
<http://www.sirymfflint.gov.uk> | <http://www.flintshire.gov.uk>
<http://www.twitter.com/csyfflint> | <http://www.twitter.com/flintshirecc>

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith. Ni fydd y defnydd o'r naill iaith yn arwain at oedi.

Mae'r e-bost hwn, gan gynnwys unrhyw atodiadau, yn breifat a chyfrinachol ac ni ddylid ei rannu heb ganiatâd yr anfonwr. Os derbynioch chi'r e-bost hwn ar gam, rhowch wybod i'r anfonwr a dileu'r e-bost.

Os cyflwynir unrhyw farn, cyngor, casgliadau ac unrhyw wybodaeth arall yn y neges hon nad oes a wnelo â busnes swyddogol Cyngor Sir y Fflint, deallir nad ydynt wedi'u rhoi na'u cymeradwyo ganddo nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb o gwbl amdanynt.

We welcome correspondence in Welsh and English and you will receive a response in the same language. Use of either language will not lead to a delay.

This email, including any attachments, is private and confidential and should not be shared without permission from the sender. If you have received this message in error, please notify the sender and delete it from your account.

Opinions, advice, conclusions, and other information in this message that do not relate to the official business of Flintshire County Council shall be understood as neither given nor endorsed by it, or on its behalf, and consequently Flintshire County Council shall bear no responsibility whatsoever in respect thereof.

Planning Act 2008
FCC Deadline 4 Response
Interested Party Ref: F12E167E6
ExA Ref: EN010166



**Connah's Quay Low Carbon Power
NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT
FLINTSHIRE COUNTY COUNCIL**

Interested Party Ref: F12E167E6

**Flintshire County Council response to the Applicant's Response to the Council's Local Impact Report [REF 9.15]
and the information submitted at Deadline 3.**

Submitted at Deadline 4 – Tuesday 31 March 2026

Proposal:	Application by Uniper UK Limited for a Development Consent Order
	Senior Planning Officer, Flintshire County Council
Date:	31 March 2026

Application by Uniper UK for an order granting development consent for the Connah's Quay Low Carbon Power Project (EN010166)

The Interested Party Flintshire County Council's (FCC) written response to the Applicant's Response to the Council's Local Impact Report [REF 9.15] and the information submitted at Examining Authority's at Deadline 3.

Dated: 31 March 2026 Deadline 4

The summary table below sets out the Council's position on key matters raised to date.

The Council notes that a number of applicants documents and updates are proposed to be provided at Deadline 4, including revisions to the Environmental Statement and other documentation. The comments provided below are therefore made without prejudice and with the Council reserving the right to provide further comment once a complete and internally consistent evidence base is available and the scheme can be evaluated in full.

While the Council acknowledges the responses provided by the Applicant, the in terms of ecology the majority do not resolve the substantive concerns previously identified. In several instances, responses rely on the deferral of information to post-consent strategies or future management plans, rather than providing the necessary evidence at examination stage.

The Council's comments for Deadline 4 are entered in the right-hand column.

Table 1-1 – Flintshire County Council’s (FCC) written response to the Applicant’s Response to the Council’s Local Impact Report [REF 9.15] and the information submitted at Examining Authority’s at Deadline 3

Topic and document reference		Summary of Applicant’s position	FCC’s response
5 UK Government Planning Policy and Legislation			
5.1	National Policy Statements (NPS)	The Applicant notes that whilst revised versions of NPS EN-1 and EN-5 came into force on 6 January 2026, those revised versions do not apply to the DCO Application for the Proposed Development as the application was accepted for examination before 6 January 2026.	Noted, however, are the updated NPS not to be considered a material consideration.
5.2	Welsh Government and Local planning policies are also material considerations	Paragraph 5.1.1 of the Planning Statement explains that matters that the SoS may consider important and relevant may include national and regional planning policy and local development plan policy. Therefore, in the case of the Proposed Development, Welsh national and regional planning policies and the local development plan, in the form of the Flintshire LDP, could be relevant. This is for the SoS to determine. The Planning Statement assesses the conformity of the Proposed Development with those policies within Section 6.3 and the Policy Assessment Tables at Appendix 2. Paragraph 4.1.15 of the Overarching National Policy Statement (NPS) for Energy (EN-1) confirms that in the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of SoS decision making given the national significance of the infrastructure.	Noted, respectfully requests that the ExA considers Welsh national and regional planning policies and the local development plan, in the form of the Flintshire LDP, to be relevant.
10 Noise and vibration			

	Topic and document reference	Summary of Applicant's position	FCC's response
10.16	<p>Appendix 9-A [APP-184] which defines seven categories. The middle of the range is 'low/medium' impact, corresponding to a rating level (i.e. the sound level from the plant) of 7-8dB above the background sound level.</p>	<p>The justification provided to FCC and their representatives (provided in Appendix B) to address these concerns is summarised as follows:</p> <ul style="list-style-type: none"> • Concern 1: The +8 dB rating level was treated as the 'middle ground' between +5 dB (likely to be an indication of an adverse impact, depending upon the context) and +10 dB (likely to be an indication of a significant adverse impact, depending upon the context) and that with context reduces the significance to not significant. • Concern 2: The ambient sound environment is dominated by roads, rail, and industrial sources, with industrial use at Connah's Quay dating back to 1954. The existing context already contains high sound levels that are pre-existing from non-project-related sources. It should be noted that the specific sound levels (defined as the "equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval") referenced from Table 9-17 of Chapter 9: Noise and Vibration [APP-047] are in the absence of any additional mitigation. Appendix B Table 3 shows that significantly lower estimates of specific sound and rating levels (–defined as the "specific sound level plus any adjustment made for the characteristic features of the sound") will 	<p>FCC has not had the resources to fully consider the justifications and still retain concerns.</p>

