



uni
per

Connah's Quay Low Carbon Power

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

Planning Inspectorate Reference: EN010166
Document Reference: EN010166/9.22
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 Compulsory Acquisition Hearing 1	3
1.1	Introduction.....	3
1.2	Agenda Item 1: Welcome and Introductions.....	3
1.3	Agenda Item 2: Purpose of the Compulsory Acquisition Hearing	3
1.4	Agenda Item 3: Main Issues	4
1.5	Agenda Item 4: Review of issues, actions arising and next steps	10
1.6	Agenda Item 5: Any other business.....	10
2.	Applicant's Response to Action Points arising from Compulsory Acquisition Hearing 1	11

1. Written summary of the Applicant's Oral Submissions at Compulsory Acquisition 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 Compulsory Acquisition Hearing 1 (CAH1) 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 CAH1, which was published on the Planning Inspectorate's website on 10 March 2026 [EV7-001]. 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 Ms Elizabeth Tones of Herbert Smith Freehills Kramer LLP. She also introduced Mr Huw Turner and Mr Roger Brandwood, both of the Applicant. Mr James Strachan KC of 39 Essex Chambers also spoke on behalf of the Applicant.

1.2 Agenda Item 1: Welcome and Introductions

- 1.2.1 The ExA welcomed attendees to CAH1 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 Ms Tones introduced the Applicant's attendees (set out above).
- 1.2.3 Other speakers who introduced themselves include:
- Ms Charlie Pope, senior planning officer for Flintshire County Council (FCC);
 - Ms Susan Cordiner, solicitor for FCC;
 - Mr Andrew Pickford of Tata Steel (attended virtually);
 - Ms Abi Roberts of Turley on behalf of Tata Steel (attended virtually); and
 - Mr Gareth Barton of Turley on behalf of Tata Steel (attended virtually).

1.3 Agenda Item 2: Purpose of the Compulsory Acquisition Hearing

- 1.3.1 The ExA explained that the purpose of this CAH1 is to cover Compulsory Acquisition matters.

1.4 Agenda Item 3: Main Issues

Item 3.1

- 1.4.1 The Inspector invited the Applicant to summarise concisely the reasons why it is seeking powers of compulsory acquisition and temporary possession, to explain what the powers are that are being sought and to identify what alternatives had been considered.
- 1.4.2 Ms Tones confirmed that, in terms of compulsory acquisition, there are three strands of interests sought:
- permanent freehold;
 - permanent subsurface; and
 - permanent rights.
- 1.4.3 Ms Tones explained that temporary possession powers are sought in addition to this.
- 1.4.4 Ms Tones noted that freehold interests are sought where permanent works will be delivered. The area of land primarily sought on a permanent freehold basis is within the Main Development Area (shown on sheet 8 of the **Land Plans [CR1-002]**) and the Construction and Indicative Enhancement Area (shown on sheet 9 of the **Land Plans [CR1-002]**). This land is primarily already owned by the Applicant but powers of compulsory acquisition have nonetheless still been sought over this land to ensure that no future interests registered over the land would have the potential to impede delivery of the Proposed Development.
- 1.4.5 Ms Tones further noted that permanent subsurface interests (with surface rights) are sought in respect of the pipeline works required (as shown on sheets 6 and 7 of the **Land Plans [CR1-002]**). Such interests are sought for the existing pipeline within the Order limits, which is to be repurposed, and for the new pipeline to be constructed in order to connect into the Flint AGI being constructed under the HyNet Project.
- 1.4.6 Ms Tones explained that permanent rights are sought in respect of areas where temporary works will take place, such as in the water connection corridor but permanent rights of access will then be required for maintenance. The areas where permanent rights are sought can be found on sheets 8 and 9 of the **Land Plans [CR1-002]**.
- 1.4.7 Ms Tones confirmed that temporary possession powers have been sought in relation to the temporary works required for access to works (such as in the Proposed Co2 Corridor shown on sheet 7 of the **Land Plans [CR1-002]**) as well as to facilitate the transport of Abnormal Indivisible Loads (AILs) to the Main Development Area. Temporary use of land is required to facilitate temporary works to Connah's Quay North Jetty and the highways leading from the Jetty and the Port of Mostyn so that the AILs required for the Proposed Development can be transported along these routes.
- 1.4.8 The ExA queried whether the permanent freehold rights sought in relation to the existing site are already within the Applicant's ownership, to which Ms Tones confirmed that was primarily correct.

