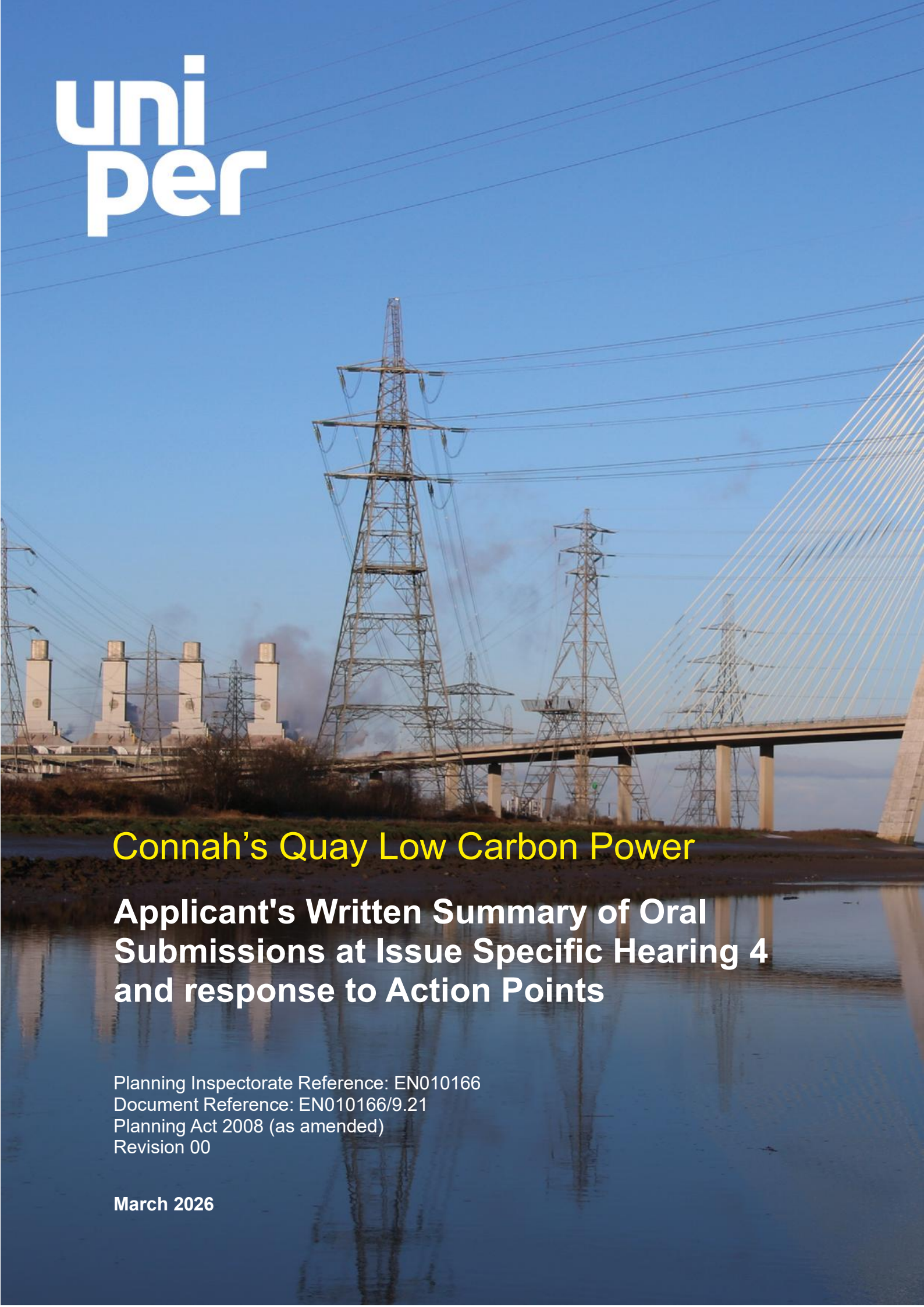

Connah’s Quay Low Carbon Power

Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 4 and response to Action Points

Planning Inspectorate Reference: EN010166
Document Reference: EN010166/9.21
Planning Act 2008 (as amended)
Revision 00

March 2026

Prepared for:
Uniper UK Limited

Prepared by:
Herbert Smith Freehills Kramer LLP

Table of Contents

1. Written summary of the Applicant's Oral Submissions at Issue Specific Hearing 4

1.1 Introduction

1.1.1 This section of the document summarises the oral submissions made by Uniper UK Limited (the Applicant) at Issue Specific Hearing 4 (ISH4) which took place in a blended format at the Village Hotel, Chester and on Microsoft Teams on 18 March 2026.

1.1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the ISH4, which was published on the Planning Inspectorate's website on 10 March 2026 [EV6-001]. 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 (Project Manager, the Applicant), Mr Joerg Schulze (Landscape and Visual expert, Aecom) and Mr Ben Murray (Climate Change expert, Aecom).

1.2 Agenda Item 1: Welcome and Introductions

1.2.1 The ExA welcomed attendees to the ISH4 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, of Flintshire County Council (FCC) introduced herself, Tim Hibbert, Planning Officer, and Ben Oakman (Landscape and Visual expert, Arup).

1.2.4 Dr Boswell of Climate Emergency Science Law (CESL) introduced himself, noting that he would be speaking on Agenda Item 4.

1.3 Agenda Item 2: Purpose of the Issue Specific Hearing

1.3.1 The ExA explained that the purpose of this ISH4 is to cover Landscape and Visual Amenity and Climate Change matters.

