed; • 310MW of onshore wind installed' <p>The document states that <i>'These assumptions summarise the level of action required between 2020 and 2035 to be on track 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>power, will work towards achieving the identified actions by 2035 and working towards net zero by 2050.</p> <p>As stated in the Applicant's response to Q4.5, the Proposed Development will underpin the security of electricity supplies by providing back-up to renewables, which in turn supports their increased deployment. This is consistent with the Government's Clean Power 2030 mission and with the 2035 energy vision statement set out at page 19 of the NWES and its core principles of North Wales becoming a leader in low carbon energy generation and developing infrastructure and technology that integrates into future systems for the duration of its lifespan. The Proposed Development also directly addresses the NWES's priority to <i>"Explore the role of CCS as a route to decarbonise power generation and potential to balance intermittency from renewables."</i></p>
	2.4	<p>Question Reference: Q4.6</p> <p>Examining Authority Question: Flintshire Local Development Plan ([APP-045] Ref: 6.2.7.4.17) How does the proposed development align to the Flintshire Local Development Plan?</p> <p>FCC Response: 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</p>	<p>The Applicant notes that the majority of the Proposed Development Site is not subject to any site-specific allocations and is outside the settlement boundary of Connah's Quay. However, the Proposed Development Site, notably the Main Development Area, has a long history of power generation use and associated activities and includes an operational gas-fired power station and infrastructure connections and significant areas of previously developed land. While the Proposed Development Site is therefore within the 'open countryside' in</p>

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		<p>with a strategic role in delivery of services and facilities'. The site therefore lies in open countryside in planning terms.</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 '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'. Hearing Agenda Matter 11 – M11A Matter 11 Employment Land and Sites, Retail Hierarchy - Hearing Agenda 12.05.21</p> <p>Flintshire County Council Hearing Statement – M11.01 M11.01 Flintshire County Council</p> <p>Inspectors Report – para 10.4 Inspectors Report Combined Eng</p> <p>Relevant Policies</p> <p>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>	<p>planning policy terms, it is clearly an established location for energy-related development. Furthermore, the Applicant does not consider that the Proposed Development conflicts with Policy EN21 and PC10 allocations. The reasons for this are set out in the Applicant's response to FCC's Appendix B [REP3-060].</p> <p>Paragraph 5.5.1 of the Planning Statement [APP-262] confirms that the NPSs for energy are the primary policy for the determination of applications for energy NSIPs by the SoS, however, in respect of the Proposed Development, certain national and regional planning policy documents and LDP policies can also be relevant and important. It is acknowledged by the Applicant that the LDP does not contain policies that directly relate to NSIPs and that those policies are intended to inform decisions on plan-making and planning applications. However, the policies are generally supportive of low carbon energy developments (such as the Proposed Development) and it is considered that the Proposed Development is broadly in accordance with those policies. This is demonstrated in Section 6 of the Planning Statement and within the Policy Assessment Tables (Appendix 2).</p> <p>Notwithstanding the above, paragraph 7.5.19 of the Planning Statement [APP-262] highlights how the Proposed Development is Critical National Priority (CNP) infrastructure (as confirmed by EN-1 2023). CNP policy places a clear presumption in favour of granting consent for such infrastructure stating that (EN-1, paragraph 4.2.16) "...such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances." The location of the Proposed Development Site within the open countryside (notwithstanding its long history of power generation use) and the Policy EN21 and PC10 allocations do not outweigh this presumption in favour of granting consent.</p> <p>The Applicant notes the broad suite of policies that FCC has set out in Appendix B [REP3-060] and has commented on these in 2.36 to 2.48 of this document.</p>
	2.6	<p>Question Reference: Q7.3</p> <p>Examining Authority Question: Working hours and days</p>	<p>Please refer to the response in Table 17: Applicant's Responses to ExQ1 Socio-Economics, Recreation and Tourism of the Applicant's Response to ExQ1 [REP3-059]. The timings used</p>

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		<p>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?</p> <p>FCC Response: 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.</p>	<p>in the noise and traffic assessment align with the construction working hours defined by FCC.</p>
	2.7	<p>Question Reference: Q8.2</p> <p>Examining Authority Question: Timings of traffic counts It is noted that traffic counts to assess the background levels of traffic at the site were undertaken in March and April only. 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 Response: 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. 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. In addition, 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>	<p>The Applicant notes FCC's comments regarding potential supplementary survey work, however the baseline surveys are considered robust and representative of typical conditions, having been undertaken in accordance with relevant guidance and professional practice. Therefore, no further survey work is considered necessary. Please refer to the response in Table 8, Q8.2 of Applicant's Response to ExQ1 [REP3-059].</p> <p>The Applicant confirms that the proposed survey extents were based on those set out in the Scoping Report [APP-172] at paragraph 8.4.18.</p>
	2.9	<p>Question Reference: Q8.4</p> <p>Examining Authority Question: 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?</p> <p>FCC Response: 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:</p> <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. 	<p>A response has been provided in Table 8, Q8.4 of the Applicant's Response to ExQ1 [REP3-059], which provides further detail regarding the conclusion that no additional mitigation is required on the local road network, beyond the embedded mitigation that has been accounted for within the assessment.</p> <p>The impact assessment presented within Section 10.6 of Chapter 10: Traffic and Transport [APP-048] was undertaken in accordance with the IEMA Guidelines on: Environmental Assessment of Traffic and Movement (July 2023).</p> <p>In considering the worst-case scenario for consideration in Chapter 10: Traffic and Transport [APP-048] and Appendix 10A: Transport Assessment [APP-188], growth calculations have been applied to traffic data to the selected most traffic intensive construction method (of the two under consideration). From this construction method the Applicant has selected the peak month of traffic activity in the construction period and considered the addition of committed or cumulative developments. This has also been considered in an additional sensitivity assessment of a planned outage event.</p>

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			<p>Cumulative impact is considered to be inherently assessed within the Transport Assessment [APP-188] and Chapter 10: Traffic and Transport [APP-048]. Consideration of committed development has included all schemes within a 15 km distance of the Main Development Area, with proposed schemes included / discounted based on the level of information provided, extent of assessment study area, and forecasted years of traffic generation. The schemes considered were derived from a wider project short list. An agreement was reached for FCC to review the Short List after the meeting held with FCC on 31/01/2025 (further details of this are provided in the Draft Statement of Common Ground between Uniper UK Limited and Flintshire County Council [REP3-027]), and acknowledgement of receipt was received from FCC. With regard to traffic growth forecasts, baseline traffic data has been factored up using National Trip End Model Presentation Programme (TEMPO), which is an industry standard tool that provides forecasts for growth in background traffic, based on planning projections for growth in housing, employment and car ownership. Therefore, through the inclusion of local committed developments, some element of growth and the factors or uplifts applied are, in effect double counting, which is considered a robust approach.</p> <p>Road safety implications are specifically required to be assessed as part of the methodology set out within the IEMA Guidelines on: Environmental Assessment of Traffic and Movement (July 2023). To inform an analysis of the baseline road safety conditions, Section 10.4 of Chapter 10: Traffic and Transport [APP-048] assesses Personal Injury Collision (PIC) data, which was acquired for the study area for the most recent five-year period. Section 10.6 of Chapter 10: Traffic and Transport [APP-048] considers the impact of the temporary construction phase and permanent operational phase of the Proposed Development on highway safety. The resulting assessment concluded that all of the road links included within the study area would experience either 'negligible' or 'minor adverse' effects in relation to highway safety. These effects are not considered to be significant.</p>
	2.16	<p>Question Reference: Q22.7</p> <p>Examining Authority Question: In-combination plans and projects 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>The Applicant notes that FCC have raised queries on the approach to in combination assessment for traffic-related air quality. With regard to traffic, the modelling used to inform the air quality assessment forecast traffic growth on the affected road network from all sources over the construction period and during operation. This was carried out using TEMPRO which is a common way of capturing traffic growth across districts, counties and regions. This was then adjusted to account for several</p>