	Topic and document reference	Summary of Applicant's position	FCC's response
		<p>occur after application of enhanced mitigation measures.</p> <ul style="list-style-type: none"> Following the inclusion of appropriate mitigation in the design, the Proposed Development is unlikely to alter the existing mixed industrial and transport related noise character of the area. Concern 3: Appendix B presents Table 4, which shows predicted changes in <i>LAeq</i> at night are ≤ 0.4 dB, classed as Low impact using the relevant guidance. Although the World Health Organisation guidance is not referenced, night-time levels are dominated by traffic noise (e.g., 52 dB <i>LAeq</i> at LT2). Concern 4: BS4142 must consider context when determining significance, including absolute levels and prevailing noise character. Appendix B explains why <i>LAeq</i> increases are < 1 dB but still examines rating levels and the nature of local sound sources (i.e., mixed transport and industrial). The steady noise from the existing Connah's Quay Power Station has not generated recent complaints (whilst acknowledging there have been complaints over its operational lifetime) and the Proposed Development would have similar perceptibility characteristics. Concern 5: Whilst not referring specifically to 'respite zones', Appendix B does address conditions at Kelsterton Road and provides specific sound levels and their relationship to background levels. The 	

Topic and document reference		Summary of Applicant's position	FCC's response
		existing Connah's Quay Power Station already contributes 41-45 dB LAeq at this location and the Proposed Development would produce a similar noise magnitude.	
10.18	Low frequency sound and BS4142	Chapter 9: Noise and Vibration [APP-047] was updated and submitted at Deadline 2 [REP2-005] (reflected in the updated revision provided at Deadline 3 (EN010166/APP/6.2.9)), now states that sound of low frequency nature would be designed out of the Proposed Development during the detailed design stage (paragraph 9.5.13). This updated wording has been reflected in the Commitments Register (EN010166/APP/6.10) submitted at Deadline 3. The Design Principles Document [APP-264] will be updated to reflect this. The Applicant acknowledges this should have been reflected at Deadline 2. As this amendment is not related to the Change Application, the update will be undertaken at Deadline 4 to avoid confusion with the updates to that document being made as part of the Change Application.	Noted
11 Traffic and Transport			
11.16	Conclusion on assessment of impact	<u>Construction Phase:</u> The Applicant confirms that construction-related traffic impacts will be managed through the final CTMP(s) and construction worker travel plans, each to be prepared in accordance with their respective framework documents and submitted to FCC for approval under Requirement 5 of the Draft DCO (EN010166/APP/3.1) .	Noted

Topic and document reference		Summary of Applicant's position	FCC's response
		<p>The Applicant has addressed FCC's concerns regarding:</p> <ul style="list-style-type: none"> • the use of Census 2021 commuting data and the approach to representing travel patterns; • the need for additional clarity on monitoring and compliance mechanisms for car-sharing, shuttle provision, public transport integration and HGV routing; • the methodology for cumulative effects assessment; and • concerns about driver delay, Kelsterton Road capacity, and network resilience. <p>The Applicant has welcomed additional engagement with FCC on these points.</p> <p><u>Operational Phase:</u> The Applicant acknowledges the conclusions provided by FCC</p>	
12 Public Rights of Way			
12.6	Footpath 28. Document APP-013 provides plans showing the public right of way network	As Public Footpath 28 is located outside of the Order limits, no direct effects would occur on this route during the construction or operation of the Proposed Development. In addition, as identified in Chapter 10: Traffic and Transport [APP-048] the Proposed Development would only temporarily affect Public Footpath 66	It is acknowledged that Public Footpath 28 is located outside of the Order limits reference Extract from Sheet 11 – APP-013 2.6 CQLCP Access, Streets, Rights of Way and Rights of Navigation Plans Rev 00. However, the extent of the order limits is within the gift of the applicant. Why was the order limit not drawn to the boundary of the land?