- 1.4.9 The ExA queried whether permanent freehold rights were sought over the Proposed CO2 Corridor. Ms Tones explained that although such rights were originally sought in the application, this has now been downgraded as part of the Change Application.
- 1.4.10 The ExA asked the Applicant to justify the case for needing compulsory acquisition and temporary possession powers.
- 1.4.11 Ms Tones explained that the Applicant had followed a considered strategy to determine the nature of compulsory acquisition or temporary possession to be sought. It first determined what works would be required to deliver the Proposed Development, seeking to limit permanent works to those within its current land holding. For works which, necessarily, fell outside of its current landholding, such as those in the Proposed Co2 Corridor, it tried to constrain the area of land required to that which was required for delivery of the works. In the case of the Proposed CO2 Corridor, the Order limits mirror that of the overlapping HyNet Order so as to ensure no additional land parcels would be disrupted by the connection works. Within the recent Change Application, the Applicant has also sought to reduce the level of acquisition being sought in the Proposed CO2 Corridor.
- 1.4.12 Ms Tones stated that, in the Repurposed CO2 Corridor, permanent subsurface interests have been sought along certain stretches of the pipeline where there is no clear evidence of an existing interest being held. A selective approach has been used here to ensure that, where existing land interests are evidenced and would provide for the repurposed use of the pipeline, no acquisition has been sought.
- 1.4.13 The ExA requested further clarification regarding why the Applicant had sought rights over the Proposed CO2 Corridor given that the Hynet operator (Liverpool Bay CCS Limited) already benefits from existing land acquisition rights under the HyNet Order 2024.
- 1.4.14 Ms Tones explained that the Hynet Order 2024 provides the land acquisition rights in respect of the Hynet works, which includes one proposed pipeline, and the application for the Proposed Development seeks additional land acquisition rights over an additional proposed pipeline that is not consented under the Hynet Order.
- 1.4.15 The ExA queried whether there were any areas of overlap where both parties (the Applicant and Liverpool Bay CCS Limited) would have powers over the same land.
- 1.4.16 Ms Tones explained that both parties would have rights over the same land but in relation to two distinct pipelines that would be constructed in parallel to each other.
- Item 3.2*
- 1.4.17 The ExA queried whether the only land acquisition changes made since the application was submitted related to: (i) the area of overlap within the Repurposed CO2 Corridor with the Hynet Order 2024; and (ii) the hardstanding expansion at Connah's Quay North Jetty.
- 1.4.18 Ms Tones confirmed that those two changes were the only changes that were relevant in terms of land acquisition.