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		<p>FCC Response: 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 <i>Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council, and South Downs National Park Authority</i> [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>significant developments (notably, ID 9: FUL/000372/24 – Construction of 130 affordable homes, Land at Quarry Farm and Leadbrook Drive, Oakenholt, Flint; ID 22: FUL/000195/24 – Residential development up to 300 dwellings, Ash Lane, Mancot, Flintshire; ID 55: DNS/3279559 - Shotton Paper Mill (Combined Heat & Power Facility); and ID 113: FUL/000034/22 – Residential development up to 141 dwellings, Land off Highmere Drive, Connah's Quay).</p> <p>This is a more appropriate method than modelling a large number of individual planning applications and Local Plans, since traffic forecasts associated with those change frequently. This appears to be reflected in FCC Written Submission for Deadline 3 [REP3-060] which states, regarding the traffic modelling, that '<i>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</i>'.</p> <p>With regard to loss of functionally-linked land, paragraph 10.4.1 of the RIHRA [APP-253] sets out the approach taken to 'in combination' assessment. It is important to note that there is only one area of functionally-linked land being lost due to the Proposed Development and the Applicant has already concluded an adverse effect on integrity (AEOI) (prior to mitigation) alone. The Conservation of Habitats and Species Regulations 2017 require consideration of likely significant effects/adverse effects on integrity 'alone or in combination' with other plans and projects as the purpose is to pick up those projects that have dismissed impacts alone, to ensure they consider impacts cumulatively. Since an AEOI due to loss of functionally-linked land has already been identified 'alone' for the Proposed Development (mitigated through the Curlew Mitigation Strategy) there is strictly-speaking no requirement to consider losses due to 'other plans or projects'. Nonetheless, the HRA did so for completeness and context.</p> <p>With regard to impact pathways other than air quality, a 2 km distance was used to identify those sites closest to the Main Development Area and most likely to result in 'in combination' effects. This explains why no English projects are listed. The English border is located over 2 km from the Main Development Area at its closest point and it is almost 5 km before the nearest settlement on the English side of the border. Therefore, no</p>

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			development sites were identified in England for 'in combination' assessment other than for air quality.
	2.18	<p>Appendix A Welsh National Marine Plan – Policy Analysis</p> <p>General Cross-Cutting Policies</p> <p>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.</p> <p>GEN_02: Planning policy Relevant public authorities should take a proportionate, risk-based approach to application of relevant marine planning policies in decision making.</p> <p>FCC Comment: 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'.</p>	FCC's reference to paragraph 1.18 of Planning Policy Wales (PPW12) relates to sustainable development generally. The Proposed Development will comprise sustainable development by enabling the generation of low carbon electricity, underpinning the security of electricity supplies and supporting the deployment of renewables, while providing economic, social and environment benefits in the region as outlined in the Planning Statement [APP-262] in Section 7.2.
	2.21	<p>SOC_03: Marine pollution incidents Proposals should demonstrate how they minimise their risk of causing or contributing to marine pollution incidents.</p> <p>FCC Comment: This is a matter for NRW to comment on.</p>	<p>The Applicant's assessment relating to SOC_03 of the WNMP is in Table 2.3 (pp93-97) in Appendix 2 of the Planning Statement [APP-262].</p> <p>Table 6 of the Framework CEMP (EN010166/APP/6.5) outlines measures to minimise pollution risk including the need for a Pollution Prevention Plan during construction.</p> <p>There will be activities in the marine environment during operation/maintenance. Commitment Reference ME-3 of Table 1 in Appendix 4-A: Operation and Maintenance Mitigation Register [APP-177] states that the Operational and Maintenance Environmental Management Plan (OMEMP) will include a Pollution Prevention Plan, including an emergency spill plan. This would be secured by requirement 13 in the draft DCO (EN010166/APP/3.1).</p> <p>NRW have not raised this matter in their written submissions.</p>
	2.22	<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>FCC Comment: This is considered to be a matter for Cadw to advise on.</p>	The signed Statement of Common Ground between the Applicant and Cadw [REP1-035] confirms that heritage matters, including marine heritage matters, are agreed between the parties.
	2.24	<p>SOC_07: Seascapes Proposals should demonstrate how potential impacts on seascapes have been taken into consideration and should, in order of preference: a. avoid adverse impacts on seascapes; and/or b. minimise impacts where they cannot be avoided; and/or c. mitigate impacts where they cannot</p>	The Applicant's assessment relating to SOC_07 of the WNMP is in Table 2.3 (pp101-104) in Appendix 2 of the Planning Statement [APP-262] . Seascapes have been considered within

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		<p>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 seascapes are encouraged.</p> <p>FCC Comment: This is considered to be a matter for Natural Resources Wales to advise on.</p>	<p>Chapter 15: Landscape and Visual Amenity [CR1-037] with reference to the Marine Character Areas (MCAs) defined within the <i>Marine Management Organisation (MMO), 2018; Seascape Character Assessment for the North West Inshore and Offshore marine plan areas</i>. Of particular relevance are:</p> <p>MCA 36 – Dee and Mersey Estuaries and Coastal Waters; and MCA 01 – Dee Estuary (Wales)</p> <p>No significant effects are anticipated on these MCAs during the construction, operation or decommissioning of the Proposed Development.</p> <p>NRW have not raised seascape matters in their written submissions.</p>
	2.25	<p>SOC_08: Resilience to coastal change and flooding Proposals should demonstrate how they are resilient to coastal change and flooding over their lifetime.</p> <p>FCC Comment: 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>The Applicant's assessment of SOC_08 in the WNMP is in Table 2.3 (pp105-106) in Appendix 2 of the Planning Statement [APP-262]. Appendix 13-C: Flood Consequences Assessment [REP1-021] outlines how flood risk has been considered for the Proposed Development and demonstrates a number of different modelled future scenarios that have been agreed with NRW (further details are provided in Appendix 13-F:Hydraulic Modelling Report (APP-215)). These include considerations for climate change.</p> <p>The SoCG between the Applicant and NRW (EN010166/APP/8.2) also confirms that matters relating to flood risk (NRW34; NRW37; NRW39; NRW40); NWR41) are agreed between the parties.</p>
	2.26	<p>SOC_09: Effects on coastal change and flooding Proposals should demonstrate how they: • avoid significant adverse impacts upon coastal processes; and • minimise the risk of coastal change and flooding; Proposals that align with the relevant Shoreline Management Plan(s) and its policies are encouraged.</p> <p>FCC Comment: This is a matter for NRW and FCC as Lead Local Flood Authority to advise on.</p>	<p>As it relates to coastal change, please see:</p> <ul style="list-style-type: none"> - the Applicant's response to Q14.1 in Table 14 of the Applicant's Response to ExQ1 [REP3-059]; and - the Applicant's response to 1.38 in this document . <p>Annex E and F of Appendix 13-D: Outline Surface Water Drainage Strategy (EN010166/APP/6.4) demonstrate that the Applicant has engaged with FCC and NRW as the Local Lead Flood Authority respectively on matters relating to the drainage strategy.</p>
	2.27	<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: a. avoid adverse impacts on those areas; and/or b. minimise adverse impacts where they cannot be avoided; and/or c. mitigate</p>	<p>The Applicant's assessment of Policy ENV_07 is in Table 2.3 (pp119-120) in Appendix 2 of the Planning Statement [APP-262]. Chapter 11: Terrestrial Ecology and Aquatic Ecology</p>

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		<p>adverse 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.</p> <p>FCC Comment: This is considered to be a matter for NRW to comment on.</p>	<p>(CR1-030) provides an assessment of the likely impacts of the Proposed Development on freshwater fish in the context of changes in water quality, disturbance through light and incidental mortality. It concludes that following the implementation of measures outlined in Table 5 of the Framework CEMP (EN010166/APP/6.5) there would be no significant effects on freshwater fish.</p> <p>Chapter 12: Marine Ecology [APP-050] provides an assessment of the likely impacts of the Proposed Development on migratory fish. It concludes that following the measures outlined in Table 6 of the Framework CEMP (EN010166/APP/6.5) there would be no significant effects on migratory fish.</p> <p>In relation to the operational stage, the impacts on fish in the aquatic and marine environment would be related to the operation of the cooling water infrastructure and associated discharges within the River Dee. These discharges would be controlled by an Environmental Permit issued by NRW and given that discharges would be in line with the permit conditions, there would be no likely significant effects on fish in the aquatic (Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)) and marine (Chapter 12: Marine Ecology (EN010166/APP/6.2.12)) environment.</p> <p>The SoCG between the Applicant and NRW (EN010166/APP/8.2) confirms that matters relating to eels (NRW26) are agreed between the parties.</p>
	2.28	<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 Applicant's assessment of SAF_01 in WNMP is in Table 2.3 (pp125-128) in Appendix 2 of the Planning Statement [APP-262]. Chapter 12: Marine Ecology (APP-050) and Chapter 16: Physical Processes (APP-054) provide an assessment of the effects of the Proposed Development within the marine environment and demonstrates that there are no significant adverse effects during the construction, operation or decommissioning of the Proposed Development.</p> <p>NRW have not raised this matter in their written submissions.</p>