1.4 Agenda Item 3: Landscape and Visual Amenity

Item 3.1

1.4.1 The ExA noted the responses previously received on good design but wanted to understand where visual aspects have been improved to

harmonise the Proposed Development and improve the views for local residents. The ExA agreed that the design approach had evolved through an iterative process, but wanted to understand how a 'good' design approach had been taken rather than a cursory approach. The ExA queried the massing of the individual units and noted that the range of distribution of colours and architectural style in the local community is not reflected in large rectangular blocks. The ExA asked whether it was possible to highlight where the design had created an innovative solution to good design.

1.4.2 Mr Strachan KC, with regard to the colour palette, explained the approach that has been taken and the consequential impact on how the structure will appear.

1.4.3 Mr Schulze noted that the distinction between camouflage and integrating into the local community is difficult for projects of this nature. Different colour palettes are required depending on where the viewer is located. When further away, a darker palette would blend, whereas up close a lighter palette would be needed to blend into the sky. The colour palette process has followed various processes, being aware of significant receptors close to the power station. The majority of views work against the sky. The recommendation would be a gradual change of colours, starting from a darker hue to a lighter hue at higher elements and stacks. Whilst this produces a more pronounced view from elevated locations further away, it makes for better views closer up. To create an exciting colour scheme which can be used as an example for other industrial facilities is difficult. For example, for a Northern Ireland power station seen against the land with an existing power station beside it, the Applicant had looked at what the existing power station looks like and what could be done to camouflage it and what it looks like in its setting, and had come up with a mosaic to help blend in. In the visualisations, it is visible but does not stand out as it would if traditional colours were used. There, the majority of receptors were looking against the land. However, at Connah's Quay, because people are looking against the sky, it is better to have a lighter palette. This allows for maximum flexibility in terms of background colours.

1.4.4 Mr Strachan KC recalled that visual images were preferred not to be shared on screen by the ExA, but noted that if it would assist, the Applicant could present some of the viewpoints on screen to illustrate the considered decisions taken to test the colours. Mr Strachan KC also noted that where significant effects have been identified, these have influenced the approach to design.

1.4.5 The ExA confirmed he would prefer images not be shared on screen.

1.4.6 The ExA noted the difficulty in camouflage. The ExA queried what the community had requested and what had been done to respond to such community requests.

1.4.7 Mr Strachan KC explained that the question regarding community responses would need to be checked. He noted that the submissions received were less about elements of appearance and more about the fact that there would be anything there at all.

1.4.8 Post hearing note: please see the Applicant's response to Action Point 1 which confirms how the Applicant had regard to feedback on design matters from the local community during consultation.

1.4.9 Mrs Jennifer Hulme, of Oakenholt Farm, suggested that when first invited to meetings in the previous year, it had been complicated dealing with the Applicant and getting information across. Mrs Hulme expressed shock at the lack of community spirit in the room standing up for the local community. Mrs Hulme stated that everything is online and complex, and that there are many older people who have not had communication (although apparently door knocks had taken place). Mrs Hulme questioned how the Applicant can say it has analysed the position and communicated effectively.

1.4.10 The ExA acknowledged this submission.

1.4.11 Mr Strachan KC explained that, without seeking to diminish what has been expressed as opinion about community engagement, so far as the Applicant is concerned, it has followed an extensive statutory and non-statutory consultation exercise. When looking at efforts made to engage with the community and other people on the approach to design and other matters, there is extensive documentation about that. On the question of design and how it appears, there is a summary of responses in the **Consultation Report Appendices [APP-033]** for the original Application submission. Comments were reported about camouflaging and landscaping. It is not necessarily straightforward extracting a consensus view going about the approach to design. Landscaping is challenging for a development of this structure and scale. The ultimate decision to adopt a palate approach, which is seeking to address the most significantly impacted views, is certainly a considered view and reflective of the policy approach to ensure good design. Many people may have a different view about the design but it is a considered thought process reflecting the many challenges there are.

1.4.12 The ExA acknowledges a technical approach has been taken, but considers that the 'good' comes through something innovative that others have not seen in the local community. Integrating into the nature is just 'design' rather than 'good design'. Community engagement is difficult and the ExA acknowledges the challenge of engaging with wide ranges of the community.

1.4.13 Mr Strachan KC noted the ExA's original question included mention of massing and the Applicant can respond to that in writing. The challenges of providing infrastructure of this kind has been explained. There are minimum sizes involved and considerable thought has gone into disposition and approach to design. In terms of good design, the method of not approaching it functionally but thinking about it functionally has been fundamental to the design process.

1.4.14 Post hearing note: please see the Applicant's response to Action Point 2 confirming the approach to massing of the Proposed Development.

1.4.15 The ExA noted that helping people to understand the approach in the community and giving them a building they understand in the future is important. In terms of good design, this is not just about what it will look like and what colour it will be; it is about how the community will value this and whether they feel better off for it being there. The ExA noted that supporting with the footpath (as referred to at the Open Floor Hearing 1 (OFH1)) would

be an example of 'good design'; likewise, the representations made at the OFH1 regarding whether the local company can be assisted by the Applicant as a matter of good design.

1.4.16 Mr Strachan KC noted that, as far as community benefit is concerned, there is a limit as to how far this can go in a process such as this in terms of what can be taken into account as part of the decision-making process. That does not mean that the Applicant does not contribute to the community in other ways. In so far as being able to offer benefits which do not mitigate the Proposed Development's effects, there is the basic problem that neither the ExA nor the Secretary of State can attach any weight to this. There is a need to separate out what the Applicant can do as part of promoting the Application and what it can do in terms of providing jobs in this location and power in the national interest. In terms of good design, this cannot be used as a mechanism to deliver things which are not strictly speaking necessary. The community benefits issue presents a difficulty if it is used as a gateway to deliver community benefit through good design.

