

Date: 21 April 2026
Our ref: 546232, Case 32959
Your ref: EN010166



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Examining Authority
National Infrastructure Planning
The Planning Inspectorate
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BY EMAIL ONLY

Dear ██████████

Connah's Quay Low Carbon Power Project; EN010166
Interested Party Ref: ██████████

Natural England's submission for Deadline 5 in respect of the Connah's Quay Low Carbon Power Project, promoted by Uniper

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have provided comment on the documents submitted for Deadline 4 which are relevant to our remit. These are provided at Annex 1.

Throughout the Examination we have continued to work with the applicant and their consultants, to progress towards resolution of the issues raised in our Relevant Representations. The latest iteration of this progress was detailed in the Statement of Common Ground submitted by Uniper at Deadline 4. Discussions continue to progress towards a resolution of the outstanding issues.

For any further advice on this consultation please contact the case officer Andrew Whitehead and copy to consultations@naturalengland.org.uk.

Yours sincerely

████████████████████
Principal Officer
Major Planning Casework Team

Annex 1 – Comment on documents submitted at Deadline 4

Without Prejudice Habitats Regulations Derogations Report (Rev01)

We welcome the inclusion of the impacts from aerial deposition in the Without Prejudice Derogations Report for completeness.

Our position remains as set out in our Relevant Representations, and subsequent submissions – the proposed measures constitute compensation rather than mitigation.

As per our Deadline 2 submission Natural England does not have a statutory role in the derogations provisions of the Habitat Regulations. The onus is on the applicant to satisfy the Competent Authority (Secretary of State/ PINS in this case) that there are no alternative solutions and that there are imperative reasons of over-riding public interest.

We have not repeated the remainder of our Deadline 2 submission regarding the Without Prejudice Report for brevity. However, these points remain valid.

Applicant's response to Deadline 3 Submissions

We note that the Applicant's have provided a response to our Deadline 3 submissions. We do not intend to respond to these further comments. Any progress towards resolution will be documented in an updated Statement of Common Ground.

Report to Inform Habitats Regulations Assessment (Rev02)

We note that an update to the Report to Inform Habitats Regulations Assessment has been provided. We also note that further detail and explanation has been included to justify the applicant's view that the measures proposed to address impacts on the Dee Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site from habitat loss and loss of functionally linked land are mitigation rather than compensation.

While this additional detail is welcome, Natural England's view remains as set out previously. We do however, acknowledge that the decision as to how this should be treated lies with the Examining Authority and Secretary of State as Competent Authority.

We also note the further detail provided regarding aerial nitrogen deposition on the saltmarsh of the Dee Estuary SAC. We maintain that measures proposed to address this impact are insufficient but continue to discuss how this can be progressed towards a mutually satisfactory conclusion with the applicant and Natural Resources Wales.

Curlew Mitigation Strategy (Rev01)

We are currently considering the updated Curlew Mitigation Strategy and will provide comments for Deadline 6. In the meantime, we continue to discuss the outstanding issues with Uniper and their consultants in order to resolve them as far as possible in the remainder of the examination period.

Written Summary of Oral Submission at ISH3

We have no comment to make on this document.

Applicant's legal Submissions on Mitigation vs Compensation

We have no comment to make on this document at this point and recognise that the decision as to whether measures should be considered mitigation or compensation under the Habitats Regulations lies with the Competent Authority.