Item 3.3

- 1.4.19 The ExA sought further clarification regarding the interaction between the Proposed Development and the Hynet project, in particular about how the two proposed pipelines will interact and who will be responsible for repairs/maintenance.
- 1.4.20 Ms Tones explained that the "undertaker" under the Hynet Order 2024 will also be an "undertaker" for the development consent order (DCO) for the Proposed Development so it will benefit from the rights under this DCO for the relevant works under this DCO, as well as benefitting from the rights in the Hynet Order 2024 for the Hynet works.
- 1.4.21 Ms Tones clarified that the proposed works within the Proposed CO2 Corridor are all new. In contrast, no new works are proposed within the Repurposed CO2 Corridor but as the existing pipeline will need to be used as part of the Proposed Development, it is important to ensure that all necessary rights over that land are obtained.
- 1.4.22 The ExA requested an update on the negotiations with Tata Steel and an explanation of why the hardstanding expansion at the Connah's Quay North Jetty may be needed.
- 1.4.23 Mr Turner confirmed that the Applicant had a meeting with Tata Steel on 6 January 2026 and followed up by emails on 20 February and 26 February 2026. On 26 February 2026, the Applicant provided Heads of Terms to Tata Steel and an update requesting feedback on those Heads of Terms was requested by the Applicant by email on 13 March 2026. The Applicant received an email from Tata Steel today (18 March 2026) acknowledging receipt of the email and confirming that feedback on the Heads of Terms would be provided once Tata Steel's lawyers had considered them.
- 1.4.24 The ExA asked Tata Steel for its opinions on the Proposed Development, the proposed use of Tata Steel's land and its thoughts on the status of the negotiations.
- 1.4.25 Mr Pickford confirmed that it was early in the negotiation process and no commercial agreement had yet been reached. He outlined Tata Steel's key points on this matter. Firstly, that there would need to be access through the secure works so the parties would need to agree a protocol for that to happen. Secondly, no surveys or reports have yet been undertaken on the condition of the jetty and whether works would need to be done to that land and how. Thirdly, the Applicant has requested a five-year term with the ability to extend for seven years. This would need Indian board approval and funder approval, noting that the UK Government is now the party with the interest under that funding arrangement. That approval takes some time to get so there will be a lengthy approval process.
- 1.4.26 The ExA asked Tata Steel to confirm if it thoroughly objects to the Proposed Development or if it is agreeable to its development subject to commercial agreement being reached.
- 1.4.27 Mr Pickford confirmed that Tata Steel is happy to continue to talk to the Applicant and, if the parties can come to a sensible solution that works for both parties, then this would be great. So Tata Steel are not saying "no", just that there is a lot of detail to get through. Subject to the detail, Tata Steel is

quite happy to talk to the Applicant to try to come to a sensible commercial outcome.

- 1.4.28 The ExA asked for further justification for the use of temporary possession powers over large areas of land for the three AIL route options. The ExA noted that he had not been able to locate precedent for an equivalent scenario and noted that there is legislation in place to allow movement of AILs across highway land without the need for temporary possession powers.
- 1.4.29 Mr Brandwood explained that an AIL Route Feasibility Cautions Assessment had been conducted. The three AIL ports considered (Port of Mostyn, Ellesmere Port and Connah's Quay North) may be used for different purposes to support construction of the Proposed Development. There are different benefits or restrictions that are associated with each port.
- 1.4.30 Mr Brandwood noted that Connah's Quay North Jetty is relatively close to the Main Development Area and has the potential for a roll on roll off barge use. Therefore, large plant items could be brought to the site from Connah's Quay North Jetty, but this would be subject to meeting the weight restrictions of the Flintshire Bridge. An example of this could be large vessels (physically large, but relatively light) such as the regenerator column, or modular structures.
- 1.4.31 Mr Brandwood explained that where, however, items are larger in mass, there are potential restrictions to the use of the bridge crossing over the Dee. In this instance, the Port of Mostyn provides an opportunity to bring heavy items of this nature (large motors, transformers) to site. However, there are also physical constraints on the route from Mostyn to the Main Development Area, specifically relating to bridges along the route meaning that this cannot be used for physically larger items, and therefore the Port of Mostyn cannot be used as the sole AIL route to the site. Tidal range, and how this influences use of ports and deliveries, is also important to consider in delivering to site in a timely manner.
- 1.4.32 Mr Brandwood clarified that, with respect to Ellesmere Port, no additional land has been requested to support deliveries from that location and the Order limits only extend as far as the roundabout on the way to the port.
- 1.4.33 The ExA confirmed that the Applicant had clarified the need for temporary possession powers to be granted over that land and that it was not a case of simply retaining optionality.
- 1.4.34 Mr Strachan explained that when considering the justification for the interference with property rights there are two key points to consider. The first is that, in relation to proportionality, one must take into account the temporary nature of temporary possession. Secondly, one must consider the actual interference with land that is being authorised. In this case, although there is a notionally lot of land over which temporary possession powers are sought, this is principally in relation to the potential subsurface rights under the highway of landowners adjacent to the highway which arises as result of a peculiarity of the law. It is important for the Order to address this peculiarity in order to avoid complications arising but the real impact on those affected is very remote.