1.4.17 The ExA appreciates this and also what is appropriate to include as 'associated development'. The ExA notes that other DCOs have had community liaison officers and community benefit and what they can do to reduce impacts, for example, looking at relocating village halls.

1.4.18 Mr Strachan KC noted that this will be responded to in writing and the Applicant will explain the extent of integration in the local community. The challenge is articulating the continued benefit as a specific benefit of the DCO; there is a difference between what is done voluntarily and what is required under the DCO. There is a Community Liaison Officer and group, which will facilitate those types of discussions, as secured in the **Framework Construction Environmental Management Plan (CEMP) [REP3-022]**.

1.4.19 The ExA noted that seems to be the perfect vehicle for this. The ExA acknowledged that community benefits that do not mitigate the Proposed Development's effects cannot be taken into account.

1.4.20 Mr Oakman stated that he appreciated the Applicant's position. There is only so far you can go in terms of good design of this nature. The additional mitigation elements covered in the landscape and visual impact assessment are very minimal because you cannot screen or manage views. He suggested what has not been seen is detail around consideration for significant effects on Public Right of Way (PRoW) users in the local area (within and beyond 2.5km) and there is nothing about compensation or enhancement of elements outside of the Order limits for this. This is an extension of good design which needs to be covered in more detail throughout the examination.

1.4.21 The ExA disagrees with the point that there is only a limited amount of what you can do with this. The ExA referred to the Copenhagen power station in the centre of Copenhagen which has elevated house prices nearby and the community love it. The ExA noted the need to step back from this and apply the 'good' bit of design. There is a need to listen to the community and explain if the Applicant cannot satisfy the community's requests. The Applicant needs to be the champion. That is the ExA's interpretation, albeit it may not be defined in the National Policy Statement.

1.4.22 Mr Hughes stated that he lives close to the power station. He said the locals query if there is compensation for loss of value of properties or disturbance during the build and any opportunity for properties to be purchased.

1.4.23 The ExA noted that the examination is not allowed to get involved in matters of compensation and blight of properties. There are rights under civil law if losses are incurred and evidenced to make a claim.

1.4.24 Mr Strachan KC noted that it was not for him to provide legal advice to Mr Hughes or others but in principle this process is not intended to deal with questions of compensation, as is clear from the Planning Act 2008. This is because it is not relevant to the question of the principle of the development. In relation to compensation claims, there is an established compensation code. This sets out if and when compensation is payable. Generally, compensation is not provided for day to day disruption, but there are certain circumstances (e.g. section 10 of the Compulsory Purchase Act 1965) when compensation can be claimed. It would be a matter for individuals to take their own advice.

1.4.25 The ExA clarified that, on point about impacts during construction, these should be minimised.

1.4.26 Mr Hughes noted that he moved further away from the original power station. He said there is concern about the structure of houses, which are built from stone rather than brick. He queried whether there is an opportunity to get properties surveyed to protect them.

1.4.27 Mr Strachan KC responded that the potential for vibration and ground borne noise has been assessed as part of the process. This has been done on a reasonable worst case basis so that when the assessment is done, assumptions are made as to the maximum amount of noise and vibration. Based on that, predictions are made as to whether properties are likely to be affected. There is an assessment zone established because, beyond that, the science suggests there will not be an impact. Mr Strachan KC noted that the Applicant can support Mr Hughes with understanding the noise assessment (outside of this hearing) if he approached the team and they could refer him to the assessments. Those assessments have been done.

1.4.28 With regard to Mr Hughes' concern that this might be his last opportunity to make submissions to the ExA, the ExA invited comments to be written in to the examination up until the close of the examination.

1.4.29 The ExA noted a comprehensive noise assessment has been done. The ExA noted the need for more vigorous vibration assessment in due course in implementation. If this development were to go ahead, the Applicant would be wise to take this into consideration and ensure no damage to properties occurs in the future.

1.4.30 Mr Strachan KC noted the **Framework CEMP [REP3-022]** does make provision for further assessment, including vibration, and the ability to offer pre-condition surveys, as necessary. If consented, there is that further process which will be followed.

Item 3.2

1.4.31 The ExA noted the one representation regarding viewpoints received and queried if it would be appropriate for the Applicant to prepare its own viewpoint or if the third party's image should be accepted as evidence.

1.4.32 Mr Schulze explained that the Applicant has assessed 13 viewpoints in total, reflecting various types of receptors. There is a finite number of viewpoints assessed because there could be an infinite number of viewpoints available. The Applicant has not selected any individual residential receptors so as not to create a precedent. Significant impacts have been identified within 2.5km of the study area. This includes Oakenholt Farm. There has been assessment from Papermill Lane and from Rockcliffe Lane, and from the northern entrance, where it can be seen how existing mature vegetation screens the Proposed Development. The existing curtilage includes a lot of trees. Some of the buildings will have partial or open views of the Proposed Development from upstairs but the majority are screened. Looking at the Applicant's model, there will be significant effects. In the overall assessment of visual effects, this has been taken into account and so the rating was a significant impact on the many views available. It is necessary to acknowledge that many of the views are partially obscured, but other residential receptors, such as along Papermill Lane, have more open views. From an assessment point of view, it was not felt necessary to take an additional viewpoint from individual properties, including Oakenholt Farm. The viewpoints assessed were agreed with FCC and no further request for viewpoints was received from FCC. Further visualisation was not required to determine the assessment of effects. The trade-off comes in determining where a line is drawn on viewpoints being provided upon request, but this does not necessarily inform the assessment any further.