	Topic and document reference	Summary of Applicant's position	FCC's response
		<p>associated with a nine month temporary diversion during the construction of the Proposed CO2 Connection Corridor. As there would be no other effects on the PRow network, mitigation in the form of amendments to Public Footpath 28 are not considered required or directly related to the Proposed Development.</p> <p>Extending the path northwards is not practicable due to a number of factors. It would require access to the operational site which would not be acceptable from the perspective of the Applicant's Health and Safety obligations. It would also require the crossing of land other than the Applicant's and would, therefore, require the agreement of those landowners. Access to the nature reserve is also restricted, in agreement with NRW and the DNS.</p>	<p>Understood the applicant is of the view that mitigation in the form of amendments to Public Footpath 28 are not considered to be required or directly related to the Proposed Development.</p> <p>Agreed that access to the nature reserve is restricted, in agreement with NRW and the DNS.</p> <p>FCC consider that a newly-created footpath could continue to run parallel to the adjacent railway line, as Public Footpath currently does.</p> <ul style="list-style-type: none"> - That the safety concerns could be addressed by secure fencing, which Uniper have already recently undertaken along Public Footpath No. 28. - That the relocation of the security gate approximately 15 metres further back into the site would allow for this to be safely created. - While this is predominantly a Uniper project, National Grid's land is included in the order limits for a reason. Don't agree that the ownership is a preventative reason for a tangible community benefit. - By providing 245 metres of PRow it could ensure that the public can avoid approx. 600 metres of active traffic and increased construction on the B5129. <p>Benefits would allow a public footpath to better link Connahs Quay community and to the college.</p> <p>Further to this, it would assist with restricting access to the nature reserve, by giving the path a direction/destination rather than just opening it out to the Saltmarsh, which is presumed would be supported NRW and the Deeside Naturalists Society.</p>
13 Biodiversity and Nature Conservation			
	<p>REP3-058 Survey scope and baseline validity</p>	<p>The Applicant states that survey scope and extents were agreed pre-application and that identified limitations do not affect conclusions.</p>	<p><u>Survey extents and access</u></p> <p>The Applicant's response does not fully address the concerns raised in the Local Impact Report (LIR) [REP2-021]. While agreement on survey scope exists, it does not mitigate the baseline limitations acknowledged in the</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>supporting documentation. Upon review of the technical appendices, constraints relating to survey extents and access have not been comprehensively described or adequately illustrated, notwithstanding the Applicant's position referenced in section 13.10 [REP3-058]. The Council therefore awaits further information, anticipated at Deadline 5, which should clearly delineate these limitations and their implications for the assessment.</p> <p>The Council acknowledges the Applicant's clarification that otter surveys were conducted 200m both upstream and downstream of the Order Limits, and notes that the reference to a 50m survey buffer in Appendix 11-J [REP3-020] was a typographical error that has now been corrected. This clarification is appreciated; however, the revised Otter Technical Appendix [REP3-020] was not available for review at the time of writing. The Council would be grateful if the Applicant could share this with the ecology officer, appreciating its confidential nature. However, the Council's concern is not limited to typographical inconsistencies, but extends to whether the survey coverage has been applied comprehensively and in accordance with the agreed scope, as evidenced within the mapping provided. The agreed methodology requires survey coverage extending 200m upstream and downstream of the Order Limits along all affected watercourses. Previous submissions indicate that survey efforts may have been concentrated on a limited subset of waterbodies, without sufficient explanation for their selection or confirmation that all relevant sections were included. Further clarification and evidence are therefore required to demonstrate that otter surveys have been undertaken consistently across the full 200m up and downstream extents in accordance with the agreed scope.</p> <p><u>UKHab and habitat surveys</u></p> <p>The Applicant states that the UK Habitat Classification (UKHab) survey methodology was used on the basis that it is a "CIEEM-approved" method. CIEEM's role is to publish EclA guidance, which explicitly recognises multiple habitat survey methods, including JNCC Phase 1, UKHab, EUNIS and others, depending on purpose and context. This is therefore not a valid justification for methodology selection as CIEEM guidance does not elevate UKHab above Phase 1, nor does it say UKHab is sufficient for all planning or EIA contexts. Both Natural Resources Wales and the Council have explicitly advised during</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>pre-application and examination that habitat surveys for this project should accord with the JNCC Phase 1 Habitat Survey methodology. The Applicant has not provided a clear, evidence-based justification for departing from this advice and as described below reliance on UKHab methodology, without a supporting Phase 1 survey or adequately detailed habitat condition assessments for use within the DECCA framework, is insufficient to establish a robust baseline for impact assessments in Wales. Further comments on the limitations of UKHab in this context, including the implications of the absence of species-level data for assessing ecosystem resilience under DECCA, are addressed in the DECCA section below.</p> <p>In relation to the Applicant's response regarding invasive non-native species referenced within habitat condition assessments, the Applicant has advised that parcels were incorrectly labelled on figures and that these labels have since been removed. As a result, it is no longer possible to verify habitat condition, including the presence or absence of invasive species, either within or outside the Order limits, or to assess whether such habitats are affected by the Proposed Development. The Council therefore awaits further updates and clarification, to be provided at Deadline 5 as indicated by the Applicant.</p> <p><u>Species impacts</u></p> <p>Natural Resources Wales and the Council have previously advised that Likely Significant Effects could not be ruled out for several receptors. The Applicant's response in 9.15 CQLCP Applicant's Response to Local Impact Report [REP3-058] provides limited new evidence to address that position and continues to rely on post-consent updates, leaving uncertainty unresolved at Examination stage.</p> <p>Where the Applicant considers survey scope and conclusions to be justified, the Council expects this to be embedded in ES Chapter 11: Terrestrial and Aquatic Ecology [APP-049], with limitations and any deviations from guidance clearly set out, and an explicit explanation of how these limitations have influenced the final assessments and how precaution has been applied.</p> <p>For example, the Applicant's ongoing conclusion of negligible suitability for bats is not adequately evidenced against the habitat descriptions, particularly given that habitats supporting notable invertebrate assemblages remain present</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>within the Order Limits. The Council therefore requests that the Applicant explains, with clear reasoning and evidence, why lighting and site exposure are considered limiting to bat use, in circumstances where other nocturnal taxa are demonstrated to persist.</p> <p>The Council position remains that Preliminary Roost Appraisal (PRA) and inspection surveys should be undertaken prior to determination, rather than deferred to the pre-construction stage. This information is required to inform the ecological valuation of the site and to provide a robust assessment of the potential impacts, as well as to identify any mitigation, compensation or licensing requirements that may be necessary.</p> <p>The Council further observes that inconsistencies persist, particularly in relation to the assessment of great crested newt pond suitability, connectivity and survey effort (including the need for further information on the order limit extension for the Jetty north of the River Dee) as well as the undervaluation of GCN, which is at contrary to the advice provided by NRW</p>
REP3-058 Treatment of up to nine-year habitat loss (temp impact 13.50)	The Applicant classifies habitat loss during phased construction as temporary, on the basis that habitats will be reinstated post-construction.	<p>The Council does not agree with the Applicant's approach to classifying habitat loss lasting up to nine years (plus re-establishment time) as a temporary ecological impact. This position aligns with NRW's concern regarding lifecycle impacts and population-level effects. REP3-058 does not demonstrate how these long-term effects have been precautionarily assessed.</p> <p>While it is acknowledged that the Applicant has sought to define 'temporary' on the basis that habitats would ultimately be reinstated, this interpretation is not consistent with established ecological principles or with the intent of relevant guidance. As set out in CIEEM's Guidelines for Ecological Impact Assessment, the duration of an activity may differ from the duration of the resulting ecological effect, and impacts must be defined explicitly in months or years, recognising that effects may be short, medium or long-term, temporary or permanent depending on the ecological context. The absence of prescribed timeframes within guidance reflects the need for professional judgement informed by ecological evidence, context and scientific principles.</p> <p>In this case, the Council considers that the removal of habitat for up to nine years represents a long-term ecological effect, irrespective of whether reinstatement is proposed. The ecological consequences of prolonged habitat loss, including loss of function, disruption to ecological processes, population displacement, and</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>potential effects on metapopulation dynamics and ecosystem resilience, cannot reasonably be equated with short-term or temporary disturbance. The reversibility of a habitat in physical terms does not negate the ecological significance of its absence over a prolonged period (e.g. in relation to species loss), particularly where recovery times and uncertainties associated with habitat establishment are also relevant.</p> <p>The Council also notes the Applicant's position that Biodiversity Net Gain (BNG) guidance is not applicable in Wales in relation to the 2-year temporary impact defined within BNG; however, the Applicant continues to rely on assessments and concepts derived from these metric-based approaches, which are then applied inconsistently.</p>
REP3-058 DECCA assessment and Net Benefit for Biodiversity	The Applicant considers DECCA to have been applied appropriately to enhancement habitats only.	<p>The Council does not agree with the Applicant's position that the DECCA framework is intended solely as a tool for assessing proposed habitat enhancement and creation, nor with the omission of the DECCA framework from the EclA methodology. DECCA is a framework for assessing ecosystem resilience and, by its nature, requires an understanding of baseline condition and function in order to evaluate change arising from development.</p> <p>While UK Habitat Classification (UKHab) surveys and Statutory Biodiversity Net Gain (BNG) Biodiversity Condition Assessments provide some baseline information on habitat type and selected aspects of condition, they do not assess ecosystem resilience. These survey outputs are inputs to, rather than substitutes for, a DECCA-based assessment. DECCA explicitly considers diversity, extent, connectivity, condition and other components of ecosystem resilience (including adaptability), and is therefore concerned with how ecological systems function and respond to disturbance, not solely with habitat creation or enhancement proposals.</p> <p>In this context, the Council does not agree with the Applicant's assertion that there is no requirement to collect comprehensive species information for the UKHab methodology where it is being relied upon to inform a DECCA assessment, nor that the information presented in Annex B of Appendix 11-C [REP3-016] is sufficient to justify the conclusions drawn. While UKHab does not require exhaustive species lists for the purposes of habitat classification alone, a baseline that lacks adequate species-level information is not sufficient to support a DECCA assessment, as required in Wales. DECCA requires an understanding of ecological diversity, condition and function in order to assess changes in ecosystem resilience pre- and post-development. The Applicant's position</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>therefore highlights a fundamental methodological issue: where DECCA is required, reliance on UKHab data alone is inadequate unless it is supplemented by sufficient ecological evidence to enable a detailed assessment of diversity, condition and ecosystem function. This further reinforces the position of both Natural Resources Wales and the Council that habitat survey data should be collected using the JNCC Phase 1 Habitat Survey methodology, supported by appropriate botanical and species information, to establish a robust baseline for impact assessment and evaluation of ecosystem resilience.</p> <p>Furthermore, the Council does not agree with the Applicant's assertion that the DECCA framework need not be applied because it is not explicitly required by CIEEM guidance. In Wales, the application of DECCA arises from requirements under the Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016, and is embedded within national planning policy, including Planning Policy Wales and Future Wales. CIEEM has also published Wales specific guidance on the application of DECCA and notes within its own EclA guidelines the importance of referring to up to date planning policy relevant to the applicable UK nation. As such, Welsh legislation and policy requirements take precedence over sector guidance where there is any perceived inconsistency. The Council therefore considers that DECCA should be applied consistently across the Proposed Development, including baseline conditions, construction phase impacts and post construction outcomes, to enable a transparent assessment of changes in ecosystem resilience and a robust demonstration of net benefit for biodiversity. Restricting the framework to enhancement proposals alone does not achieve this. The proposed inclusion of additional survey references or corrections within the Green Infrastructure Statement does not address this fundamental methodological issue. On the basis of the information currently presented, the Council is unable to assess whether a net benefit for biodiversity has been clearly demonstrated, particularly when long term habitat loss during construction is taken into account.</p>
REP3-058 Mitigation and Compensation	The Applicant disagrees with Council's comment that much of the mitigation described is compensation	The Council notes the Applicant's position that certain measures identified within Table 6 of the Green Infrastructure Statement [APP-252], such as ground protection and cellular confinement systems within Root Protection Areas, constitute mitigation rather than compensation. The Council agrees that such measures can appropriately be described as mitigation where they function to

