

Connah's Quay Low Carbon Power

Applicant's Written Summary of Oral Submissions at Open Floor Hearing 1 and response to Action Points

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1. Written summary of the Applicant's Oral Submissions at Open Floor Hearing 1

1.1 Introduction

- 1.1.1 This section of the document summarises the oral submissions made by Uniper UK Limited (the Applicant) at Open Floor Hearing 1 (OFH1) which took place in a blended format at the Village Hotel, Chester and on Microsoft Teams on 17 March 2026.
- 1.1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the OFH1, which was published on the Planning Inspectorate's website on 10 March 2026 [EV5-001]. Where the comment is a post-hearing note submitted by the Applicant, this is indicated.
- 1.1.3 The Applicant, which is promoting the Connah's Quay Low Carbon Power project (the Proposed Development), was represented by Mr James Strachan KC of 39 Essex Chambers, instructed by Herbert Smith Freehills Kramer LLP. He also introduced Mr Roger Brandwood of the Applicant.

1.2 Agenda Item 1: Welcome and Introductions

- 1.2.1 The ExA welcomed attendees to the OFH1 and provided introductory remarks about how the hearing would be conducted. This included an explanation of how the Welsh translation services would be available to those who needed it.
- 1.2.2 Mr Strachan KC introduced the Applicant's attendees (set out above).
- 1.2.3 Ms Charlie Pope, senior planning officer for Flintshire County Council (FCC) introduced herself, as well as Mr Timothy Hibbert (planning officer) and Mr Stuart Jones (public rights of way officer).

1.3 Agenda Item 2: Purpose of the Open Floor Hearing

- 1.3.1 The ExA explained that the purpose of the OFH1 is to cover matters raised by Interested Parties and non-Interested Parties.

1.4 Agenda Item 3: Oral Submissions from Interested Parties and non-Interested Parties

- 1.4.1 The ExA first sought views from FCC.
- 1.4.2 Ms Pope noted that FCC's further representation relates to the **Applicant's Response to Local Impact Report [REP3-058]** in relation to Public Rights of Way (PRoW) and, in particular, Footpath 28. It is acknowledged that Footpath 28 is located outside of the Order limits, although the Order limits are directly adjacent to Footpath 28. The Applicant has stated that mitigation

is not required as it is not affected by the Proposed Development. FCC's suggestion was not to extend the path northwards. What FCC propose is that the newly created footpath could continue to run parallel to the railway line as the footpath currently does. This could be addressed by the relocation of the security fence. National Grid's land is included within the Order limits and, accordingly, its ownership of the land is not a reason not to provide a tangible community benefit. By providing 250m of PRow, the public could avoid 600m of road with active traffic. The benefits of this would include better linking Connah's Quay to the college and removing the restriction of Footpath 28 being a cul-de-sac, which FCC stated would be supported by NRW and DNS. FCC invited the Applicant to reconsider this and whether this could provide a tangible community benefit.

- 1.4.3 The ExA noted that it could be valuable for the path to be retained and extended.
- 1.4.4 FCC considered that the footpath could run outside of the Order limits.
- 1.4.5 Mr Bentley, Managing Director of Gwella Wales, explained that Gwella Wales runs community library facilities, including two libraries in Flint and one in Connah's Quay. There are also two 25m pools close by and a full-size ice rink in Deeside, all of which have energy demands. Mr Bentley queried whether the Applicant has considered heat recovery connections to benefit the community and net zero goals.
- 1.4.6 Mr Bentley further queried whether thought has been given to wider community benefits in terms of legacy development.

