



## Connah's Quay Low Carbon Power

# Draft Statement of Common Ground between Uniper UK Limited and Flintshire County Council

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# 1. Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Draft Statement of Common Ground (SoCG) has been commissioned by Uniper UK Limited (hereafter referred to as the 'Applicant') to support an application (the Application) made to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ). The Application was submitted to the Secretary of State for a Development Consent Order (DCO) (the Order) under section 37 of the Planning Act 2008 in July 2025. The Application was accepted for examination on 28 August 2025, and the Examination commenced on 13 January 2026.
- 1.1.2 The Applicant is seeking a Development Consent Order (DCO) under section 37 of the Planning Act 2008 for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Plant fitted with Carbon Capture Plant (CCP) (the 'Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station;') and supporting infrastructure (collectively 'the Proposed Development') on land at, and in the vicinity of, the existing Connah's Quay Power Station (Kelsterton Road, Connah's Quay, Flintshire, CH6 5SJ), North Wales (the 'Proposed Development Site').
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website at: [Connah's Quay Low Carbon Power Project | National Infrastructure Planning](#)
- 1.1.4 SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where matters are under discussion or where agreement has not been reached. The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This draft SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Flintshire County Council (FCC) (jointly referred to as the Parties).

### The Applicant

- 1.2.2 The Applicant is a UK-based company, wholly owned by Uniper SE (Uniper) through Uniper Holding GmbH. Uniper is a European energy company with global reach and activities in more than 40 countries. With approximately 7,500 employees, the company makes an important contribution to security of supply in Europe, particularly in its core markets of Germany, the UK, Sweden and the Netherlands. In the UK, Uniper owns and operates a flexible generation portfolio of power stations, a fast-cycle gas storage facility

and two high-pressure gas pipelines, from Theddlethorpe to Killingholme and from Blyborough to Cottam.

- 1.2.3 Uniper is committed to investing around €8 billion (~£6.9 billion) in growth and transformation projects by the early 2030s and aims to be carbon-neutral by 2040. To achieve this, the company is transforming its power plants and facilities and investing in flexible, dispatchable power generation units. Uniper is one of Europe's largest operators of hydropower plants and is helping further expand solar and wind power, which are essential for a more sustainable and secure future. Uniper is gradually adding renewable and low-carbon gases such as biomethane to its gas portfolio and is developing a hydrogen portfolio with the aim of a long-term transition. The company plans to offset any remaining CO<sub>2</sub> emissions by high-quality CO<sub>2</sub>-offsets.

#### Flintshire County Council

- 1.2.4 FCC is the host local authority, and the Proposed Development is located wholly within its administrative area. FCC is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref 1) and has been consulted during the preparation of the Application.

## 1.3 The Proposed Development

- 1.3.1 The CQLCP Abated Generating Station would comprise up to two CCGT with CCP units (and supporting infrastructure) achieving a net electrical output capacity of more than 350 megawatts (MW; referred to as MWe for electrical output) and up to a likely maximum of 1,380 MWe (with CCP operational) onto the national electricity transmission network.
- 1.3.2 Through a carbon dioxide (CO<sub>2</sub>) pipeline, comprising existing and new elements the Proposed Development would make use of CO<sub>2</sub> transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project (referred to as the 'HyNet CO<sub>2</sub> Pipeline Project'), that will transport CO<sub>2</sub> captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO<sub>2</sub> will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.
- 1.3.3 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission network in England and Wales, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.
- 1.3.4 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development of the Environmental Statement (ES) [APP-042]**. At this stage in the development, the design of the Proposed Development incorporates a necessary degree of flexibility to allow for ongoing design development.

## 1.4 Status of the Statement of Common Ground

- 1.4.1 This version of the SoCG has been prepared for Deadline 5 of the Examination. The SoCG will be updated throughout the Examination as

discussions progress between the Parties and agreement is reached on matter. FCC have not yet had the opportunity to review the Applicant's responses in detail and provide a response and as such an updated FCC position is not recorded in this version of the SoCG. The Applicant has instead provided a status update based on the position as the Applicant understands it at Deadline 3. The format of the SoCG may be updated at Deadline 6 following discussions with FCC.

## 1.5 Terminology

1.5.1 Section 3 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'.

1.5.2 These terms are used as follows:

- a. "Agreed" indicates where the issue has been resolved;
- b. "Under discussion" indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties; and
- c. "Not Agreed" indicates a final position where the Parties have agreed to disagree.

## 2. Record of Engagement

2.1.1 In addition to the consultation and engagement undertaken during the pre-application process, there have been a number of meetings and also correspondence relating to the Proposed Development between the Parties. Details of these meetings and key correspondence are set out in **Table 1** below.