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>avoid or reduce adverse impacts in situ, and are consistent with the definition of mitigation set out within the CIEEM Ecological Impact Assessment Guidelines.</p> <p>However, this example does not address the substantive concern raised by the Council, which relates to the overall application of the stepwise approach and the balance between on-site mitigation and reliance on off-site measures. Planning Policy Wales Edition 12 is explicit that development proposals should follow a sequential (stepwise) approach of avoidance, minimisation, mitigation and, only where necessary, compensation, with compensation treated as a last resort where residual adverse effects remain after all reasonable on-site options have been exhausted.</p> <p>In this case, while elements of standard construction-stage mitigation are proposed on site, the primary mechanism for addressing habitat losses and delivering Net Benefit for Biodiversity is the off-site strategy at Gronant Fields, located approximately 30km offsite, and outside of Flintshire. In functional terms, these measures are intended to address residual impacts that have not been demonstrably avoided or mitigated within the County, and therefore meet the definition of compensation, rather than mitigation, under both CIEEM guidance and the stepwise approach set out in PPW12.</p> <p>The Council's concern is not that no mitigation has been proposed, but that the documentation does not clearly or consistently distinguish between:</p> <ul style="list-style-type: none"> • measures that avoid, minimise or mitigate impacts within the Development Area and its immediate receiving environment, and • measures that are relied upon to compensate for residual losses through off-site provision. <p>This distinction is critical in the Habitats Regulations process (the Council's supports NRW's position on this matter however we defer to them for continued comment) and to demonstrating compliance with PPW12, particularly where compensation is delivered remotely and outside the local planning authority area. The Council therefore maintains that the Applicant should clearly identify, on a receptor-by-receptor basis, which measures are mitigation and which are</p>