1.5 Agenda Item 4: Responses by the Applicant

- 1.5.1 In relation to Footpath 28, Mr Strachan KC noted that the first key problem is that this is proposed on land which sits outside of the Order limits. Therefore, the Applicant would not have the powers to deliver this. Mr Strachan KC noted that, if there is land within the Order limits that could be used, the Applicant can respond to that. There are some other issues which were raised in the **Applicant's Response to Local Impact Report [REP3-058]** at paragraphs 12.1 to 12.9. But the key issue at the outset appears to be the question of land outside the Order limits.
- 1.5.2 In relation to heat recovery connections, Mr Brandwood explained that the **Carbon Capture Readiness Report [APP-260]** provides an explanation of this. The purpose of the Proposed Development is to provide electricity, and accordingly the ability to provide heat in a reliable way is not necessarily something the Proposed Development can deliver.
- 1.5.3 Mr Brandwood then noted more broadly the community benefits brought by the existing power station, including a visitor centre and skills and training provision with a STEM focus. Community benefit is already being provided and this would continue with the Proposed Development. The Applicant would be open to considering what community benefits the public would like to see and had invited suggestions through the consultation process.
- 1.5.4 The ExA asked the Applicant to consider whether it would be appropriate to change the Application to incorporate Footpath 28 within the Order limits.

- 1.5.5 The ExA noted that new projects are making payments to adjacent disrupted parties. Whilst not necessarily required for this Proposed Development, the ExA queried whether the Applicant could work with the community group, such as a batch energy agreement that could assist with costs.
- 1.5.6 Mr Brandwood noted that he would need to take this away, as he was not sure whether this would be possible. The support process with the Government would prevent a direct wire arrangement.
- 1.5.7 The ExA appreciates community benefit liaison is happening and would welcome an update on this at the next deadline.
- 1.5.8 *Post hearing note: please see the Applicant's response to Action Point 1 regarding community benefits.*
- 1.5.9 In relation to Footpath 28, Mr Strachan KC noted that in order to compulsorily acquire land outside of the Applicant's ownership, it is necessary to demonstrate a need for the land that is tied to the Proposed Development, rather than benefits arising from it. Even beyond the practicalities, this is a question of satisfying the legal tests associated with the compulsory acquisition of others' rights.
- 1.5.10 The ExA noted that a better approach may be for the Applicant to offer to assist others in actioning the Footpath 28 point.
- 1.5.11 Mr Strachan KC confirmed that the Applicant would come back with further thoughts on the points raised.
- 1.5.12 *Post hearing note: please see the Applicant's response to Action Point 2 regarding Footpath 28.*

2. Applicant's Response to Action Points arising from Open Floor Hearing 1

2.1.1 The Applicant sets out responses to Action Points arising from OFH1 within Table 2.1.

No.	Action	Response
1	Provide further detail regarding the Applicant's approach to community benefits.	Details regarding the Applicant's approach to community benefits can be found within the Community and Local Benefits Statement (EN010166/9.24) submitted at Deadline 4.
2	Confirm the position in relation to Footpath 28 and whether updates could be made to facilitate the extension works FCC have requested.	<p>The Applicant continues to maintain, and has recently carried out improvements to, the section of Footpath 28 within its land holding. However, only a very limited amount of the potential extended route of Footpath 28 is within the Applicant's land holding, which, if used, would still lead to a dead end in the path.</p> <p>The full extent of the extended footpath route, as proposed by FCC, is neither within the Order limits of the Proposed Development, nor on land owned by The Applicant. Therefore, it would not be possible to extend the route as part of the Proposed Development currently proposed. It would also not be possible to change the Application for the Proposed Development to facilitate such works because the footpath extension works would not constitute 'associated development' (as defined within section 115(2) of the Planning Act 2008) capable of being included within any order for development consent granted. The Order limits should not comprise land which is not required for the Proposed Development (the NSIP, or associated development) itself. and it would not be appropriate, nor legally acceptable, for powers of compulsory acquisition to be sought in respect of such footpath extension works.</p> <p>However, the Applicant is very aware that local amenity and access by foot is important and, therefore, intends to include public rights of</p>

No.	Action	Response
		way initiatives as part of its community benefits package proposed (as described within the Community and Local Benefits Statement (EN010166/9.24)).