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		<p>FCC Comment: 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>	
	2.30	<p>ELC_02: Low carbon energy (supporting) wave 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. 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, 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. 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>FCC Comment: Given that the proposal is not utilising wind technologies then this policy is not considered applicable.</p>	<p>The Applicant wishes to clarify that this section of the WNMP relates to wave energy generation (not wind technologies), and therefore it is not relevant, as noted in Table 2.3 (pp131) in Appendix 2 of the Planning Statement [APP-262].</p>
	2.31	<p>ELC_03: Low carbon energy (supporting) tidal stream 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. 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 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>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>FCC Comment: Given that the proposal is not utilising wave technologies then this policy is not considered applicable.</p>	<p>The Applicant wishes to clarify that this section of the WNMP relates to tidal stream energy development (not wave technologies), and therefore it is not relevant, as noted in Table 2.3 (pp131) in Appendix 2 of the Planning Statement [APP-262].</p>
	2.34	<p>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>The Applicant considers that FIS_01 of the WNMP is not relevant, as noted in Table 2.3 (pp132) in Appendix 2 of the Planning Statement [APP-262]. Notwithstanding this, Chapter 12: Marine Ecology (APP-050) does not identify any fisheries</p>

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		<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>FCC Comment: This is a matter for NRW to advise on.</p>	<p>within the study area for the Proposed Development and therefore no effects on these receptors are anticipated. It is acknowledged that there are commercial fisheries within the Dee Estuary as noted in NRW's Relevant Representation [RR-027]. No other comments have been received on the content of the assessment in Chapter 12: Marine Ecology [APP-050] on commercial fisheries.</p>
	2.35	<p>T&R_01: Tourism and recreation (supporting)</p> <p>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> <ul style="list-style-type: none"> 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 b. opportunities to define areas of future opportunity for tourism and recreation; in order to support the sustainable development of the tourism and recreation sector through marine planning. <p>FCC Comment: 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. It is not considered likely that the proposed development would harm Wepre Country Park given the topography of intervening land.</p>	<p>The Applicant's assessment of T&R_01 of the WNMP is in Table 2.3 (pp134) in Appendix 2 of the Planning Statement [APP-262].</p> <p>The Applicant has assessed that there are no likely significant residual effects on socio-economic, recreation and tourism receptors during the construction, operation (including maintenance) or decommissioning of the Proposed Development, as evidenced in Chapter 19: 'Socio Economics' [APP-057].</p> <p>There is no physical interaction between the Proposed Development and the Wales Coast Path / North Wales Coast Cycle Route itself, and no significant effects have been identified within Chapter 10: Traffic and Transport [APP-048] in relation to fear and intimidation, pedestrian amenity or severance on Kelsterton Road. It is therefore considered that there would be no likely significant effect on recreational users of these routes in the vicinity of the Proposed Development during either the construction or operational phases.</p> <p>National Cycle Route 5 (NCR 5) has been assessed within Representative Viewpoint 13 as explained in the Applicant's Response to Local Impact Report [REP3-058] (reference 16.48-49).</p> <p>It is also acknowledged that NCR 5 continues north up past Prestatyn and adjacent to the off-site area at Gronant Fields. Therefore, Viewpoint 9, Viewpoint 7 and Viewpoint 8 in Figure 15.6 Representative Viewpoint Locations [APP-149] all have some form of representation of this part of the North Wales Coast Cycle Route.</p> <p>Table 24-21 of Chapter 24: Cumulative and Combined Effects [APP-062] has assessed that there is no potential for effect interaction because the Cycle Route's users are not expected to experience any worse effect through exposure to landscape and visual effects.</p>

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	2.36	<p>Appendix B Policy Analysis of alignment with the Flintshire Local Development Plan</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</p>	<p>As detailed within response 7.2 of the Applicant's Response to Local Impact Report (LIR) [REP3-058], the Flintshire Local Development Plan (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 are summarised and assessed in Table 2.6 of the Policy Assessment Tables (Appendix 2). Please also refer to the response at 2.4 below.</p>
	2.37	<p>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.</p>	<p>The Applicant has considered Policies STR1 Strategic Growth and STR2 The Location of Development in Table 2.6 (pages 188-189) of the Planning Statement [APP-262]. The assessment details that although the Proposed Development is not predominately located within an allocated site or designated employment area, the location would be appropriate for the Proposed Development. Furthermore, it would contribute to the local economy in accordance with policy.</p>
	2.38	<p>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.</p> <p>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.</p>	<p>It is recognised that the County is designated within Future Wales as a National Growth Area. It is also noted that the Proposed Development would be located within the Deeside Enterprise Zone. The Applicant has provided an assessment of the Proposed Development's compliance with this policy within Table 2.4 (page 145) of Appendix 2 of the Planning Statement [APP-262]. It outlines how, in accordance with policy, the Proposed Development would invest in the continued operation of an electricity generating station in this region, which would provide both direct and indirect employment within the local community.</p> <p>Further information regarding the benefits associated with the Proposed Development, which would support the aims of the National Growth Area and Enterprise Zone designations, are outlined within Section 7.2 of the Planning Statement [APP-262].</p>
	2.39	<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>As detailed within response 13.4 of the Applicant's Response to LIR [REP3-058], Policy STR13 is considered within the Planning Statement [APP-262] in Table 2.6 (pp197-205) of Appendix 2 (Policy Assessment Tables) and no conflicts are identified with the relevant criteria of the policy.</p>

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		<ul style="list-style-type: none"> • 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 	
	2.40	<p>Policy STR14 Climate Change and Environmental Protection</p> <p>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.</p> <ul style="list-style-type: none"> • 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. 	<p>As detailed within response 10.2 of the Applicant's Response to LIR [REP3-058], Policy STR14 is considered within the Planning Statement [APP-262] in Table 2.6 (pages 197-205) of Appendix 2. It is concluded that the Proposed Development has fully considered the effects of climate change, including in relation to flood risk, and ensures appropriate environmental protection, and as such there is no conflict with this policy.</p>
	2.41	<p>Policy PC1 The Relationship of Development to Settlement Boundaries</p> <p>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.</p> <p>Policy PC10 New Transport Schemes</p> <p>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.</p>	<p>Policy PC1 is considered within the Planning Statement [APP-262] in Table 2.6 (pages 205-206) of Appendix 2. The assessment details how this location is considered appropriate for the Proposed Development given the long history of power generation use, the existing Connah's Quay Power Station and taking account of the fact that the Proposed Development will utilise brownfield land and existing infrastructure and connections. That in planning policy terms the Proposed Development Site is located outside a settlement boundary should not be afforded any significant weight.</p> <p>Furthermore, as confirmed in response to 2.4, the Proposed Development is Critical National Priority (CNP) infrastructure (as confirmed by EN-1 2023). This policy places a clear presumption in favour of granting consent for such infrastructure stating (EN-1, paragraph 4.2.16) that <i>"...such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances."</i></p>