**Table 1: Record of Engagement**

Date	Form of Correspondence	Key topics discussed and key outcomes
<b>Air Quality</b>		
06/02/2022	Email (to the Head of Planning at FCC)	Email from the Applicant to agree the scope and approach of baseline air quality work and requesting that it is shared with the Environmental Health Officer at FCC for comment.
<b>Noise and Vibration</b>		
25/03/2024	Letter sent via email (to the Environmental Health Department at FCC)	Letter sent via email from the Applicant to introduce the noise and vibration assessment and details of the baseline sound monitoring surveys, providing the opportunity for FCC to comment on the scope of the proposed monitoring.
25/03/2024	Email (to Pollution Control at FCC)	Email sent from the Applicant containing details of the baseline sound monitoring surveys planned, providing the opportunity for FCC to comment on the scope of the proposed monitoring.
14/01/2025	Meeting (Microsoft Teams with Pollution Control Officers at FCC, the Applicant, and the Applicant's noise specialists)	Meeting to provide an overview of the Proposed Development to discuss the operational sound impact assessment criteria for human Noise Sensitive Receptors (NSRs) and discuss potential mitigation options. The focus of this meeting was on the proposed BS 4142 rating levels and Residual effects, explain the aim is to avoid significant adverse effects at human NSRs for planning (and subsequent permitting) and to target a rating level over the background LA90 sound level of no greater than +8 dB (lower where practicable) ("+8dB"). with the +8 dB rating level.

Date	Form of Correspondence	Key topics discussed and key outcomes
28/11/2025	Meeting (Microsoft Teams with Arup on behalf of FCC, the Applicant, and the Applicant's noise specialists)	Discussion on the FCC local impact report around the 8dB above background sound level and other matters including construction vibration impacts and low frequency operational sound from operation of the plant
<b>Traffic and Transport</b>		
13/01/2025	Meeting (Microsoft Teams with Transport Officers at FCC, the Applicant, and the Applicant's transport specialists)	Meeting to provide an overview of the Proposed Development and issues related to transport. The methodology of the transport assessment was presented, which was agreed through the Scoping Opinion.
14/07/2025	Meeting (Microsoft Teams with Transport Officers and Senior Planning Officer at FCC, the Applicant, and the Applicant's transport specialists)	Meeting to provide an update on the construction routing strategy for abnormal indivisible loads (AILs), the AIL movement strategy and the Streets, Rights of Way and Access Plans.
<b>Terrestrial and Aquatic Ecology</b>		
04/03/2024	Email (to Conservation Officer for FCC)	An email was sent to the Conservation Officer for FCC requesting feedback on the study areas proposed to be used in the assessment and information on any assets that will be scoped in and out of the assessment. No response was received.
01/05/2024	Meeting (Microsoft Teams with FCC's Ecology Advisor's, the Applicant, and the Applicant's Ecology Advisors)	Meeting to discuss the approach for ecology surveys and Net Benefit for Biodiversity (NBB).
22/01/2025	Meeting (Microsoft Teams with FCC's Ecology Advisor's, the Applicant, and the Applicant's Ecology Advisors)	A meeting was held to provide an update on the ecology survey scope and findings to date. A discussion was had about the options to mitigate the loss of the Functionally Linked Land and its impacts on curlew. FCC advised that the reptile population in Construction and

Date	Form of Correspondence	Key topics discussed and key outcomes
		Indicative Enhancement Area (C&IEA) may be larger than surveys to date suggested as other sites in the region connected to the railway corridor had found that when the time came to undertake mitigation that many more individuals than expected were caught.
22/01/2025	Meeting (Microsoft Teams with FCC's Ecology Advisor's, the Applicant, and the Applicant's Ecology Advisors)	Meeting to provide an update on the ecology baseline survey work and Abnormal Indivisible Load (AIL) proposals.
12/03/2025	Meeting (Microsoft Teams with FCC's Ecology Advisor's, the Applicant, and the Applicant's Ecology Advisors)	Meeting to discuss FCC available land for ecological mitigation.
18/11/2025	Meeting (Microsoft Teams with FCC's Planning Officer and Access and Natural Environment Manager, the Applicant, and the Applicant's EIA lead)	Meeting to discuss the financial contributions that the Applicant could make to the ongoing management of the Deeside and Buckley Newts Special Area of Conservation.
19/12/2025	Email from the FCC Access and Natural Environment Manager to the Applicant	A proposal for the potential financial contribution to the management of the Deeside and Buckley Newts Special Area of Conservation.
25/02/2026	Meeting (Microsoft Teams with FCC's Ecologist, FCC's Ecology Consultant, The Applicant, the Applicant's EIA/ Ecology/ NBB leads)	Meeting to provide FCC with an update on responses to the Local Impact Report regarding ecology and NBB topics.
09/03/2026	<u>Email from FCC Ecologist to the Applicant</u>	<u>Details of land opportunities within Flintshire that could potentially support the Applicant's management proposals for NBB.</u>
<u>16/04/2026</u>	<u>Meeting (Microsoft Teams) with FCC's Ecologist, FCC's Ecology Consultant,</u>	<u>Meeting to discuss ecology and NBB topics.</u>

