



**Written Submission
for the
Royal Society for the Protection of Birds**

**Submitted for Deadline 5
21 April 2026**

Planning Act 2008 (as amended)

In the matter of:

**Application by Uniper UK Limited for an Order
Granting Development Consent for the Connah's Quay Low Carbon Power
Project**

Planning Inspectorate Ref: EN010166

RSPB Registration Identification Ref: [REDACTED]

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1. Introduction

The RSPB

- 1.1. The Royal Society for the Protection of Birds (the RSPB) position on this proposal is set out in our Relevant Representation (RR-036) and Written Representation (REP1-075). We have followed closely the Examination process including attendance at Issue Specific Hearings concerning ecological matters.
- 1.2. The RSPB has reviewed documents submitted at Deadline 4, including:
 - REP4-056 Curlew Mitigation Strategy Rev 01 (Clean)
 - REP4-073 Draft Statement of Common Ground between Uniper and Natural England Rev 02 (Tracked)
 - REP4-078 Notice of a proposed without prejudice HRA derogation in Wales Rev 01 (Clean)
 - REP4-081 Applicant's Response to D3 submissions Rev 00
 - REP4-086 Applicant's Legal Submissions on Mitigation vs Compensation Rev 00
- 1.3. Our comments are made without prejudice to any further comments we may wish to make in relation to this application and Examination.

2. RSPB comments on documents submitted at Deadline 4

RSPB comments on the Curlew Mitigation Strategy

- 2.1. Our comments on the Curlew Mitigation Strategy (REP4-056) are made without prejudice to our position that this strategy delivers *compensation* for the loss of the functionally linked land at the Main Development Site, as is described in our Written Representation (REP1-075).
- 2.2. The Dee Estuary is a principal site for non-breeding waterbirds in the UK. It supports internationally important numbers of non-breeding Curlew. Numbers of Curlew over-wintering on the Dee Estuary SPA have been stable in the medium-term having previously declined. WeBS (Wetland Bird Survey) five-year average of 3,534 individuals indicates that the Dee Estuary is the third most important site for Curlew in the UK¹ and the most important in Wales.
- 2.3. The Curlew Mitigation Strategy (CMS) sets out measures for Curlew at Gronant Fields. The measures are required to address the loss of Functionally Linked Land used by Curlew at the Main Development Site (regularly supporting more than 1% of the qualifying non-breeding Curlew population of the SPA/Ramsar site). The site also supports other SPA waterbird species, for both feeding and roosting, and we note the current disagreement over the adequacy of the Applicant's baseline assessment (REP3-062, REP4-073).
- 2.4. Comments follow on aspects of the CMS.

Objectives

- 2.5. Para 5.2.1: The objectives of the habitat creation and enhancement work within the offsetting area for the SPA / Ramsar site Curlew wintering population is to:
 - *provide an optimal Curlew foraging resource;*
 - *and support an increased number of individuals that includes an equivalent number to those displaced from the Main Development Area.*
- 2.6. Para 5.2.2 expands and categorises the proposed delivery of the offsetting area.
 - The delivery of a core area for primary measures by the provision of 26 ha of wet grassland.
 - The provision of a further 2.29 ha of wet grassland alongside 21.56 ha of existing grassland to be enhanced to species rich grassland (under Net Benefit for Biodiversity). This is described as a secondary area to benefit curlew and other SPA.

¹ Frost, T.M, Calbrade, N.A., Birtles, G.A., Feather, A., Hiza, B.M., Caulfield, E.B., Balmer, D.E., Peck, K., Wotton, S.R., Shaw, J.M. & Woodward, I.D. 2026. *Waterbirds in the UK 2024/25: The Wetland Bird Survey and Goose & Swan Monitoring Programme*. BTO/RSPB/JNCC/NatureScot. Thetford.