- 1.4.35 Mr Strachan explained that it would not be desirable for issues to arise that result in it not being possible to deliver ALLs, or for the use of a particular route to be hampered, by having to follow a different procedure as opposed to dealing with it now.
- 1.4.36 Mr Strachan also noted and emphasised that no one has raised an objection to this. The absence of any objection and the nature of the interference is relevant to the assessment of proportionality.
- 1.4.37 Mr Strachan stated by way of illustration of these points that one could potentially have a situation where temporary possession over a small surface area of land could potentially have a significant impact on the landowner (e.g. a farmer's field that prevented the use of that field for farming) and to potentially raise proportionality issues (if the field were not known actually to be needed). By contrast temporary possession over a large area could be proportionate if the impacts (as here) were in fact minimal.
- 1.4.38 The ExA confirmed that the Applicant's explanation had been useful. The ExA noted that he had thought the Applicant was just keeping its options open but now understands that there will be different routes used for different things.
- 1.4.39 The ExA asked the Applicant to consider its reference in Section 6.2 of the Statement of Reasons to the use of compulsory acquisition powers over land under the highway where CO2 pipeline crosses the highway.
- 1.4.40 Mr Strachan explained that the Applicant would respond to this point in writing.
- 1.4.41 *Post hearing note: please see the Applicant's response to Action Point 1 set out in Table 2.1 below.*

Item 3.4

- 1.4.42 The ExA asked the Applicant to confirm whether any objections to the Proposed Development had been submitted by statutory undertakers other than Tata Steel. The ExA requested that the Applicant explain whether there are any statutory undertakers with whom negotiations are not expected to be resolved.
- 1.4.43 Ms Tones noted that relevant representations had been submitted by certain statutory undertakers, which the Applicant has responded to, but this largely reflects the ongoing nature of negotiations on the protective provisions. The Applicant does not envisage any issues arising that would prevent agreement being reached on those protective provisions by the end of the examination.
- 1.4.44 Ms Pope stated that FCC did not need to add any comments on this matter beyond what had been stated in the Local Impact Report, namely regarding Part 3 of the **Draft DCO [REP3-003]** and works to streets. Ms Pope explained that FCC want to see the detailed design related to access.
- 1.4.45 Ms Tones noted that Requirement 3 in Schedule 2 of the **Draft DCO [REP3-003]** requires that the detailed design be approved by FCC. If there are

updates required to that requirement by FCC, the Applicant will consider that.

- 1.4.46 Ms Cordiner added that FCC would like the **Draft DCO [REP3-003]** to contain the same protective provisions relating to highways as were included in the Hynet Order 2024.
- 1.4.47 Ms Tones confirmed that the Applicant would respond to this point in writing.
- 1.4.48 *Post hearing note: please see the Applicant's response to Action Point 2 set out in Table 2.1 below.*
- 1.4.49 Ms Cordiner also queried whether there is any provision in the **Draft DCO [REP3-003]** to address the scenario where there is a slump around the pipeline.
- 1.4.50 Ms Tones noted that no new pipeline works are proposed beneath the highway and the pipeline under the highway is existing.
- 1.4.51 The ExA queried the position regarding any pipeline works, not just those under the highway, and whether there is a defects liability period.
- 1.4.52 Mr Strachan stated that the Applicant would respond to this point in writing.
- 1.4.53 *Post hearing note: please see the Applicant's response to Action Point 3 set out in Table 2.1 below.*