1.4.33 The ExA appreciated that every viewpoint cannot be assessed. In hindsight, there are a number of properties in and around Oakenholt Farm and it would have been useful to have a view around this area so that the local community could see this. The ExA understood that there does not need to be a representative viewpoint from Oakenholt Farm to acknowledge there is a significant visual impact. The ExA considered the viewpoints were a little light for the local community impacted, whilst appreciating the most visually impacted sites had been assessed.

1.4.34 Mr Schulze noted that in fact a submission had been made recently including visualisations for the Change Application. These are not verified. **Figure 1B (Change Application Consultation Report, Appendix A, Page 6) [CR1-120]** was taken from Papermill Lane. This does not show the main setting or building of Oakenholt Farm but gives an indication of what the Proposed Development will look like from Papermill Lane. This confirmed the assessment of the significance of effect. This again gives a broad overview of what is possible. When looking at that visualisation and applying the technical approach in terms of colour grading, it is the perfect view to understand why this approach was recommended. Whilst appreciating there could be opportunities to do something new, those settings are in an urban setting, rather than the rural setting here, and there is a risk that it makes the development worse. Colour can be a fashionable thing, which can tire quite quickly. Whilst a more technical approach to colour is less exciting, long term this is a better choice.

1.4.35 Mrs Hulme stated that the photograph presented shows what the Hall will see and what other family members, for example on Llanderry Farm, will see. This does represent people's views directly. Whilst appreciating it is hard for the Applicant to get across how it is dealing with things, when so close to this, the family feels it has had to fight to get acknowledgement of how serious this will be for their lives and futures. It is a different scenario to be living this.

1.4.36 The ExA acknowledged the challenge with this and the concerns raised. The ExA is surprised by the lack of concerns raised by the local community and suspects this concern may be there but just not being heard.

1.4.37 The ExA noted feedback from Ramblers Cymru regarding viewpoints chosen. The ExA expects to see a response to this.

1.4.38 Post hearing note: Please see the Applicant's response to Action Point 3 clarifying the position in respect of viewpoints noted.

1.4.39 Mr Oakman noted that the **Local Impact Report (LIR) [REP2-021]** made representations about PRoW and nationally recognised routes that he said have not been picked up in the assessment. He would expect to see more viewpoints for a project of this nature. This is about what the individual viewpoints have been chosen to represent. Nowhere is the Wales Coast Path assessed as a receptor, for example next to the Castle. This is an omission. Similarly, the England Coast Path has not been picked up as a receptor. The issue is less with the number of receptors and more about the receptors chosen.

1.4.40 The ExA acknowledged this and noted that a site inspection is ongoing at the viewpoints requested.

1.4.41 Mr Strachan KC made clear that the viewpoints selected were agreed with FCC through the process. Although one can always suggest more needs to be done, there is a need to recognise the agreement on what was to be done. It is not clear where this point is raised in the **LIR [REP2-021]** and a cross-reference was requested. It is clear the Applicant has followed best practice in this regard.

1.4.42 Mr Oakman confirmed that the point is not that additional viewpoints are needed, but that the receptors do not cover the coast path or cycle network that need to be covered by the current set of viewpoints and have not been assessed in that way.

1.4.43 Post hearing note: the Applicant will provide further clarity regarding the matter raised by Mr Oakman at Deadline 5.

1.5 Agenda Item 4: Climate Change

Item 4.1

1.5.1 The ExA stated that he wanted to understand the contribution to upstream and downstream emissions, principally regarding operation, before moving to how the Proposed Development might benefit climate change.

1.5.2 Mr Murray summarised that the operational phase accounts for 42,654,595 tCO2e. For construction, 467,733 tCO2e is estimated. For decommissioning, a worst-case equivalent to construction has been applied.

1.5.3 Mr Murray continued that, in operation, the majority of emissions come from upstream emissions. This is because it is a low carbon energy source relative to an unabated Combined-Cycle Gas Turbine (CCGT). If carbon capture is applied, the upstream proportion grows, not in absolute terms, but as a share of a much smaller emissions total. Emissions also come from Transport and Storage (T&S) vulnerability in the event this is unavailable in an unplanned manner. A conservative view has been taken that this will have a 95% availability, so 5% of emissions captured have been added. In the event of a planned outage, this would be scheduled to coincide with outages of the plant. Unplanned outages can happen at any time and that is why the 5% has been added.

1.5.4 Mr Murray confirmed that a whole life and whole value chain view of the operation has been assessed. This includes direct emissions on site, upstream emissions in the supply chain, and T&S unavailability in the downstream phase.

1.5.5 The ExA requested reiteration of downstream effects.

1.5.6 Mr Murray explained that the existing power station already reports emissions going into the atmosphere from the power station's stacks, which is why emissions are broken down into scopes. For the power station, scope 1 emissions are those with direct control, being the ones that go up the stack. Scope 3 emissions would be those that happen in the upstream natural gas supply chain and downstream unavailability of the T&S network. For the user of the electricity, in order to avoid double counting, the emissions are put under scope 2 emissions. This covers emissions from the import of electricity. Scope 3 covers areas where there is no direct control.

1.5.7 The ExA wanted to focus on upstream emissions. The ExA notes Dr Boswell has raised concerns regarding three elements: the first being the fact that natural gas provision is by pipeline from Norway but also other sources around the world (i.e. a greater proportion coming from LNG imported by sea); second, shorter scale methane leakage; and, third, efficiency of Carbon Capture Plant (CCP) itself.