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			<p>Policy PC10 is noted by the Applicant, as is the information relating to the A494 / A55 / A548 road scheme known as the Red Route. The scheme is understood to have been formally dropped by the Welsh Government in 2023 following a Roads Review, however, it is acknowledged that the scheme is being revisited as part of the draft Regional Transport Plan for North Wales. Based on a review of the 'preferred route' proposal originally submitted, the scheme would provide a connection between the A55 Northop Interchange and the A548, specifically connecting to the A548 as part of a modified arrangement to the existing dumbbell roundabout junction, which connects to Kelsterton Road and provides access to the Proposed Development. The Proposed Development does not introduce any modifications to this dumbbell roundabout junction. The proposals to accommodate Abnormal Indivisible Loads (AIL) include a temporary AIL access which would be provided directly from the A548 for the duration of the construction period. This access point would be sited at the former junction on the A548 and would connect to the western end of Kelsterton Road, approximately 550 metres to the west of the dumbbell roundabout junction. Following completion of all AIL deliveries, the temporary AIL access off the A548 would be removed and reinstated to their current condition.</p> <p>The Proposed Development access arrangements are therefore not considered to conflict with the Red Route scheme, based on the preferred route submitted. Furthermore, this matter has not been raised as a concern by Welsh Government, during Statutory Consultation.</p>
	2.42	<p>Policy EN3 Undeveloped Coast and Dee Estuary Corridor</p> <p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Policy EN3 Undeveloped Coast and Dee Estuary Corridor is considered within the Planning Statement [APP-262] in Table 2.6 (pp216-218) of Appendix 2. Small parts of the Proposed Development Site (the Water Connection Corridor, the Proposed Surface Water Outfall and Connah's Quay North Jetty) fall within the Dee Estuary. The Dee Estuary is designated as a Ramsar site, SAC, SPA and SSSI. These parts of the Proposed Development Site are essential in this location because they involve upgrades to existing infrastructure in the water connection corridor, a new outfall to discharge surface water drainage during operation, and the use of an existing jetty to facilitate AIL deliveries.</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
			<p>The assessment concludes that the Proposed Development has fully considered this policy, including matters of ecology, physical processes, and access, and there is no conflict.</p> <p>It is also of note that NPS EN-2 recognises at paragraph 2.3.3 that natural gas generating stations are likely to be coastal or estuarine sites.</p>
	2.43	<p>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.</p>	<p>As detailed within response 13.2 of the Applicant's Response to LIR [REP3-058], 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>
	2.44	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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; 	<p>Policy EN13 is considered within the Planning Statement [APP-262] in Table 2.6 (pages 230-243) of Appendix 2. While the policy is clearly aimed at smaller scale renewable and low carbon energy developments, it is considered that in overall terms the Proposed Development complies with its criteria. The primary policy basis for the Proposed Development is provided by the NPSs for energy, notably EN-1 (2023). The assessment principles and generic impacts of EN-1 and the other relevant energy NPSs have been considered within the Planning Statement in detail, and these encompass the matters set out on the Policy EN13 criteria.</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
		<p>v. there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;</p> <p>vi. any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;</p> <p>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;</p> <p>viii. adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use.</p>	
	2.45	<p>Policy EN14 Flood Risk</p> <p>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'.</p>	<p>Policy EN14 is considered within the Planning Statement [APP-262] in Table 2.6 (pages 244-245) of Appendix 2. FCC refer to paragraph 10.22 of the 2025 version of TAN15. However, the Applicant notes that paragraph 10.23 of the 2025 TAN15 does provide exceptions for development in Flood Zone 3, including proposals that address national security or energy security needs and mitigate the impacts of climate change, provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.</p> <p>As detailed at paragraph 6.2.157 of the Planning Statement [APP-262], in Wales projects are not subject to the same flood risk policy tests as in England, requiring a Flood Consequence Assessment (FCA) rather than a Flood Risk Assessment (FRA). However, the publication of the 2025 TAN 15 and the associated Circular in March 2025 adjusted this approach to align more with England which applies a risk-based approach to the location of development that seeks to site development in lower risk areas before higher risk areas. Environmental Statement Appendix 13C Flood Consequences Assessment [APP-212] details that as the Proposed Development is for a new power station (ultimately replacing the existing one) which would contribute to achieving energy security and mitigate the impact of climate change by capturing carbon, the highly vulnerable development is considered appropriate in Flood Zone 3 in line with the policies of the 2025 TAN 15.</p> <p>Paragraph 6.2.158 of the Planning Statement details that Chapter 6: Project Alternatives of the ES [CR1-024] sets out further the reasoning behind locating the Proposed Development in this location. It is essential infrastructure and as such there is no reasonable alternative to locating the Proposed Development outside of Flood Zone 3 it is considered the Sequential Test to the location of development in terms of flood risk has been satisfied within NPS EN-1 (2023).</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
			<p>In terms of the Exception Test (outlined within EN-1 2023), paragraph 6.2.160 of the Planning Statement explains that the Proposed Development would provide security and resilience in electricity supply that all communities benefit from, which are clear sustainability benefits. Furthermore, paragraph 6.2.161 of the Planning Statement outlines how the FCA [REP1-020] demonstrates that the Proposed Development can be made safe throughout its anticipated lifetime and will not detrimentally affect flood risk elsewhere. The FCA sets out the strategy to ensure that flood risk would be mitigated. This would be secured through Requirement 3 'Detailed design' and Requirement 8 'Flood risk mitigation' of the Draft DCO (EN010166/APP/3.1).</p> <p>The Proposed Development therefore accords with the current TAN 15 as well as the EN-1 (2023) policy approach.</p>
	2.46	<p>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.</p>	<p>Policy EN21 is considered within the Planning Statement [APP-262] in Table 2.6 (page 257) of Appendix 2. The Applicant concurs with FCC that there is general support for development (not restricted to waste) on this site subject to detailed assessment.</p>
	2.47	<p>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, Policy EN18: Pollution and Nuisance and Policy EN19: Managing Waste Sustainably.</p>	<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 are summarised and assessed further in Table 2.6 of the Policy Assessment Tables (Appendix 2). The Applicant has included all the policies listed by FCC, as well as other policies that could be relevant, except for Policies PC6: Active Travel and PC7: Passenger Transport. Nevertheless, the application promotes sustainable transport modes compliant with these policies. The Framework Construction Workers Travel Plan [APP-248] is aimed at construction workers and sets out measures to reduce the impact of workers travelling to and from the Proposed Development Site. The approval of a detailed construction worker travel plan would be secured through Requirement 5 'Construction traffic management plan' of the Draft DCO (N010166/APP/3.1).</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
	2.48	<p>Policy Assessment</p> <p>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.</p>	<p>As detailed within paragraph 5.5.1 of the Planning Statement [APP-262], the NPSs for energy are the primary policy for the determination of relevant applications for energy NSIPs by the SoS. However, in respect of the Proposed Development, certain national and regional planning policy documents and LDP policies can also be relevant and important. It is acknowledged by the Applicant that the LDP does not contain policies that directly relate to NSIPs and that these policies are intended to inform decisions on plan-making and planning applications. However, they are generally supportive of low carbon energy developments and therefore it is considered that the Proposed Development is broadly in accordance with them. This is demonstrated at Section 6 of the Planning Statement [APP-262] and within the Policy Assessment Tables (Appendix 2). As detailed within paragraph 7.5.18 of the Planning Statement [APP-262], it is therefore the Applicant's view that the Proposed Development's very clear and significant benefits, a number of which should be afforded very substantial weight by the SoS, clearly outweigh its limited adverse residual impacts.</p> <p>In addition, paragraph 7.5.19 of the Planning Statement [APP-262] details that the Proposed Development is Critical National Priority (CNP) infrastructure (as confirmed by EN-1 2023), and CNP policy places a clear presumption in favour of granting consent for such infrastructure even where residual effects remain after the application of the mitigation hierarchy. Paragraph 7.5.21 of the Planning Statement [APP-262] confirms that the Proposed Development would result in non-HRA impacts that remain after the mitigation hierarchy has been applied. However, in accordance with EN-1 paragraph 4.2.15, consent should not be refused on the basis of these residual impacts and there are no exceptional circumstances that would justify a departure from this.</p>