	Topic and document reference	Summary of Applicant's position	FCC's response
			<p>compensation, and provide justification for progressing to off-site compensation before fully exhausting opportunities for on-site or locally delivered mitigation.</p> <p>The Council notes that it is now liaising with the Applicant on the identification of further mitigation measures that could be delivered within Flintshire to allow the scheme to deliver elements of Net Benefit for Biodiversity locally. The Council welcomes this engagement and supports continued discussion on this matter as Examination progresses.</p>
	REP3-058 Internal consistency of habitat loss and gain	REP3-058 indicates that inconsistencies will be corrected in future document revisions.	<p>The Applicant's response does not address the Examination-stage requirement for clarity and consistency at this point. NRW has similarly requested reconciled figures. In the absence of a single, internally consistent dataset, conclusions on no net loss or net gain cannot be relied upon, and the issue remains unresolved. The Council awaits re-calculation and corrections at Deadline 5, notwithstanding above comments relating to DECCA and the Green Infrastructure Assessment that should also be addressed at this stage.</p>
	CR1-088 Change notification (further information requested)	N/A	<p>Ecological survey methodology and baseline</p> <p>The Applicant states that a UKHab survey was undertaken on 18 November 2025 to inform the assessment of the proposed changes. The Council reiterates its position, as set out in the previous Local Impact Report [REP2-021] and consistent with advice from Natural Resources Wales, that habitat surveys in Wales should be undertaken using the JNCC Phase 1 Habitat Survey methodology to ensure consistency with established guidance and policy expectations.</p> <p>Given the sub-optimal time of year during which the UKHab survey was undertaken, there remains a significant risk that habitat condition, botanical diversity and the presence of notable species have been undervalued or not fully captured. The Council therefore considers that an updated botanical survey, undertaken during an appropriate survey window, is required to robustly establish baseline conditions. This should include a targeted survey for invasive non-native species (INNS), noting that seasonal constraints may have limited detectability during the November survey period.</p> <p>Non-statutory sites and habitats</p> <p>The information provided does not include a robust assessment of non-statutory designated sites or locally important habitats. The statement that</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>there are "no non-statutory sites within the vicinity" is not considered sufficient or acceptable without a clear definition of "vicinity", an explanation of the search area applied, and supporting evidence.</p> <p>In the absence of a transparent and proportionate assessment of non-statutory sites and habitats, the Council is unable to verify whether all relevant ecological receptors have been appropriately identified or considered.</p> <p>Protected species and Habitats Regulations Assessment</p> <p>The Council notes that only a redacted version of the relevant ecological information has been made available at this time. As such, it is not possible to confirm that a sufficient and proportionate assessment of protected species has been undertaken to support the conclusions reached, or to justify the position that no further surveys are required.</p> <p>Further comments will be provided once the full report is available however the Council is unable to identify sufficient information to support the conclusions reached in respect of otter, noting that this species have been raised previously by both the Council and NRW as requiring careful consideration, particularly given their notification as part of the adjacent River Dee and Bala Lake SAC.</p> <p>The report states that "the section of the River Dee within the Survey Area does not support suitable features for otter (such as tall bankside vegetation and scrub to allow otter to breed or create holts)" and therefore concludes that otter presence within the hardstanding expansion area is unlikely.</p> <p>The Council disagrees with this conclusion. Otter have been found use scrub and woodland habitats up to 1km from a waterbody for resting and particularly for natal holts. The mapping provided indicates that the proposed hardstanding expansion would result in the loss of woodland and scrub habitats, which are likely to represent suitable supporting habitat for otter associated with the River Dee SAC population. We therefore also disagree with the assessment that no changes to the Report to inform Habitats Regulations Assessment [CR1-105] are required due to the designations being "on the opposite bank of the river" as this fails to recognise that the River, its banks, and the adjacent habitats together comprise the designated area; it is not confined to the opposite bank, and this overlooks the importance of functionally linked land.</p>