1.5.8 Dr Boswell confirmed that those are the three main factors. Focusing on the upstream methane emissions and how they are calculated, these depend on the supply source and supply chain and the emission intensities of methane from different points. Those are the physical things being looked at here. Where Dr Boswell is drilling in is the supply chain and source of gas into the UK supply. In the latest submission **[REP3-085]**, an evidence base has been provided based on government bodies like NESO, which all points to more reliance on imported gas in the future and, within that, larger proportions of liquefied natural gas (LNG) coming into the system.

1.5.9 The ExA noted uncertainty about where future gas will come from. How that gas is extracted, processed and delivered has the potential for different CO2 and methane emissions, which differ depending on whether the gas comes from a pipe from Norway or a tanker from Qatar, so there is potential for underestimation of upstream CO2. The ExA stated that he is interested in

how this is different for Connah's Quay rather than any other gas consumer in the country. If there were a number of gas consumption processes, they would all be impacted by these upstream changes.

1.5.10 Dr Boswell confirmed this is correct. The gas supply for Connah's Quay comes from a national transmission system and it does for domestic industry and domestic consumers too. He suggested there is a need to understand the difference between being able to track molecules and how the market works. In 7 pages on gas supply (pgs 7-14 of Dr Boswell's submission), this explains how the market will work. The gas coming in is in a stress situation. In that situation, all evidence points towards high reliance on imports to meet the situation where supply needs to feed power stations like Connah's Quay working in dispatched mode. Not trying to track molecules but address uncertainty and impact on environmental impact assessment (EIA).

1.5.11 The ExA queried how that is different for a gas consumer and a non-gas consumer that produces dispatchable power.

1.5.12 Mr Murray firstly drew upon uncertainty about future trends and this has to be noted. The supply of natural gas in the UK comes from various sources. Substantial amounts come from Norway, plus a share of the existing UK natural gas market that comes in by ship from Texas or Quatar etc. These various sources need to be aggregated to create an overall Well to Tank (WTT) emissions factor. We know that UK domestic production has higher emissions that Norwegian production (NSTA has produced an infographic), conversely LNG imports have higher upstream emissions due to the energy required to turn the natural gas into a liquid for transportation by sea. The WTT factor that the government publishes annually as the standard factor used for this assessment needs to aggregate this and come up with an overall figure. Evidence for an increase in natural gas WTT emissions due to an increase in LNG imports can be found in the UK Government's methodology paper published in 2021; this same document makes reference to a separate and earlier study carried out for the European Commission on the overall carbon intensity of various fuels including natural gas. For example, it happened in 2021 where there was a rise in LNG imports. Those factors are published 2 years in arrears. Looking into the future, there are various scenarios about what the share might be, they do not all align with each other. For most of the scenarios the specific LNG sector remains lower in terms of quantity of gas imported than the Norwegian sector on average. We also know there are a number of national and international projects to seek to reduce emissions for this delivery. Methane is a powerful but short lived greenhouse gas (GHG). Because of this, there are a whole range of initiatives specifically aimed at reducing that. Coming onto the point about how the gas is used by which consumers, if you have a power station with CCP and next door you have an unabated power station, they are using the same gas. All factors will apply equally to the consumer. Not only does the Proposed Development have CCP, because of this, it will be dispatched earlier in the merit order. When NESO is deciding which units to connect to the grid, they will apply the merit order. If you have a power station with CCP and one without, they will always take the CCP first. Then we can say, this power station will displace unabated gas.

1.5.13 The ExA acknowledged the points made but wanted to move on to methane leakage.

1.5.14 Dr Boswell came back on the issue of Norway, sayingt there was evidence provided to demonstrate why he considers what the Applicant claims is incorrect. Dr Boswell's position is that the Applicant's position is incorrect in the environmental statement (ES) and that it is necessary to look at the NESO figures. Dr Boswell has reproduced the graph on page 9 in his latest representation.

1.5.15 The ExA noted this is a moving feast. It is fair to say that a concern has been raised that the assumptions raised are sensitive. If gas comes from somewhere else in the future, the ExA queried what the emissions would look like.

1.5.16 Dr Boswell wanted to highlight the Norwegian claim is false. It is about the uncertainty and how we assess that in the EIA. Dr Boswell's position is whether this EIA has been done right. Reference was made to the Rochdale envelope and the *Milne* case to conclude why Dr Boswell considers the climate change EIA fails to assess the worst case scenario across all three parameters.

1.5.17 Mr Murray reiterated his agreement on the existence of inherent uncertainty. The fact that any changes in upstream gas supply will affect all consumers equally, the abated CCP will be dispatched earlier. Where there is increased LNG content in gas supply, the WTT will be higher so it is not practicable to go further at this stage.

1.5.18 The ExA commented that he will process this and come back in writing as needed.

1.5.19 The ExA's understanding is that shorter scale methane assessment should be undertaken because the 100-year scale has a different impact. There is likely to be a higher consequence of methane leakage over shorter term projects (such as this). The ExA queried if the assessment could be made over the short term.

1.5.20 Mr Murray noted and accepted that different GHGs have different warming potentials over different time horizons. Methane is a short-lived gas. The standard approach is to apply a 100-year global warming potential and that has been applied because it is the best way to assess cumulative effects of CO2 as the dominant impact for long-term warming. That is the factor that has been adopted, which influences the annual emissions factors published by the government and used by the government. They influence the generation of legally binding carbon budgets. While it is true that a shorter global time horizon would result in higher emissions for the Proposed Development, the question is what would then be done with that figure, because all pathways to net zero used to contextualise emissions have been based on a 100-year time horizon. It is a qualitatively different figure that can no longer be compared to national budgets.