2.3 REP3-061 Natural England

2.3.1 Natural England Deadline 3 submission and the Applicant's response are set out in **Table 3** below.

Table 3: Response to Natural England Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
<p>Natural England Written Submission for Deadline 3 [REP3-063]</p>	<p>3.15</p>	<p>Question Reference: Q1.9.16</p> <p>Examining Authority Question: General comments on the HRA: Stage 1 assessment Can NRW and NE confirm if their concerns relating to measures considered at stage 1 of the HRA are in relation to how the applicant has followed the HRA process or if they are concerned that the measures are not sufficient to avoid LSEs. If it is the latter, please clearly set out your concerns and what amendments or other measures NRW/ NE would propose.</p> <p>Natural England Response: Our concerns regarding the applicant's interpretation of the Habitats Regulations are set out in our Relevant Representations, and subsequent submissions, particularly in relation to mitigation versus compensation.</p>	<p>Natural England's response appears to relate to the Stage 2 assessment (Appropriate Assessment). Regarding the distinction between mitigation and compensation:</p> <p>Noise control measures to ensure SPA birds are not disturbed are mitigation because they reduce noise to an acceptable level such that disturbance (and thus the adverse effect on integrity) does not arise.</p> <p>Enhanced habitat management of Deeside & Buckley Newts SAC (Wepre Park) is mitigation rather than compensation because the adverse effect on integrity would be a shift in the botanical composition of the ground flora due to the fertilisation from nitrogen deposition. This could cause a shift from less competitive (and more desirable) species to more competitive (and less desirable) species. It could also cause a shift to grass dominance. However, this is counteracted through normal woodland management, and any slight increase in nitrogen would also be counteracted through an increase in (for example) management frequency or intensity. This would ensure the adverse effect on integrity (the negative botanical change) did not arise.</p> <p>Managed retreat for saltmarsh is considered 'mitigation' by the Applicant because rather than creating an entirely new area of habitat where none currently exists (which would be considered compensation), it is restoring natural coastal processes (retreating existing defences) for an existing area of saltmarsh (The Saltings) to allow that area of existing saltmarsh to continue to persist without erosion in the face of sea level rise, thus ensuring no net loss in the long-term. There would be localised losses of saltmarsh in the SAC due to rising sea levels even without the Proposed Development, and the retreat area would reduce those losses. This is also within the context of the very small permanent loss of saltmarsh (5 sqm maximum). The managed retreat is considered mitigation for air quality impacts for the same reasons, but also because the adverse effect on integrity from nitrogen deposition would be a subtle botanical change (e.g. to more grass dominance) that may never actually arise in practice due to other factors.</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
			<p>Enhancement of Gronant Fields for Curlew is considered mitigation by the Applicant because the AEOI to be addressed would be a possible reduction in Curlew populations within the SPA (not specifically near the Proposed Development Site but regarding the overall Curlew population of 3,000 birds which is distributed around the SPA) due to a reduction in foraging and roosting opportunities in the wider landscape. The Applicant is therefore avoiding (or mitigating for) the AEOI (a reduction in Curlew populations within the SPA) by ensuring there is no net loss of foraging and roosting opportunities by enhancing other areas already used by Curlew to support greater numbers. The fact this area lies within the SPA does not affect the decision of mitigation/compensation. There is considerable precedent for DCOs to regard addressing loss of FLL as mitigation e.g. Sea Link, East Yorkshire Solar Farm, Lower Thames Crossing, Sunnica Energy Farm, Peartree Hill Solar Farm and Helios Renewable Energy.</p> <p>Notwithstanding the above statements regarding the managed retreat and habitat creation at Gronant Fields, the Applicant has prepared a without prejudice Derogation Report (EN010166/APP/9.19), which has been updated at Deadline 4 to include the role of the retreat area in resolving air quality impacts as requested by the ExA in the first written questions.</p> <p>Please also see the response to Action Point 4 in the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 3 and Response to Action Points (EN010166/APP/9.19).</p>
3.17	3.17	<p>Question Reference: Q1.9.23</p> <p>Examining Authority Question: Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site): Baseline data for and assessment of qualifying bird species Are NRW and NE satisfied with the methodology, data/ surveys and qualifying bird species and assemblages included within the assessment of AEOI for loss of functionally linked land at Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site? If not, why not? Please set out the specific information that would still be required</p> <p>Natural England Response: Our comments relate to the validity of the data, rather than specifics related to site geography. This is primarily because the site interests are mobile species that could also use the English parts of the SPA and Ramsar site. Significant impacts on the interest features on the Welsh side of the Dee Estuary could affect the site condition as a whole. On the basis of the information received to date NE is not satisfied with the assessments undertaken. The data available from the adjacent and partially overlapping WeBS sectors indicates this area supports significant numbers of a range of waterbird species supported by the</p>	<p>See the response to 9.4 in Table 9 of the Applicant's Response to ExQ1 [REP3-059] which sets out the data used in the analysis and where this can be found in the Application documents. It is noted that in NRW's Written Submission for Deadline 3 [REP3-062] NRW accepts one year of non-breeding bird survey for this site provided it is also discussed within the context of the detailed information held by Deeside Naturalists Society.</p> <p>The Dee Estuary SPA is immediately adjacent to the Order limits and includes both the Connah's Quay Nature Reserve and the pools to the west of the Order limits. As expected, given their inclusion within the designated sites boundaries, areas within the SPA were of particular importance for qualifying bird species. As such, a number of measures to reduce noise and visual disturbance to the qualifying species within the SPA have been set out in the Report to inform Habitats Regulations</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
		<p>SPA. It is unclear how it has been concluded that curlew is the only species to require mitigation/ compensation for adverse impacts from the proposal. The survey data has only been collected over the course of one calendar year. At least two years' worth of survey is generally required. We are aware that various other data (including WeBS and Deeside Naturalists Society own surveys) are available. Should the applicant demonstrate that this is transferable and can be directly compared to their own survey data it could be used in lieu of another year's survey effort. In addition, NE consider the data presented to lack spatial detail on where birds were observed and uses survey areas that do not match the development footprint (and are inconsistently defined). It therefore cannot be meaningfully compared with other counts or used to draw robust conclusions about bird use of the site.</p>	<p>Assessment [CR1-105] to avoid AEOI. Outside of the SPA the only species to be recorded in significant numbers, i.e., at more than 1% of the SPA population (which in their Deadline 3 response to ExA question 9.23 has been accepted by NRW as an appropriate criterion for defining the need for mitigation) was Curlew. Curlew were recorded using three fields within the Order limits and as such these fields were considered to be 'functionally linked' to the SPA. Therefore, to avoid an AEOI to the Curlew SPA population, a specific mitigation strategy was produced.</p> <p>As set out in Table 1 of Appendix 11D: Ornithology Technical Appendix [APP-193], these data are supported by other third party data, including ornithological surveys undertaken within the Order limits between April 2022 and February 2023 by Aspect Ecology, monthly wetland bird data collected by the Deeside Naturalists' Society for the Connah's Quay Power Station Nature Reserve spanning the period January 2013 to December 2023 and Wetland Bird Survey (WeBS) data obtained from the British Trust for Ornithology (BTO) for the period 2018 to 2023. The Applicant acknowledges receipt of further existing data provided by Deeside Naturalists' Society (covering 2023 to 2026). The Applicant will review this and will provide an update regarding the data provided at Deadline 5.</p>
	3.18	<p>Question Reference: Q1.9.27</p> <p>Examining Authority Question: Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site): Comments on proposed measures</p> <p>In the RIHRA and without prejudice HRA derogations case [APP-253] and [PD-006] respectively, the applicant proposes to deliver 25/ 26 ha of functionally linked land at Gronant Fields at Prestatyn which is approximately 21.2 km from the Main Development Area and within the SPA / Ramsar site.</p> <p>a) Do NRW and NE consider that the applicant's proposed measures would be feasible, deliverable and ecologically effective to alleviate the scale of potential harm to the European sites? If not, what amendments or other measures would NRW/ NE propose?</p> <p>b) Are NRW satisfied that Gronant Fields does not fall within the existing management and condition obligations of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site, and is therefore suitable for mitigation/ compensation? If yes, are NE satisfied that the functionality of Gronant Fields has been clearly identified and that the applicant has demonstrated that Gronant Fields does not benefit the specific features currently?</p> <p>c) Are NRW and NE content that measures set out in the Curlew Mitigation Strategy [APP-254] would be effective and secured before the commencement of construction? If not, what amendments or other measures would NRW/ NE propose?</p>	<p>Please see response to 3.17 above. All qualifying bird species have been assessed through consideration of potential impacts to the Dee Estuary SPA, with measures put in place to avoid significant effects to these qualifying species using the SPA. The only species occurring outside the designated site boundary, relevant to the Order limits and in significant numbers, i.e., 1% of the SPA population, is Curlew. Therefore, specific measures have been put forward to mitigate potential impacts to this species. Further details on the specific mitigation relating to Curlew can be found in the Curlew Mitigation Strategy submitted at Deadline 4 (EN010166/APP/9.18).</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
		<p>Natural England Response: The proposal only takes account of curlew so by this definition alone it cannot alleviate the scale of the potential harm to the SPA, as other relevant qualifying bird species have not been properly assessed from the outset.</p> <p>a) We have yet to see sufficient detail to be confident about the feasibility, deliverability and ecological effectiveness for the Curlew Mitigation Strategy.</p> <p>b) This relates to existing management obligations of Gronant Fields currently – we defer to NRW's advice on this issue.</p> <p>c) We are aware that the applicants have purchased Gronant Fields, and are satisfied the site has been secured. It has not yet been convincingly shown that Gronant Fields will function as effective replacement habitat given its distance from the proposal site, and the limited evidence base which lacks sufficient survey data and capacity analysis.</p>	

2.4 REP3-063 National Highways

2.4.1 National Highways Deadline 3 submission and the Applicant's response are set out in **Table 4** below.

Table 4: Response to National Highways Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
National Highways Written Submission for Deadline 3 [REP3-063]	4.5	<p>Question Reference: Q24.9</p> <p>Examining Authority Question: 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>National Highways Response: It is National Highways' understanding that the Applicant will not be looking to take possession of routes for their AILs, but rather will simply be using the roads whilst they are open for traffic. Additionally, National Highways has a defined process for booking space for AILs through Electronic Service Delivery for Abnormal Loads (ESDAL). This system will ensure that there is sufficient capacity on the network at the time the booking is needed and it will remain a requirement for the Applicant throughout the construction phase.</p> <p>It is for this reason that National Highways considers it acceptable that abnormal load routes are not strictly defined at this stage, as there may be a need for flexibility on routing to ensure the continued safe operation of the Strategic Road Network in England.</p>	<p>National Highways' understanding is correct. The Applicant is not seeking any temporary possession powers with respect to the strategic road network in England (for which National Highways is the relevant highway authority). Temporary powers are sought with respect certain parts of the highway network in Wales to facilitate temporary works for the transport of AILs to the Main Development Area.</p>

2.5 REP3-065 Maritime and Coastguard Agency

2.5.1 Maritime and Cost Guard Agency Deadline 3 submission and the Applicant's response are set out in **Table 5** below.