Topic and document reference	Summary of Applicant's position	FCC's response
		<p>The reliance on a pre-commencement survey strategy (including, but not limited to, otter) is not considered sufficient to address these uncertainties or to enable a robust assessment of impacts at this stage. Without adequate baseline information, the Council cannot agree with the conclusions reached in respect of habitat value, species impacts, or the adequacy of proposed mitigation and compensation.</p> <p>Habitats</p> <p>Scrub and woodland habitats</p> <p>The Council does not agree with the assessment that scrub habitats are of limited ecological value. Scrub habitats provide important foraging, commuting and shelter resources for a range of protected and notable species, including otter, bats and breeding birds, and form an important transitional habitat within the wider ecological network.</p> <p>The loss of scrub and woodland habitats associated with the proposed changes has not been adequately assessed, quantified or justified, and the Council remains concerned that these losses have been undervalued within the submitted information.</p> <p>Mitigation, compensation and net benefit for biodiversity</p> <p>Due to the limitations in baseline habitat and species information, including uncertainty regarding habitat condition and protected species use of the site, the Council is unable to verify whether a Net Benefit for Biodiversity can be achieved in relation to the proposed changes.</p> <p>The Applicant refers to mitigation and enhancement measures described within the Green Infrastructure Statement [CR1-103]. However, the Council reiterates its position that much of what is described as mitigation constitutes compensation, particularly where measures are delivered off-site.</p> <p>The updated information describes the loss of:</p> <ul style="list-style-type: none"> • 0.10 ha of other neutral grassland,

Topic and document reference	Summary of Applicant's position	FCC's response
		<ul style="list-style-type: none"> • 0.07 ha of mixed scrub, • 0.02 ha of hardstanding, and • one individual tree, <p>This is proposed to be offset by a slight increase in other neutral grassland off-site at Gronant Fields, together with the planting of three additional trees. The Council notes that the previously referenced bramble scrub category is no longer identified, and that no compensation is proposed for the loss of other woodland and scrub habitats.</p> <p>The proposals would lead to a further reduction in tree and scrub cover within Flintshire, which the Council considers to be contrary to local policy objectives relating to the retention of canopy cover and green infrastructure.</p> <p>The Council therefore awaits the updated Green Infrastructure Statement [CR1-103], proposed at Deadline 4, including:</p> <ul style="list-style-type: none"> • a revised and internally consistent assessment of habitat losses and gains; and • an indicative plan of the off-site delivery area, showing the proposed planting, habitat creation and enhancement at Gronant Fields, together with any additional mitigation or compensation areas identified. We have been liaising with applicant on identification of potential mitigation sites within the Flintshire area and welcome further discussions in relation to mitigating impacts in this additional area. <p>This information is required to enable the Council to confirm that sufficient land is available to accommodate all necessary habitat and species mitigation and compensation, and that the proposals are feasible, deliverable and policy-compliant.</p>
<p>14 Trees, Hedgerows and Woodland</p>		

	Topic and document reference	Summary of Applicant's position	FCC's response
14.6	Arboriculture Impact Assessment (AIA) [APP-228]	<p>T105 was initially considered a potential veteran but although a large tree of high value it was concluded not to meet the requirements for veteran status. Reference to T105 as a veteran is a typographical error which has been updated within Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4), which has been submitted at Deadline 3. This tree is not impacted by the Proposed Development which will utilise an existing hard-surfaced access route.</p>	Noted
14.8	Design Principles Document [APP-264]	<p>For T149 any access will be limited to the use of the existing hard-surfaced access route which will not be subject to a change in use.</p> <p>The Design Principles Document [APP-264] states 'The Proposed Development will be designed to ensure the protection and retention of all veteran trees located within the Order limits.' Whilst the Applicant acknowledges that the indicative location of the attenuation tank is shown in the RPA of T149 this would be updated as part of the final drainage strategy to align with the design principles. The final location of any attenuation tank(s) would be included in the final drainage strategy prepared pursuant to Requirement 6 of the draft DCO (EN010166/APP3.1).</p> <p>In relation to measures to safeguard T149 and its immediate setting in the landscape, Annex E of Appendix 15-G: AIA (EN010166/APP/6.4) sets out the outline tree protection measures. Further consideration of this matter will be considered as part of the preparation of an Arboricultural Method Statement to be prepared</p>	Noted