1.5.21 The ExA noted the acknowledgement that the impact is higher in the shorter term than the longer term, but the policy used is over the long horizon and that is the basis on which everything is compared on a like-for-like basis. It would be possible to assess methane over a shorter period but there would be nothing to compare it to. The ExA noted being conscious about moving away from standard processes and government policy.

1.5.22 Dr Boswell emphasised the materiality of short term impacts.

1.5.23 The ExA redirected Dr Boswell to the question posed.

1.5.24 Dr Boswell stated that he is not challenging the use of the government WTT factor, but is saying that there is an uncertainty associated with that which has not been assessed. The starting point is the WTT factor and then a sensitivity test is needed over the top of that. When it comes to short-term methane, there is a second sensitivity test to bring in the GWP20 factor to identify and describe the likely significant impacts for those effects. Dr Boswell is not saying the existing factor should be removed but that step-wise sensitivity tests need to be built in. In terms of how to do this, the IEMA Guidance 2022 addresses contextualisation alongside the assessment of significance and that is the point where, if the sensitivity test being discussed is carried out, it can be seen that this is materially relevant. It can be used in context for the final assessment and final decision but without a relevant carbon budget to compare such a figure to, it is not clear how this could inform any evaluation of significance under the terms of the IEMA guidance.

1.5.25 The ExA returned to the point about factors impacting all other projects. The methane leakage rate is worse over the shorter term. It is possible to assess but difficult to compare to a project of a similar nature because this is not done elsewhere.

1.5.26 Mr Murray noted that is a fair summary. Yes, you would have a higher number if provided in the short horizon for methane but this figure would not be comparable to any other factor and would apply equally to any other power station.

1.5.27 The ExA noted he may put this in a question later.

1.5.28 Dr Boswell noted that this is all about going back to get full knowledge as part of contextualisation. On the effect of short-term methane on unabated gas, once these indicative sensitivity tests are applied, the gain starts to diminish.

1.5.29 The ExA noted Dr Boswell's previous concern that the 95% capture rate is not secured in DCO.

1.5.30 Mr Strachan KC noted Dr Boswell's reference to previous consents where this issue has been raised and in response, the definition in the **Draft DCO (EN010166/APP/3.1)** has been updated to define carbon capture plant in equivalent terms to the way he requested – this refers to 95%, as opposed to 90%. There is also a Requirement (Requirement 21) in Schedule 2 of the Draft DCO covering when Work No. 1(a) can be brought into commercial use. The Applicant has done what was requested by Dr Boswell.

1.5.31 Dr Boswell appreciates what has just been said and thanks the Applicant for changing the **Draft DCO (EN010166/APP/3.1)**. However, what has been added into the **Draft DCO (EN010166/APP/3.1)** is just the same design attempt as is in the ES and EIA and does not secure the bands of reasonably foreseeable performance across the project's life cycle. This does not cover performance. What has also been drawn attention to in Dr Boswell's Deadline 3 submission is the position that the future environmental permitting regime will not secure the 95% capture rate either.

1.5.32 The ExA requested confirmation on the point about design.

1.5.33 Mr Strachan KC noted that the approach that has been followed is identical to that which the Secretary of State required in the Net Zero Teesside Order 2024 and The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, and which Dr Boswell himself requested. What is now being requested is different to what was requested previously. The reason it is drafted this way is because this is appropriate. The EIA approach should not be confused with a counsel of perfection; it is about assessing realistic worst case scenarios. In addition, the power station has its own additional controls in addition to those controls and policy levers that the Secretary of State can apply as and when power stations fall below what they are required to do. The notion that this power station should be treated differently to those other power stations (for which Dr Boswell was content because he asked for this wording) would not be a rational approach. Building in a requirement for these sorts of emission rates would be inappropriate; it is important that the power station is designed in this way. As for operation, there are all sorts of other control mechanisms.

1.5.34 Mr Strachan KC noted that realistic worst cases are those which are realistic, not every conceivable scenario. Likely significant effects are those which are likely. It is not about dealing with every scenario. It is important to refer to what Lord Leggatt said in the *Finch* judgment that conjecture and speculation have no role in the EIA process. Using the *Finch* judgment to say that every uncertainty in the world needs to be covered and included in an ES is precisely what *Finch* was trying to avoid. In that case, there were established knowns; if that is applied to what has been discussed and raised by Dr Boswell, one is automatically in the realms of the unknown and so speculation. The ExA will be assisted in that respect by considering the more recent litigation applying *Finch* in the aviation sector. The court found it legitimate that without a benchmark, there is nothing to compare against for the purposes of an assessment. That is precisely what is happening in this discussion.

1.5.35 The ExA is aware of what is 'reasonable' and not 'reasonable' to consider.

Item 4.2

1.5.36 The ExA asked what effect could this Proposed Development have on making climate change better.

1.5.37 Mr Murray confirmed that the role of this installation is to provide low carbon power. In that capacity, it will explicitly displace an unabated gas-fired CCGT. By virtue of thaving carbon capture technology fitted, the CCP guarantees that this has lower scope 1 emissions than the existing unabated plant. By virtue of being lower in the merit order, the Proposed Development will be dispatched first.

1.5.38 The ExA wanted to check if there is any other benefit that this plant can offer.

1.5.39 Mr Strachan KC confirmed that by virtue of being a dispatchable power station, the Proposed Development is facilitating the shift to low carbon usage in the wider population because renewables cannot accommodate every power event. That is recognised in policy but it is a benefit nonetheless because it allows consumers to become low carbon and benefit climate

change. The shift to a low carbon environment necessarily calls for dispatchable low carbon power generation of this kind.