Table 5: Response to Maritime and Cost Guard Agency Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Maritime and Coast Guard Agency Written Submission for Deadline 3 [REP3-065]	5.2	<p>Question Reference: Q8.8</p> <p>Examining Authority Question: The applicant Risk of maritime collision with vessels (Ref: [RR-044]) Notwithstanding the content of the marine navigation risk assessment that has been prepared can the applicant and MCA clarify that they have reached an agreed position to ensure that the planned movement of any vessels in the River Dee area and in particular with regards to the designated port and harbour authorities in the area that risks associated with such movements have been reduced to as low as reasonably practicable?</p> <p>Maritime and Coast Guard Agency Response: The applicant has not directly requested the MCA and the applicant reach an agreed position on vessel movements in the River Dee area and no statement of common ground has been established between the applicant and the MCA.</p> <p>The NRA has considered the available route options for Abnormal Indivisible Loads (AILs). Travelling from the open water where all maritime safety legislation and guidance would apply, the routes then fall within the jurisdiction of the Statutory Harbour Authority: Ellesmere Port, Port of Mostyn and the Dee Conservancy.</p> <p>In addition, the location of works in the marine environment falls within the jurisdiction of a Statutory Harbour Authority (SHA) – Dee Conservancy, and therefore they have responsibility for maintaining the safety of navigation within their waters during any construction, operation and decommissioning phases of the project. It is our understanding that the Dee Conservancy is split between Natural Resource Wales (conservancy, harbour, and local lighthouse authority) and Mostyn Docks Ltd (pilotage authority and statutory harbour authority for the Port of Mostyn).</p> <p>The MCA would expect the applicant to agree the NRA and the risk mitigation measures with the relevant SHAs, and agree the risks are As Low As Reasonably Practicable (ALARP). We would encourage the applicant to work with the relevant SHA's to develop a robust Safety Management System (SMS) for the project in accordance with the Ports and Marine Facilities Safety Code (PMSC) and its associated Guide to Good Practice, to ensure that the risk and impact on other marine users are ALARP. The applicant is encouraged to maintain discussion with these parties within the SHAs to ensure risks from vessel movements remain ALARP.</p> <p>As per our written representation of 27th January 2026, we note in the recording of Issue Specific Hearing 2 - Part 2, the applicant's suggestion that any navigational risks posed by the project would be adequately assessed by the applicant extending their Statements of Common Ground (SoCG) with the ports of Mostyn and the Dee Conservancy to cover navigational matters. The MCA agrees with this suggestion.</p>	<p>The Applicant notes and agrees with the MCA's confirmation that the relevant SHAs are the Mostyn Docks Ltd and the Dee Conservancy and that express agreement via an SoCG is not required with the MCA. The Applicant has and will continue to engage with both the Port of Mostyn and Dee Conservancy on navigation matters. SoCGs have also been progressed with both the Port of Mostyn and Dee Conservancy, wherein no navigation issues are raised. Further detail can be found within the Applicant's Response to Relevant Representations [REP1-062] (Table 4) and the Applicant's response in Table 8, Q8.8 in the Applicant's Response to ExQ1 (EN010166/APP/9.16).</p>

2.6 REP3-067 Climate Emergency Science Law

2.6.1 Climate Emergency Science Law Deadline 3 submission and the Applicant's response are set out in **Table 6** below.

Table 6: Response to Climate Emergency Science Law Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Deadline 3 Submission - Summary of Comments on Deadline 1 Submissions [REP3-084]	9.2	<p>D.1 Applicant position The Environmental Statement represents upstream supply-chain emissions using the UK Government natural-gas well-to-tank emission factor. In [REP2-019] the Applicant argues that this approach is appropriate because:</p> <ul style="list-style-type: none"> (a) future UK gas supply will predominantly originate from Norwegian pipelines; (b) international initiatives will reduce methane leakage in supply chains; (c) government conversion factors are recognised by professional guidance; (d) the DESNZ factor responds to changes in LNG supply share; (e) previous DCO decisions have relied upon the same factor. <p>D.2 CESL evidential analysis Once carbon capture is applied, upstream emissions become the dominant component of the development's lifecycle emissions (Table 20-8 [APP-058]). <u>The upstream well-to-tank emission factor therefore materially determines the lifecycle emissions outcome presented to the decision-maker.</u></p> <p>CESL examines the role of upstream emissions within the lifecycle modelling structure used in the ES, and analyses upstream supply dynamics, drawing on multiple independent evidence sources.</p>	<p>The Applicant maintains that the greenhouse gas (GHG) assessment has been carried out using the most appropriate emissions factors available, as per REP2-019, regarding the suitability of the natural gas well to tank emissions factor as published by the UK Government.</p> <p>The Applicant also recognises the dominant effect of upstream well to tank emissions on the overall GHG assessment for a CCGT project with carbon capture and storage; this is explicitly acknowledged in paragraph 20.6.59 of Chapter 20: Climate Change [APP-058].</p> <p>The Applicant would further note that it is the low carbon nature of the Proposed Development, relative to an existing unabated gas-fired power station, that results in its upstream emissions accounting for a greater share of overall operational emissions.</p>
	9.3	<p>D.2 (A) UK supply data, gas system and gas-security modelling</p> <p>Official UK gas-supply statistics show that while Norway is the largest pipeline supplier, residual imports beyond Norway are overwhelmingly LNG rather than continental pipeline gas, reflecting the structural decline of non-Norwegian pipeline imports into the UK.</p> <p>CESL examines the Future Energy Scenarios modelling referenced in the ES. The analysis demonstrates that future LNG volumes shown in the FES charts represent <u>minimum</u> LNG supply levels rather than the total LNG potentially entering the system. Additional imports required to balance supply and demand are in a residual "generic imports" category that predominantly includes LNG. By 2040, FES 2025 shows generic imports exceeding Norwegian pipeline supply across all scenarios — directly contradicting the Applicant's submission.</p> <p>The NESO Gas Supply Security Assessment, which models system operation during supply-stress conditions, indicates that flexible imports, increasingly LNG, play an important role in maintaining system security during high-demand periods. This is confirmed by recent research from the Oxford Institute for Energy Studies, demonstrating the increasing role of LNG as the marginal source of supply in global gas markets. The recent National Gas Securing Britain's Energy policy paper analysis indicates that future security-of-supply policy may involve materially expanded LNG import capability relative to current utilisation levels. Dispatchable gas-fired power stations, such as CQLCP, operate primarily during such conditions. The relevant EIA question is therefore not annual average supply composition, but the upstream intensity of gas supplied when the development operates. In those circumstances, lifecycle</p>	<p>The Applicant recognises the variation over time of the relative contributions of different sources of natural gas into the UK gas network, such as UK domestic production, imports from Norway by pipeline, and of LNG by ship. This was discussed in more depth in Reference 6.1.1 in the Applicant's Response to Deadline 1 Submissions [REP2-019]. It is further acknowledged that different sources of natural gas can have higher or lower upstream carbon intensities, depending on its origin.</p> <p>Regarding future trends for imports of natural gas from various sources, there is considerable uncertainty around the overall mix in each year of the Proposed Development's operational life.</p> <p>This uncertainty around the future sources of natural gas, together with the range of national and international initiatives that seek to limit emissions of methane, means that there is no realistic way to forecast the future upstream carbon intensity of natural gas consumed within the Proposed Development or any other installation.</p>