Item 3.5

- 1.4.54 The ExA requested an update on Crown land.
- 1.4.55 Mr Turner stated that, as detailed in the Book of Reference, Crown Land Plans and Land and Rights Negotiation tracker, the Proposed Development covers four types of Crown Land. The Crown Estate has sporting rights and mines and minerals interests (i.e. two elements). The Ministry of Defence has an extant agreement for a pipeline. The National Assembly for Wales owns land adjacent to the A548 and it has been assumed that it has an ad medium filium interest in unregistered land in the middle of the road.
- 1.4.56 Mr Turner explained that solicitors are instructed in respect of the Crown Estate's sporting rights and the mines and minerals. With regard to the Crown Estate's sporting rights, the Crown Estate provided the Applicant with commercial terms that were accepted this morning. With regard to the mines and minerals, the Applicant is engaging with the Crown Estate's agents and the Applicant has provided them with survey information and borehole testing information and they are conducting an assessment. The Applicant is awaiting a commercial proposal from them to deal with the mines and minerals. So in terms of the Crown Estate's two elements, these discussions are ongoing and the Applicant is hopeful they will be dealt with in the examination period.
- 1.4.57 Mr Turner explained that the Applicant has been in discussions with the Ministry of Defence's chartered surveyor and solicitor. The extant agreement for the pipeline appears to be historic as the Ministry of Defence has no assets in that area. They believe it is no longer relevant and the Applicant is awaiting them confirming how this should be dealt with, whether through a section 135 consent or some other means.

1.4.58 Mr Turner explained that discussions are ongoing with the National Assembly for Wales's in-house property team. Progress is slow but the Applicant is confident it will receive their consent.

1.4.59 The ExA cautioned that obtaining Crown Estate approval can be time consuming and requested to be kept up-to-date on this.

Item 3.6

1.4.60 The ExA asked whether there have been any updates to the position regarding the project's funding.

1.4.61 Mr Brandwood confirmed that there had not been any changes.

1.4.62 The ExA asked the Applicant to consider its position on community benefits in light of the position as set out in the Funding Statement. The ExA noted that footpath safety improvements could be beneficial to both the Applicant's workforce and the local community.

1.4.63 *Post hearing note: please see the Applicant's response to Action Point 4 set out in Table 2.1 below.*

1.5 Agenda Item 4: Review of issues, actions arising and next steps

1.5.1 The ExA noted that he had asked for responses to be provided in writing on several points.

1.6 Agenda Item 5: Any other business

1.6.1 Mr Strachan asked the ExA for an indication of whether any further hearings were likely to be required, noting that time has been reserved in the timetable for a third round of hearings during the week commencing 4 May 2026. Mr Strachan informed the ExA that, regrettably, due to unavoidable commitments imposed upon him by the Court of Appeal, he would not be able to attend any hearings held on Wednesday 6 May or Thursday 7 May 2026. He explained that an early indication of whether further hearings are necessary would be useful, and if they were needed then it would be helpful for them to be held on Tuesday 5 May 2026.

1.6.2 The ExA explained that all of his previous questions had been answered fully and he would have some follow up questions that would be asked in writing. Therefore, the ExA does not currently anticipate there needing to be any further hearings, subject to any requirement arising for a further hearing in the future.

1.6.3 The ExA therefore proceeded to close the hearing at 15:03.

2. Applicant's Response to Action Points arising from Compulsory Acquisition Hearing 1

2.1.1 The Applicant sets out responses to Action Points arising from CAH1 within Table 2.1.

Table 2.1: Applicant's responses to Action Points

No.	Action	Response
1	Clarify the position with respect to permanent acquisition of interests below the highway, as referenced in the Statement of Reasons.	<p>Plot 6/6, shown on sheet 6 of the Land Plans [CR1-002], sits across the highway and the Book of Reference [REP3-010] describes that “<i>permanent acquisition of new subsurface rights over approximately 456 square metres of public highway</i>” is being sought. This is the only plot in which permanent acquisition of interests below the highway is sought.</p> <p>The land interests sought over plot 6/6 relate to regularising the lease position regarding the existing P852 pipeline. The pipeline is already beneath the highway and no works are proposed, as can be evidenced from the Works Plans [CR1-004], to this extant pipeline. Interests are sought with respect to certain parts of the existing P852 pipeline to be repurposed (known as the Repurposed CO2 Pipeline Corridor) to ensure that adequate land interests are secured for the ongoing use of the pipeline for the transport of CO2 as part of the Proposed Development. In the absence of clear evidence of the existing lease covering the stretch of pipeline under plot 6/6, the Applicant has sought compulsory acquisition powers for the subsurface rights beneath the pipeline to ensure there is no impediment, with respect to land rights, for the use of the Repurposed CO2 Pipeline Corridor.</p> <p>Because the pipeline beneath the highway is already in situ and no works are proposed in relation to Plot 6/6 as part of the Proposed Development, the Applicant is confident there will be no detriment experienced by either any owners of the subsoil beneath the highway or the local highway authority themselves. This is because, in respect of the subsoil owner:</p> <p>2.1.2 the relevant owner has no use or enjoyment of that subsoil land;</p> <p>2.1.3 the subsoil land is already occupied by the existing pipeline;</p>