1.5.40 Dr Boswell referred to Plate 20-2 of **Chapter 20: Climate Change [APP-058]**. When you apply the data in that chart, Dr Boswell considers you actually get much smaller gains in terms of carbon capture and storage against unabated.

1.5.41 The ExA asked if this plant will have a wider mitigating impact on climate change.

1.5.42 Dr Boswell stated that he can reply to that in writing as it is getting into policy areas. So far, everything submitted has been on EIA elements. What the Applicant has said about Plate 20-2 of **Chapter 20: Climate Change [APP-058]**, at paragraph 20.6.43, talks about contextualising against unabated CCGT and grid average. Once uncertainties are applied, the number is different to what the Applicant is presenting. In terms of Dr Boswell's submissions on a similar exercise for Net Zero Teesside, the ExA said they did not consider it viable to use unmitigated emissions as a baseline any longer and the Secretary of State agreed.

1.5.43 The ExA is interested in whether there is anything this site does to reduce the risk of future climate change.

1.5.44 Dr Boswell responded that, taken in the round, no, he considers it is not a benefit in the current situation to progress fossil fuel based carbon capture and storage. To clarify, in the Net Zero Teesside decision, the Secretary of State did not accept the approach as an appropriate comparator or baseline. There is a precedent that this whole approach is not viable or valid in the EIA discussion.

1.5.45 The ExA noted that one would think the fact that this plant is next to an existing unabated CCGT would form an appropriate comparator.

1.5.46 Mr Murray explained that his understanding of the Secretary of State's decision letter on the Net Zero Teesside project is that an unabated power station should not be offered instead of the Proposed Development. This is different to the point made in the ES that the abated generating station will displace this in the merit order.

1.5.47 Dr Boswell stated that he will submit matters at Deadline 5. A legal submission will also be made and, for the purposes of fairness, it would be best to be submitted as soon as possible (within a week). It would be fair to the Applicant to see that as soon as possible as well.

1.5.48 The ExA noted that this would be logged as an Additional Submission.

1.5.49 The Applicant noted that it would welcome sight of this the earlier the better. Dr Boswell confirmed he can send this directly to the Applicant too.

1.6 Agenda Item 5: Review of issues, actions arising and next steps

1.6.1 The ExA confirmed that he will look at the viewpoints identified by Interested Parties through his unaccompanied site visit.

1.7 Agenda Item 6: Any other business

1.7.1 None raised.

2. Applicant's Response to Action Points arising from Issue Specific Hearing 4

2.1.1 The Applicant sets out responses to Action Points arising from ISH4 within Table 2.1.

No.	Action	Response
1	Confirm feedback received from the local community on design matters during the consultation and how the Applicant had regard to that feedback.	The Applicant received comments from local residents and stakeholders during the consultation process relating to the design of the Proposed Development. During the Statutory Consultation, comments were received regarding the scale and appearance of certain elements of the Proposed Development, including the carbon capture plant. Some respondents suggested that consideration be given to the external appearance of structures, including the usage of colour, to help them sit more comfortably within the surrounding landscape. Suggestions were also made in relation to additional tree and shrub planting, the protection and potential enhancement of public rights of way and opportunities to support local habitat provision for Curlew and other species. As part of the Targeted Consultation, one of the key changes presented related to an increase in the proposed stack heights for the carbon capture plant. The Applicant sought views from affected stakeholders and consultees on the revised stack heights, and all feedback received was carefully considered as part of the ongoing design refinement and assessment process. During the Targeted Consultation, further comments were received in relation to the visual appearance of the proposed stacks and existing structures at the power

No.	Action	Response
		station. These included suggestions that colours and materials be selected carefully to reduce visual prominence, for example through the use of non-reflective materials and tones that are more sympathetic to the surrounding landscape. During the Change Consultation, a further comment was received suggesting that, if possible, the scale of buildings should be minimised, including by reducing their height or locating them lower down within the Proposed Development Site. Taken together, the feedback received indicates a general preference among respondents for the Proposed Development to be designed in a manner that minimises visual prominence and integrates, as far as reasonably practicable, with the surrounding landscape, rather than presenting as a visually dominant feature. The Applicant has had regard to this feedback through the evolving design of the Proposed Development. The Applicant has carefully considered the building massing and height of the stacks associated with the Proposed Development. **Chapter 15: Landscape and Visual** of the **Environmental Statement** (**EN010166/APP/6.2.15**) provides an assessment of the effects of the Proposed Development on both landscape character and visual amenity. The assessment is supported by photomontages that impose visualisations of the Proposed Development within the landscape. The locations of these visualisations were agreed with FCC. The assessment concludes that the

No.	Action	Response
		Proposed Development is likely to result in significant visual effects. However, paragraphs 2.5.3 and 2.5.4 of NPS EN-2 recognise that "*It is not possible to eliminate the visual and landscape impacts associated with a natural gas electricity generating station.*" The design of the Proposed Development would seek to minimise adverse impacts on visual amenity through appropriate siting of infrastructure, including materials and colours, in line with NPS EN-1. In line with comments requesting the visual prominence of the structures be reduced, a colour study (**Appendix 15-F: Colour Analysis** of the **ES** (**EN010166/APP/6.4**)) identifies that incorporating a colour analysis inspired by the landscape, drawing from the hues of the water, sky and surrounding environment, would help to minimise impacts. The study notes that "*to enhance the camouflage effect… a gradient or patterned design that incorporates multiple tones*" would allow the buildings and structures to reflect the natural transitions and textures of the surrounding landscape and vegetation. In response to comments regarding screening and planting, there is existing vegetation screening within the local area, particularly along road corridors and around the existing site. Where existing vegetation is present, this will be retained as far as reasonably practicable. Once works are complete, temporary hedgerow gaps will be planted in the first available planting season post-construction. The location of hedgerow and tree planting is shown on the