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		<p>emissions for the development may be materially influenced by the upstream intensity of marginal LNG supply.</p> <p>Taken together, these sources indicate that UK gas supply is likely to remain exposed to LNG-linked supply dynamics over the lifetime of the development, reinforcing the relevance of upstream methane intensity to the lifecycle emissions outcome presented in the ES.</p>	<p>For completeness, and in the interest of providing a full range of GHG impacts, the Applicant will carry out a sensitivity test on the basis of a higher proportion of LNG in the UK gas network in the future. The Applicant will submit this sensitivity assessment at Deadline 5.</p>
	9.4	<p>D.2 (B) Implications for the WTT factor, evidence from methane measurement studies</p> <p>The DESNZ WTT factor is derived from upstream emission intensities originating from the Exergia (2015) EU modelling study, used as the source basis since 2017. Although the factor incorporates annual changes in supply composition using DUKES data, there is limited, or no, evidence that the underlying emission intensities have been recalibrated using more recent methane measurement datasets.</p> <p>A specific and unresolved anomaly reinforces this concern: the published WTT factor remained static at 9.30 kgCO₂e/GJ across publication years 2023–2025, while the LNG share of UK gas supply varied between 18.8% and 35.5% over the corresponding DUKES data years. The Applicant characterises the factor as “LNG-responsive”; the published record does not support that characterisation.</p> <p>CESL has made three separate attempts to obtain the methodology and working files from DESNZ (January 2024, February 2026, and a formal EIR request before this Deadline). No substantive response has been received. The working calculations underlying the factor — which determines 63.4% of the lifecycle emissions total — cannot be independently verified by any party to this examination.</p> <p>There is a growing body of measurement-based research examining methane emissions from natural-gas supply chains. Aircraft, satellite and ground-based measurement campaigns have demonstrated that methane leakage from oil and gas systems can be significantly higher than inventory-based estimates, with MethaneSAT (2026) finding global oil and gas emissions consistently exceed reported inventories by significant margins.</p> <p>These studies confirm that upstream methane intensity spans a wide distribution. A single central WTT factor without sensitivity analysis treats that intensity as known with certainty — a position the scientific literature does not support.</p> <p>CESL therefore submits that reliance on a single central WTT factor does not demonstrate that the lifecycle emissions assessment is robust to reasonably foreseeable variability in upstream methane intensity. The assessment of significance logically follows the identification and quantification of the reasonable worst-case effect. Where that effect has not been tested — and the dominant parameter (63.4%) cannot be independently verified — the significance conclusion rests on an unverifiable central assumption.</p>	<p>The Applicant maintains that the magnitude of emissions resulting from venting, flaring and fugitive emissions from the upstream natural gas supply chain has been quantified by the Exergia study² carried out for the European Commission and referenced in the methodology paper³ accompanying the annual publication of emissions factors by the UK Government.</p> <p>Regarding the impact of varying proportions of LNG within the UK natural gas network, the emissions factors published by the UK Government have, on occasion, been amended to reflect such changes. The 2021 emissions factor dataset was accompanied by a document⁴ itemising major changes to the conversion factors, and this document explained how an increase in the upstream carbon intensity of natural gas between 31% and 32% over the previous year's data had been due to the increase in LNG imports in 2019.</p> <p>The Applicant will carry out a sensitivity test, to be submitted at Deadline 5, that will assess the GHG impacts that may occur due to a higher proportion of liquefied natural gas within the UK gas network.</p> <p>Such a sensitivity test will be carried out using an alternative upstream emissions factor for liquefied natural gas published in 2025 by the International Energy Agency. The Applicant considers that the use of an upstream emissions metric from such an autonomous, intergovernmental body will address concerns over the reliance on a single data point to generate a disproportionate amount of the overall emissions presented within the GHG assessment.</p>

² European Commission (2015). Study on actual GHG data for diesel, petrol, kerosene and natural gas. Available at: https://energy.ec.europa.eu/publications/study-actual-ghg-data-diesel-petrol-kerosene-and-natural-gas_en (accessed 26/03/2026).

³ Department for Energy Security and Net Zero (2024). Greenhouse gas reporting: conversion factors 2024 – methodology. Available at: <https://assets.publishing.service.gov.uk/media/6846b0870392ed9b784c0187/2025-GHG-CF-methodology-paper.pdf> (accessed 26/03/2026).

⁴ Department for Business, Energy & Industrial Strategy (2021). 2021 greenhouse gas conversion factors: major changes. Available at: <https://assets.publishing.service.gov.uk/media/61ee7e2ae90e0703731d3b5d/2021-ghg-conversion-factors-major-changes.pdf> (accessed 26/03/2026).

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	9.5	<p>D.2 (C) NZT precedent</p> <p>The Applicant relies on the Net Zero Teesside DCO decision as authority for the DESNZ factor. CESL submits this provides no determinative support: (a) ExA reports create no legal precedent; (b) the NZT ExA addressed a different question and had materially different evidence before it; (c) the NZT ExA's acceptance of the factor was expressly temporally qualified as "the best data and understanding available at the current time"; and (d) the optimistic premise on which the NZT ExA balanced acknowledged uncertainty — international initiatives reducing methane — has been directly contradicted by subsequent evidence (such as MethaneSAT).</p>	<p>Whilst previous SoS decisions are not binding on future decisions, there is an important principle of the need for consistency in decision making.</p> <p>The existing DESNZ well to tank factor was accepted by the SoS within the Net Zero Teesside Project decision letter in spite of-submissions made by Climate Emergency Policy and Planning (CEPP) on 30th May 2023 and 6th September 2023 claiming that the official factor failed to properly represent the reality of the upstream natural gas supply chain. The Applicant maintains that this factor remains the appropriate way to assess the emissions resulting from the supply of natural gas to the Proposed Development, and that its use has been explicitly endorsed by the Institute of Sustainability and Environmental Professionals (ISEP) under whose guidance the GHG assessment was carried out.</p> <p>The Applicant, therefore, does not rely on the Net Zero Teesside DCO decision to provide authority for the use of this upstream emissions factor, but it does note that both the ExA (for that application) and the SoS explicitly accepted that this factor was suitable for estimating the upstream scope 3 emissions from the supply of natural gas.</p>
	9.6	<p>D3 / Part A / Section E Parameter 2 – Methane climate metrics</p> <p>E.1 Applicant position The Environmental Statement expresses methane emissions using Global Warming Potential over a 100-year time horizon (GWP100), consistent with greenhouse-gas reporting practice.</p> <p>E.2 CESL evidential analysis The physical science basis (Working Group I, IPCC Sixth Assessment Report) demonstrates that methane is responsible for a substantial proportion of present-day warming: AR6 Figure SPM.2 attributes approximately 0.5°C of observed anthropogenic warming to methane — around one third of total anthropogenic warming. AR6 Figure 6.16 further demonstrates that a one-year pulse of current methane emissions produces a greater 10-year temperature response than an equivalent pulse of CO₂.</p> <p>An illustrative sensitivity analysis comparing GWP100 with GWP203 illustrates that near term climate effects during the operational lifetime are not captured by GWP100 alone. Schedule 4, paragraph 5 of the EIA Regulations expressly requires description of short-, medium- and long-term effects: a GWP20 sensitivity case is sought to discharge that obligation, as an addition to GWP100 reporting, not a replacement for it.</p>	<p>The Applicant maintains that it is appropriate to assess the global warming impact of methane and other GHGs over a 100-year time horizon, due to this metric being explicitly applied within all relevant national and international carbon accounting systems.</p> <p>The legally-binding carbon budgets applied to the United Kingdom and devolved administrations are based on emissions of GHGs being reported over a 100-year timescale, so any reporting using shorter time periods would result in emissions not being comparable against such budgets.</p> <p>The Applicant will carry out a sensitivity test using the GWP20 value for methane, with this test being submitted at Deadline 5. The Applicant would further note that any emissions figure so calculated cannot be contextualised against any published pathways to net zero as required under the guidance produced by the Institute of Sustainability and Environmental Professionals (ISEP)⁵ and therefore cannot be used to inform any evaluation of significance.</p>

⁵ Institute of Environmental Management and Assessment (2022). Assessing greenhouse gas emissions and evaluating their significance. Available at: <https://www.iema.net/resources/blogs/2022/07/greenhouse-gas-emissions-eia-guidance/> (accessed 26/03/2026).

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			<p>It is important to note that the use of GWP20 for methane constitutes a different metric relative to the use of GWP100; neither one is inherently superior to the other, although figures expressed using GWP100 do have the advantage of being comparable to national carbon budgets and being aligned with national and international carbon accounting protocols. Crucially, emissions of methane expressed using a 100-year time horizon are not being underreported. The GWP100 value for methane is numerically lower than the GWP20 value as methane climate impacts take place over a shorter timescale (the 12-year atmospheric lifetime of methane) before dropping to near zero. As such the GWP 100 value simply averages this value over the 100 year period used to manage long term temperature increases.</p>
	9.7	<p>D3 / Part A / Section F Parameter 3 – CO₂ capture rate</p> <p>F.1 Applicant position The Environmental Statement models the development assuming a CO₂ capture rate of 95% and states that environmental permitting and best-available-technique standards will ensure appropriate operational performance.</p> <p>F.2 CESL evidential analysis</p> <p>The regulatory evidence from the environmental permit issued for the Net Zero Teesside project demonstrates that capture efficiency is monitored and averaged during operation. NZT Improvement Condition IC10 expressly allows operators to justify that 95% is not reasonably achievable, confirming that 95% functions as a monitored design target, not a continuously enforceable minimum.</p> <p>The Applicant asserts that the Environmental Permit regime will in future secure 95% capture. CESL submits the position advanced by the Applicant depends on a structure of mutually reinforcing regulatory assumptions between the planning assessment and the future permitting regime. The ES assumes 95% because the design targets it; the design targets it because the guidance describes it as BAT; the EP will require it, but not enforce it, because the design describes it. The CQLCP draft DCO contains no DCO-level minimum capture rate specification, unlike H2 Teesside whose DCO Schedule 1 specified a minimum 95% design capture rate.</p> <p>Critically, in March 2024 — a year before the ES was published — the Environment Agency reclassified post-combustion CCS from 'best available techniques' to 'emerging technique'. Under the regulatory framework, an emerging technique is one not yet fully commercially developed to the level of established BAT. This means no settled sectoral BAT reference document exists for post-combustion CCS and the regulator's BAT determination is made case-by-case on provisional evidence. The ES does not engage with this reclassification.</p>	<p>The Applicant updated the Draft DCO (EN010166/APP/3.1) at Deadline 3 to include a definition of capture plant as requested by CESL that references a 95% capture rate, specifically: <i>"carbon dioxide capture plants" means the carbon dioxide capture plants, which are designed to capture a minimum rate of 95% of the carbon dioxide emissions of the generating station operating at full load.</i> This definition applies to <i>"carbon dioxide capture plants"</i> as set out in the description of the authorised development in Schedule 1 of the Draft DCO. Therefore, the Draft DCO does contain a minimum capture rate specification.</p> <p>The Applicant will specify this minimum capture rate within the guaranteed requirements when procuring the Engineering, Procurement and Construction (EPC) contractor and fully expects the plant to deliver this capture rate.</p> <p>Whilst the existing Guidance on Emerging Technologies (GET) for Post-Combustion carbon dioxide⁶ does not have the same legal status as published Best Available Techniques (BAT) Conclusions, it is nevertheless the basis on which the Environmental Permit application is being determined by NRW and in that respect the determination process does not materially differ from the determination of any permit aspects for which BAT Conclusions have been published.</p> <p>It is fully anticipated that the permit conditions will require at least 95% capture of CO₂ as that is the basis of the Applicant's Environmental Permit application.</p>