No.	Action	Response
		<p>2.1.4 the relevant owner is not prejudiced by the rights to be granted over that land that are necessary for the Proposed Development; and</p> <p>2.1.5 the subsoil of a highway is not recognised to have any market value,</p> <p>and in respect of the local highway authority, there will be no works or disruption required to the highway itself to regularise the land interest position for plot 6/6.</p>
2	Respond to FCC's request for protective provisions to benefit the highway authority.	<p>As the Applicant confirmed in the Applicant's Response to Local Impact Report [REP3-058] (paragraph 19.5), the precedent highways protective provisions within The HyNet Carbon Dioxide Pipeline Order 2024 are not required to be added to the Draft DCO (EN010166/3.1) because separate provisions providing for the relevant protections that would be secured through such protective provisions are already separately secured within different control documents sitting under the Draft DCO (EN010166/3.1).</p> <p>For example, paragraph 4.2.17 of the Framework CTMP [REP1-025] already provides a requirement for highway condition surveys to take place for the proposed routes for construction within the vicinity of the Proposed Development. Section 3.4 of the Framework CTMP [REP1-025] provides detail regarding HGV forecasts and recommended routes. The design of certain highway works, such as the access to site, is provided indicatively within the Framework CTMP [REP1-025].</p> <p>As noted within the hearing, Requirement 3 of the Draft DCO (EN010166/3.1) provides express approval by FCC of the detailed design of each stage of the Proposed Development. Accordingly, through the combination of design matters secured through Requirement 3 and specific highways controls secured through Requirement 5 (construction traffic management plan), there is no need for an additional layer of approval through protective provisions.</p> <p>The Applicant considers that if additional controls are required by the highway authority, these should be secured within the CTMP or through the detailed design process already secured under Requirement 3, rather than a separate set of protective provisions. The Applicant is open to engagement with the local highway authority regarding the form and content of</p>

No.	Action	Response
		Requirements 3 and 5 and the Framework CTMP [REP1-025] accordingly.
3	Clarify the position with respect to the potential for future slump on land where the pipeline works will take place and what will be secured to prevent and remedy this.	<p>Chapter 4 The Proposed Development [CR1-020] includes a description of the routine maintenance that the operator of the CO2 pipeline will undertake during operation, such as fortnightly aerial surveys and annual walkdowns of the pipeline route. These inspections will identify any ground movements, subsidence or so-called 'slump' in the immediate vicinity of the pipeline and remedial action will be taken insofar as necessary to ensure the continued safe operation of the CO2 pipeline system.</p> <p>Section 2.9 of the Framework Construction Environmental Management Plan (CEMP) (EN010166/6.5) gives an overview of the soil management responsibilities the undertaker will adopt during construction. In particular, the Principal Contractor for the Proposed CO2 Pipeline Corridor will develop a Soil Management Plan. This Soil Management Plan will include details of soil management during construction, soil restoration and aftercare of re-instated soils. For example, the Framework CEMP (EN010166/6.5) expressly states that an aftercare plan including periodic assessment to determine soil use and function meets landowner requirements will form part of the Soil Management Plan. The Soil Management Plan will be developed to ensure the consequences of any ground movements, or potential for slump or subsidence are minimised.</p>
4	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.