No.	Action	Response
		Outline Landscape and Ecological Management Plan (**EN010166/APP/6.9**). More broadly, the Applicant has undertaken extensive consultation in compliance with the Planning Act 2008 and related regulations and guidance. The Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour. To ensure local people were consulted on the proposals, the Applicant agreed a programme of local community consultation with the relevant host local planning authorities. This consultation programme was detailed in the **Statement of Community Consultation** (Appendix B-3 of the **Consultation Report** (**EN010166/APP/5.2**)).
2	Respond to the point raised regarding massing of the Proposed Development.	The **Design Approach Document (DAD) (EN010166/APP/7.7)** describes the design journey that the Proposed Development has followed, and continues to progress. This recognises the previous uses and current activity on the Main Development Area, the key constraints of the site (including A548 and the North Wales Main Line in combination with the presence of the existing Connah's Quay Power Station providing an industrial context) and also the historic context of the wider area. Overall, the Main Development Area can be considered as a flat, partly brownfield site, that is, broadly speaking, rectangular in nature rather than square. Table 2 of the **DAD (EN010166/APP/7.7)** highlights the key design objectives, one of which is that the layout of the Proposed Development will as far as possible follow the linear configuration of the main built elements of the existing

No.	Action	Response
		Connah's Quay Power Station thereby having regard to context. The Applicant commissioned AECOM to carry out a Preliminary Front End Engineering Design (pre-FEED) study to consider developing two CCGT with post-combustion carbon capture (PCC) units. This included testing whether the footprint area of this rectangle (referred to in the DAD as a 'corridor') could accommodate the Proposed Development. It concluded this was a sufficient area of space. This phase also considered that the side-by-side linear arrangement of the two Trains offered benefits over other layout options. These advantages included: connection to shared services and utilities; how the Trains and the elements within them could be constructed; and, importantly in this context, visual impact as tall elements would be located close to each other within the Main Development Area. If an approach where the two proposed Trains were each located within their own separate squares (where the "rectangular" site is cut in half into two discrete more "square like" plots), the tall structures and their layout would become more elongated and stretched out from north west to south east. Thereby, the visual massing would be more drawn out and impactful on the locale. The Applicant recognises the scale of the Proposed Development, and the desire expressed in public engagement for visual impact to be minimised. This approach to design and massing has been carried forward into the Front End Engineering Design phase that is currently being undertaken. Land take is minimised as far as possible, infrastructure reused, buildings and structures are designed adopting a

No.	Action	Response
		"form follows function" approach (minimising volume, and especially volume at height, where possible), with consistent architecture across the Proposed Development utilising a limited palette of materials and colours. The recent Change Application does also serve to reduce the visual massing of the Proposed Development through reduced height of the stacks involved. The Proposed Development, should it be consented, will be one of the first of its type in the world, following from the existing Connah's Quay Power Station which was one of the first of its type in Wales, and that in turn followed from the Connah's Quay "A" station generating power in the region. Overall, this evolution will continue the history in energy, employment and the benefits they bring locally and to wider society. At this stage of the development process, and in advance of development consent being granted, the detailed design of the Proposed Development cannot be finalised. However, the appointment of a Design Champion is committed to in the **Design Principles Document (EN010166/APP/7.8)**, which is secured by Requirement 3 (detailed design) of the **Draft Development Consent Order (EN010166/APP/3.1)**. This role will oversee the detailed design of the Proposed Development following the grant of development consent. As noted in the **Design Principles Document (EN010166/APP/7.8)**, the design champion will ensure the delivery of good process and quality sustainable good design outcomes.

No.	Action	Response
3	Clarify the position regarding viewpoints raised by Ramblers Cymru.	The Applicant acknowledges the submission made by Ramblers Cymru at Procedural Deadline A **[PDA-008]**. The Applicant considers this submission to be in response to the Annex B of the **Rule 6 letter [PD-008]**, which requests feedback on sites and locations that the ExA should visit and therefore not directly related to material the Applicant has submitted to Examination. Notwithstanding that, the Applicant notes Ramblers Cymru's submission and provides further clarity on the viewpoints selected.The Applicant considers the viewpoints provided in **Figure 15.6 Representative Viewpoint Locations [APP-149]** to cover the locations identified by Ramblers Cymru. The reasons for this are as follows. With regards to PRoW 28, the Applicant considers this to be adequately represented by Viewpoint 12 due to the close proximity between the two and the similarity between the views from each location. With regards to PRoW 32, the Applicant considers this to be adequately represented by Viewpoint 13 due to the close proximity between the two and the similarity between the views from each location. With regards to the view from the Moel Y Gaer summit, this is considered to be adequately represented by Viewpoint 15, which is a higher elevation and in close proximity to the summit of Moel Y Gaer, and Viewpoint 6 which has a similar view. With regards to the Billins Trig Point, this is considered to be represented by Viewpoint 6 due to the close proximity between the two and the similarity between the views from each location. With regards to Burton Point, this is considered to be represented by

No.	Action	Response
		Viewpoint 14 which is approximately 1.1 km from Burton Point, and represents a viewpoint from the RSPB Burton Mere Reserve. With regards to the Wales Coast Path, the Applicant can confirm that the following viewpoints are along or close to it: Viewpoint 7 (Bagilt, near Bettisfield Beacon), Viewpoint 8 (Flint Castle), Viewpoint 9 (Chester Road, Flint), and Viewpoint 10 (Kelsterton Road).