⁶ Post-combustion carbon dioxide capture: emerging techniques - Emerging techniques on how to prevent or minimise the environmental impacts of post-combustion carbon dioxide capture: <https://www.gov.uk/guidance/post-combustion-carbon-dioxide-capture-best-available-techniques-bat> (accessed on 27/03/2026).


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		<p>The evidence review underlying the March 2024 reclassification is not publicly accessible (a circular link exists between the GOV.UK page and the UKCCSRC website). CESL has submitted an EIR request to the EA before this Deadline. The Applicant cannot demonstrate that 95% represents a settled, empirically validated operational floor.</p> <p>CESL therefore submits that the ES should demonstrate either a specific enforceable mechanism securing 95% as a lower-bound operational parameter, or provide sensitivity testing reflecting reasonably foreseeable capture performance below that level.</p>	<p>It is also noted that as practical experience is gained from operation of the various carbon capture projects currently in the planning process, GET will at some point switch to BAT mandating the future capture rate performance for existing and new installations.</p> <p>Based on the above the Applicant maintains that the environmental impact assessment for the Proposed Development has been undertaken appropriately and that a comprehensive assessment of the likely significant environmental effects of the Proposed Development has been reported in the Environmental Statement.</p>

2.7 REP3-087 Royal Mail

2.7.1 Royal Mail Deadline 3 submission and the Applicant's response are set out in **Table 7** below.

Table 7: Response to Royal Mail Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Royal Mail Written Submission for Deadline 3 [REP3-087]	10.1	<p>1.0 Introduction</p> <p>As set out in its Relevant Representation submitted on 21 October 2025, Royal Mail supports this scheme but is seeking to ensure that its road-based operations are not adversely impacted by construction traffic and any changes to local highway capacity during the scheme's construction phase. Any such impacts have potential to interfere with Royal Mail's ability to meet its service delivery targets as a provider of the Universal Postal Service under the Postal Services Act 2011. Royal Mail and its consultant BNP Paribas Real Estate have reviewed the Framework Construction Traffic Management Plan (CTMP) dated January 2026. It is noted and welcomed from the proposed amendments to section 5.1.1 of this document that Royal Mail has been added to the list of relevant parties for planned liaison and communication alongside FCC, National Highways, Cheshire West and Chester Council, and North and Mid Wales Trunk Road Agent. However, this reference alone does not go far enough to mitigate the potential construction phase risks to Royal Mail. More structured and regular communication specifically with Royal Mail is requested, as set out in Royal Mail's Relevant Representation and repeated in this written representation.</p>	<p>The Applicant notes Royal Mail's support for the Proposed Development and its review of the Framework CTMP [APP-247].</p> <p>The Framework CTMP includes appropriate measures to manage construction traffic and provides for engagement with relevant stakeholders, including Royal Mail, in relation to significant traffic management measures such as road closures and diversions. These provisions are secured through the CTMP and Requirement 5 of the Draft DCO [APP-019].</p>
	10.2	<p>2.0 Statutory and operational information about Royal Mail</p> <p>Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project. Royal Mail's postal sorting and delivery operations rely heavily on road communications. Its ability to provide efficient mail collection, sorting and delivery to the</p>	<p>The Applicant notes the information provided by Royal Mail regarding its statutory duties and reliance on the highway network. The potential for impacts on the local highway network has been assessed within Chapter 10: Traffic and Transport [APP-048], which concludes that no likely significant effects would arise. The Framework CTMP [APP-247] includes measures to manage construction traffic and provide advance communication of traffic management works.</p>

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
		<p>public is sensitive to changes in the capacity of the highway network. Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.</p>	
	10.3	<p>3.0 Relevant Royal Mail Operational information There are six Royal Mail operational properties within 10km of Connah's Quay as listed below: 1. Flint Delivery Office c.3.5km 2. Flint Aber Parking c 3.7km 3. Deeside Delivery Office c 3.6km 4. Deeside Parcel Force Local Depot c 5.3km 5. Mold Delivery Office c7.8km 6. Mold Par c 7.8km The locations of the closest four of these are identified on the plan below:</p>  <p>07/03/2024</p> <p>1:109,540 0 0.5 1 2 mi 0 0.75 1.5 3 km Esri UK, Esri, TomTom, Garmin, FourSquare, GeoTechnologies, Inc, METV, NAGRA, USGS</p> <p>Advance notification of works that affect the highway network by Uniper UK Limited or its contractors will help Royal Mail's operational managers to limit and mitigate their impacts on Royal Mail operations.</p>	<p>The Applicant notes the information provided by Royal Mail regarding its operational properties in the vicinity of the Proposed Development. The Framework CTMP [APP-247] includes measures to manage construction traffic and provide advance communication of traffic management works to relevant stakeholders, including Royal Mail, through its Planned Liaison and Communications process via a Local Liaison Committee.</p>
	10.4	<p>4.0 Summary of Royal Mail's position on the Connah's Quay Low Carbon Power Project as at Deadline 3 Royal Mail supports the Connah's Quay Low Carbon Power Project, but as a provider of the Universal Postal Service under the Postal Services Act 2011 it is also seeking to take all reasonable steps to protect its operational interests from adverse impacts that may arise from the construction phase of this scheme.</p>	<p>The Framework CTMP [APP-247] includes appropriate measures to manage construction traffic and provides for engagement with relevant stakeholders, including Royal Mail, in relation to significant traffic management measures such as</p>

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		<p>To do this, Royal Mail requests that:</p> <ol style="list-style-type: none"> 1. the CTMP should include specific requirements that during the construction phase Royal Mail is notified by Uniper UK Limited or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working; 2. where road closures / diversions are proposed, Uniper UK Limited or its contractors liaise with Royal Mail at least one month in advance to identify and make available alternative highway routes for operational use, where possible; and 3. cumulative highways impact from other major developments in the surrounding area is fully addressed by Uniper UK Limited. 	<p>road closures and diversions. These provisions are secured through the CTMP and Requirement 5 of the Draft DCO [APP-019].</p> <p>Cumulative impact is considered to be inherently assessed within the Transport Assessment [APP-188] and Chapter 10: Traffic and Transport [APP-048]. Consideration of committed development has included all schemes within a 15 km distance of the Main Development Area, with proposed schemes included / discounted based on the level of information provided, extent of assessment study area, and forecasted years of traffic generation.</p>

3. Landowners

3.1 REP3-088 Tata Steel

3.1.1 Deadline 3 submission / ExQ and the Applicant's response are set out in **Table 8** below.

Table 8: Response to Tata Steel Deadline 3 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
Tata Steel Written Submission for Deadline 3 [REP3-088]	11.1	The Examining Authority's question ExQ1.24.5 relates to what progress has been made with negotiations for the land. Tata Steel have received draft heads of terms from Uniper UK and these are currently being reviewed. Tata Steel are not currently in a position to confirm whether the terms are acceptable. Whilst Tata Steel is not currently raising objections to the proposed development itself (based on the information known to-date), no agreement has been reached regarding the acceptability of using the Tata Steel jetty or onward routing of 3rd party vehicles through Tata Steel's operational Works site. Continued discussions on these matters are essential if use of the Tata Steel jetty and its operational Works site are to be considered further.	<p>The Applicant confirms that negotiations with Tata Steel regarding access to, and use of, the jetty and shore side lands are ongoing. The Applicant agrees that these continuing discussions are essential and welcomes Tata Steel's constructive engagement.</p> <p>The Applicant also continues to engage with the Dee Conservancy (NRW) in parallel as they own the mooring dolphins that are an integral part of the marine infrastructure to use the jetty.</p>

Abbreviations

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