Topic and document reference		Summary of Applicant's position	FCC's response
		in accordance with the Framework CEMP (EN010166/APP/6.5) which would consider the detailed design of the Proposed Development.	
14.15	Abnormal Indivisible Loads Volume III Figure 5-4: Abnormal Road Routing Options [APP-084].	The Applicant acknowledges FCC's request for a condition requiring tree works to be updated should the Port of Mostyn route be selected as the preferred AIL route. It is considered that this is covered by the requirement for the preparation of an Arboriculture Method Statement as part of the final CEMP(s) secured by Requirement 4 of the Draft DCO (EN010166/APP/3.1).	Noted
14.25	Net Benefit for Biodiversity (Green Structure) The Green Infrastructure Statement (GIS) [App-252]	As noted within responses provided in Table 13, clarification on the methodology used to calculate woodland creation area will be included in a revision of the Green Infrastructure Statement (EN010166/APP/6.11) at Deadline 4.	Noted
14.27	Change Notification and Proposed Change 3	Appendix 15-G: AIA (EN010166/APP/6.4) has been updated at Deadline 3 as part of the Change Application to consider Change 3. For the purposes of the AIA the trees recorded within the Tree Constraints Plan that fall within the updated working area have been noted to be removed as part of the Proposed Development. A site visit has confirmed that only a small area of tree group 220 has been removed with all other trees still present.	Noted
	Comments on documents submitted at Deadline 4	Connah's Quay Low Carbon Power - Environmental Statement Volume IV, Appendix 15-G: Arboricultural Impact Assessment Report. Document Reference: EN010166/APP/6.4 (Revision 01) March 2026 [CR1-100]	Section 1.1.2 to 1.1.4 Acknowledged that the AIA does not include the limited tree cover at the North Jetty and instead the arboricultural implications are included within the Environmental Statement Volume IV Appendix 5-B: Environmental Screening of the Hardstanding Expansion at Connah's Quay North Jetty Document Reference: EN010166/APP/6.4 (Revision 00) March 2026 [CR1-088] . This is considered

Topic and document reference		Summary of Applicant's position	FCC's response
			<p>acceptable to the Council taking into account the arboricultural features present and the extent additional hardstanding proposed.</p> <p>Section 6.2.5 Noted.</p> <p>Sections 6 & 7 Changes to tree numbers noted, including those in Table 3.</p>
	Comments on documents submitted at Deadline 4	<p>Connah's Quay Low Carbon Power - Environmental Statement Volume IV, Appendix 5-B: Environmental Screening of the Hardstanding Expansion at Connah's Quay North Jetty Document Reference: EN010166/APP/6.4 (Revision 00) March 2026 [CR1-088]</p>	The document includes a tree survey that satisfies BS5837:2012, Trees in relation to design, demolition and construction – Recommendations is acceptable to the Council.
	Comments on documents submitted at Deadline 4	<p>Connah's Quay Low Carbon Power - Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy Planning Inspectorate Reference: EN010166 Document Reference: EN010166/APP/6.14 (Revision 01) March 2026 [CR1-108]</p>	Note that the document is now 'Offsite NBB and GI Strategy' and no longer the 'Outline Offsite NBB and GI Strategy'.
	Comments on documents submitted at Deadline 4	<p>Connah's Quay Low Carbon Power - Green Infrastructure Statement Planning Inspectorate Reference: EN010166 Document Reference: EN010166/APP/6.11 (Revision 01) March 2026 [CR1-104]</p>	Section 3.2 Noted that the relocation of contractor's facilities and additional hardstanding at North Jetty will result in permanent loss of baseline trees. These losses are considered to be very limited.
15 Water Environment and Flood Risk			
15.7	Surface Water Drainage	Requirement 6 of the Draft DCO (EN010166/APP/3.1) . Pervious paving across the parking	Noted

Topic and document reference		Summary of Applicant's position	FCC's response
		<p>areas could be included, to allow for intercepting and treating runoff from adjacent areas. Filter drains or swales could provide initial treatment of road and / or building drainage. The drainage network could include oil interceptors and/or downstream defenders within each catchment to remove oils, suspended solids and sediment bound hydrocarbons, as necessary based on the development layout.</p> <p>The Applicant recognises that approval from the SAB (FCC) for drainage proposals would be required prior to construction, and that the SAB application process is independent of the DCO application process. The Applicant has had two meetings with the SAB and will be submitting a SuDS Application for Pre Application Advice form to FCC during the DCO examination period, to set out high-level drainage principles. Notes relating to the SAB meetings were included as Annex E of the Outline Surface Water Drainage Strategy [APP-213], and were retained in the Deadline 1 revision.</p> <p>The Principal Contractor(s) would be responsible for the SuDS Application for Full Approval, post-DCO-consent. Measures to manage surface water from temporary hardstanding areas would be considered in this application and would be detailed in the final CEMPs.</p>	
16 Landscape and Visual Impact			
16.13	Landscape – LANDMAP search area.	To address the matters raised by FCC, the Applicant is undertaking an updated landscape character assessment for the component of the	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4

Topic and document reference		Summary of Applicant's position	FCC's response
		Study Area which lies within Wales. This updated assessment will be submitted at Deadline 4.	
16.14	Landscape LANDMAP methodology	The characteristics of the Main Development Area are considered in paragraphs 15.4.22 to 15.4.24 of Chapter 15: Landscape and Visual [APP-053]. A separate assessment of the Main Development Area was not undertaken as it was deemed to be characteristic of the LCT in which it lies. To address FCC's comment the Applicant is undertaking an updated landscape character assessment which will cover the Main Development Area, which will be submitted at Deadline 4.	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4
16.22	Landscape features and characteristics of the site are not assessed as receptors	The characteristics of the Main Development Area are considered in paragraphs 15.4.22 to 15.4.24 of Chapter 15: Landscape and Visual [APP-053] . A separate assessment of the Main Development Area was not undertaken as it was deemed to be characteristic of the LCT in which it lies. To address FCC's comment the Applicant is undertaking an updated landscape character assessment which will cover the Main Development Area, which will be submitted at Deadline 4.	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4
16.28	Visualisation Type 1 (Photosheets) Baseline photos do not have annotations	The Applicant acknowledges FCC's comments and will provide a number of updated annotated photo sheets with annotated baseline views at Deadline 4 for the views where a wireline and / or photomontage has not been provided and the viewpoint lies within Flintshire.	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4
16.43	Plumes Visibility	The Applicant acknowledges FCC's comments and will provide an assessment of potential effects from Vapour Plumes at Deadline 4.	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4