- 2.7. The quantum of the proposed core habitat at Gronant Fields gives cause for concern. Notwithstanding a temporary component of loss at the Main Development Site, there will be a medium-term loss of 26 ha of habitat known to support significant numbers of wintering curlew by essentially a *like for like* spatial replacement. It is common ecological practice when addressing habitat losses to allow for a multiplier to reflect uncertainty and risk over the successful performance of the replacement site. We note the provision of additional secondary habitat at Gronant Fields, however this is targeted for wider measures, not primarily focused on the conservation priority, that of wintering curlew.
- 2.8. We also note the ambitious timetable argued for the delivery of the core habitat works. There is consensus (between the Applicant and NRW) that habitat conditions at Gronant Fields will take 3 to 5 years to become optimal, although the Applicant anticipates that habitats would be available within 12 months. We would advise that delivery of curlew-focused habitat measures, both in terms of habitat manipulation and prospects for the habitats to successfully develop to compensate for the loss of the existing resources, requires a greater lead in time before construction commences.
- 2.9. We reiterate that Gronant Fields on the edge of the outer estuary, lie a considerable distance from the favoured Curlew wintering areas located in the inner estuary (21.3km). Ringing and tagging studies have shown that Curlew are faithful to their winter sites and it appears that most birds stay in one area from the start of the autumn moult through to the spring migration. This site fidelity highlights the uncertainty of the measures being successful as described above.

Implementation

- 2.10. Para 5.3.1 states that prior to the implementation of habitat measures, consideration will be given to avoid/reduce the disturbance to protected/notable species at Gronant Fields including Barn owl and Cetti's warbler. Given that Gronant Fields are within the Dee Estuary SPA/Ramsar/SSSI, further consideration should be given to avoid/minimise disruption to the designated bird features that currently use the fields.
- 2.11. The management prescriptions described in sections 5.3 and 5.4 focus on wet features and 'edge habitat' which are more suited/akin to breeding waders rather than addressing the habitat requirements of non-breeding Curlew.
- 2.12. Grassland with a rich topsoil and an abundance of earthworms would be more important to foraging Curlews in winter than grassland with a network of 'hollows, channels, footdrains or scrapes' (although a high water table will make worms more easily accessible to these birds). Provision of several larger shallow flashes would be more appropriate wet features for wintering Curlews to offer a secure roosting / bathing area within the wider foraging area.
- 2.13. Further to the grassland management described in para 5.3.5, we recommend cattle grazing to maintain the pasture in good condition for Curlew. This will keep the grass sward short enough for easy foraging, but also structurally diverse, plus the added benefits of dunging and creating some areas of broken ground that other invertebrates will

make use of and be more accessible to feeding waders. A more botanically diverse sward would be preferable, we would recommend reseeded, certainly of the arable fields, as the seed bank there is probably impoverished. A seed mix comprising 80% grass and 20% wildflower seeds, ideally of local provenance, is appropriate.

Monitoring

- 2.14. Para 5.5.1 indicates the proposed monitoring of curlew usage at Gronant Fields will run from August to April inclusive. We suggest that the monitoring period is extended to include June and July to help capture the build-up/appearance of any post breeding flocks of Curlews.

Curlew Steering Group

- 2.15. We welcome the proposed formation of a Curlew Steering Group to review monitoring results, determine effectiveness and agree any management activities. We acknowledge that the RSPB is named as a potential member of the group and we would be happy to participate and provide input in the steering group.

RSPB comments on Legal Submissions

- 2.16. The RSPB has reviewed the legal submissions (REP4-086) made by the Applicant following the request made by the Examining Authority at ISH3 (EV4-004) for clarification on the Applicant's approach to compensation and mitigation under the Conservation of Habitats and Species Regulations 2017, which is the subject of disagreement within the Examination.
- 2.17. The RSPB is unable to provide our comments at this Deadline on the Legal Submissions made by the Applicant but may do so at a future deadline. We note the existing comments made by both Natural Resources Wales (NRW) and Natural England (NE) on this matter and will be reviewing any further comments made by parties at Deadline 5.

3. Update on Statement of Common Ground

- 3.1. The RSPB is in discussion with the Applicant over the preparation of a Statement of Common Ground. The latest draft was lodged with the Examination at Deadline 3 (REP3-031).
- 3.2. The Applicant has sought a meeting with us to progress this, and we will provide the Examination with an update at Deadline 6.