Topic and document reference		Summary of Applicant's position	FCC's response
17 Principle of Development/Climate Change			
17.11	Concern should the carbon capture element not be delivered	<p>For the reasons explained in paragraphs 1.4.99 to 1.4.100 of the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 and response to Action Points [REP1-065], and as further explained in Table 3 of the Applicant's Response to Deadline 2 Submissions (EN010166/APP/9.14), the Applicant considers that the separate pollution control regime, together with the DPA, will adequately control the operational emissions from the Proposed Development.</p> <p>Nevertheless, for the avoidance of doubt, the Applicant has updated the Draft DCO (EN010166/APP/3.1) at Deadline 3 to define "<i>carbon dioxide capture plants</i>" to mean those which are "<i>designed to capture a minimum rate of 95% of the carbon dioxide emissions of the generating station operating at full load</i>" (Article 2(1)) and to insert a new requirement providing that "<i>Work No. 1(a) may not be brought into commercial use without Work Nos. 1(b), 1(c), 1(e), 7 and 8 also being brought into commercial use and Work Nos. 7 and 8 being connected to an operational storage site</i>" (Schedule 2, Part 1, Requirement 21).</p>	Noted
17.14	Conclusion on assessment of impact	For the operational phase, FCC concludes a "NEGATIVE" assessment of impact "should carbon capture be delivered". However, it is assumed that this should read "should carbon capture not be delivered" (our emphasis in bold).	Agreed

	Topic and document reference	Summary of Applicant's position	FCC's response
20	Commentary on Applicant's Draft DCO Requirements		
20.5	PART 2 - Applications made under requirements	<p>The 35-day timescale for discharge is predated in past Orders such as The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 Paragraph 1 (applications made under requirements) of Schedule 4 (discharge of requirements)).</p> <p>From a practical perspective, the Applicant would intend to work closely and pro-actively with FCC to ensure that the 35-day timescale can be met. This process, which the Applicant would be pleased to discuss in detail with FCC, will allow all future applications to be determined swiftly and within the timescales set out.</p> <p>The Applicant considers that 5 weeks is adequate time to discharge the relevant requirement applications. Extending this timescale to the requested 56 days would not be conducive to delivering the Proposed Development in the timely manner required. As set out in the Planning Statement [APP-262], there is an urgent need for the Proposed Development to be delivered as a Critical National Priority Project. Accordingly, the five-week timescale proposed by the Applicant is justified and necessary to ensure timely delivery of the Proposed Development.</p>	<p>Whilst it is understood and that the applicant considers the five-week timescale justified and necessary. It will still remain a challenge for FCC to meet this timescale with the resources the Authority currently has at its disposal.</p>

	Topic and document reference	Summary of Applicant's position	FCC's response
20.7	Multiple Discharging Authorities	<p>FCC is the only 'relevant planning authority' within the Order limits. Only the 'relevant planning authority' is the discharging authority for the purposes of requirement discharges (there are various other consultees for requirements but only FCC has the discharging authority). Accordingly, a paragraph covering multiple discharging authorities is not required.</p>	<p>Whilst it is agreed that FCC is the only 'relevant planning Authority' it is common and normal practice to allow adequate time for a response from consultees in discharging requirements.</p> <p>It would not be normal practice or indeed ethical to restrict responses from consultees due to a prohibitively restrictive timescale.</p>
20.8	Further Information	<p>The wording provided for in the Draft DCO (EN010166/APP/3.1) is longer than the precedent of the Hynet Order because the Draft DCO (EN010166/APP/3.1) allows for '10 business days' rather than just '10 days'.</p> <p>The Applicant considers the timescales within paragraph 24 (further information) to be highly standard and does not propose any amendment to this drafting..</p>	<p>Whilst it is understood and that the applicant considers the wording to be highly standard. It will still remain a challenge for FCC to meet this timescale with the resources the Authority currently has at its disposal.</p>
20.8	Issues with Simultaneous discharge applications	<p>Whilst the Applicant appreciates the potential resourcing constraints at the local planning authority, there is an urgent need to deliver the Proposed Development, as a Nationally Significant Infrastructure Project (NSIP) that is of Critical National Priority. At Deadline 1, the Applicant made amendments to the Draft DCO (EN010166/APP/3.1) to provide for a staging plan to be submitted to the relevant planning authority for information. This should aid the authority in resource planning for when requirement discharges for each stage will be submitted.</p> <p>It would be highly inappropriate to control when requirement discharges may be submitted and contrary to the need to deliver NSIPs quickly and efficiently. Accordingly, the Applicant proposes</p>	<p>Whilst it is understood and that the applicant considers it highly inappropriate. It will still remain a challenge for FCC to meet this timescale with the resources the Authority currently has at its disposal.</p>

Planning Act 2008
FCC Deadline 4 Response
Interested Party Ref: F12E167E6
ExA Ref: EN010166

Topic and document reference	Summary of Applicant's position	FCC's response
	no amendment to the drafting of the Draft DCO (EN010166/APP/3.1) in this regard.	