Date	Form of Correspondence	Key topics discussed and key outcomes
<p><u>The Applicant, the Applicant's EIA/ Ecology/ NBB leads</u></p>		
<p><b>Water Environment and Flood Risk</b></p>		
<p>12/04/2024, 8/05/2024, 17/07/2024</p>	<p>Emails to FCC</p>	<p>A data request was sent by the Applicant for water resources (private water supplies (PWS)) and flood risk data. FCC responded on 8 May 2024 to confirm that they hold no flood risk data. FCC provided details of PWS within the Study Area on 22 July 2024.</p>
<p>16/05/2024</p>	<p>Email to SuDS Approval Board (SAB)</p>	<p>Email from the Applicant to introduce project and agree the principles for the surface water drainage design.</p>
<p>28/05/2024</p>	<p>Email (to Flood and Coastal Erosion Risk Manager)</p>	<p>Email from the Applicant to introduce the Proposed Development and agree the principles for the surface water drainage design.</p>
<p>06/06/2024</p>	<p>Meeting (Microsoft Teams with Flood and Coastal Erosion Manager at FCC, the Applicant, and the Applicant's Flood Risk advisors)</p>	<p>Meeting to discuss the existing surface water drainage and flood risk, proposed surface water drainage strategy and SuDS requirement. It was also noted that the Applicant would submit a SuDS SAB Pre-Application form.</p>
<p>07/08/2024</p>	<p>Emails to FCC</p>	<p>Request for hydraulic models of Ordinary Watercourses within the area for the hydraulic assessment.</p>
<p>14/04/2025</p>	<p>Meeting (Microsoft Teams with FCC's Flood Advisors, the Applicant, and the Applicant's Flood Risk Advisors)</p>	<p>The proposed surface water drainage strategy was presented and the associated hydraulic modelling explained. Firewater runoff and diversion of the Oakenholt Brook culvert were also discussed. The drainage strategy principles were agreed in principle, and it was confirmed that the pollution hazard level classification for the Proposed Development would be 'high'.</p>

**Geology and Ground Conditions**

<b>Date</b>	<b>Form of Correspondence</b>	<b>Key topics discussed and key outcomes</b>
15/02/2024	Letter sent via email (to FCC)	Letter from the Applicant to request ground conditions data.
16/04/2024	Email (to Pollution Control at FCC)	An email from the Applicant requesting various baseline information such as information on: landfills – up to 250 m from the Order limits and ground investigation reports (including any reports of information on remediation / validation (if available)) – up to 50 m from the Order limits.
13/01/2025	Meeting (Microsoft Teams with FCC's Minerals and Waste Team and the Applicant's geology and ground conditions advisors)	Meeting to provide an update on the Preliminary Ground Investigation and groundwater monitoring.
13/03/2026	<u>Email from FCC Planning Officer to Applicant</u>	<u>Confirmation that FCC do not hold a copy of historic landfill permit documentation.</u>

### **Landscape and Visual**

14/06/2024	Email (to Planning Officers)	Engagement with FCC on the proposed viewpoint locations for the landscape and visual assessment. FCC confirmed that they agreed that the proposed viewpoint locations will provide a good representative sample for potential viewpoints. FCC requested that the Flintshire Leisure Tour route is also taken into consideration for potential viewpoints.
28/02/2026	Meeting (Microsoft Teams with FCC's Planning Officer, FCC's LVIA Consultants and the Applicant)	Meeting to discuss FCC's comments on the landscape and visual impact assessment as part of the LIR.

### **Terrestrial Heritage**

29/01/2025	Email (to Conservation Officer for FCC)	An email was sent by the Applicant to the Conservation Officer for FCC requesting feedback on the assessment undertaken to date, as set out within the Desk Based Assessment (DBA.)
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Date	Form of Correspondence	Key topics discussed and key outcomes
<b>Cumulative and Combined Effects</b>		
31/01/2025	Meeting (Microsoft Teams with Planning Officers at FCC, the Applicant, and the Applicant's EIA Advisors)	Meeting to provide an update on the Cumulative Effect Assessment, the methodology used, and to seek agreement on the Short List of developments to be assessed as part of the Cumulative Effect Assessment.
22/04/2025	Email (to Senior Planning Officer at FCC)	An email was sent with the long and short lists of other developments produced for the Cumulative Impacts Assessment, updated at the end of March 2025 for FCC's review and approval. No response has yet been received.
<b>Section 106 Agreement</b>		
25/11/2025	Email from the Applicant's solicitors to FCC's legal team	Initiating engagement on a potential section 106 agreement.
03/12/2025	Email from the Applicant's solicitors to FCC's legal team	Follow-up email regarding a potential section 106 agreement.
17/12/2025	Email from the Applicant's solicitors to FCC's legal team	Follow-up email regarding a potential section 106 agreement.
17/12/2025	Email from FCC's legal team to the Applicant's solicitors	Confirming no instructions from FCC yet to progress a section 106 agreement.
20/02/2026	Email from the Applicant's solicitors to FCC's legal team	The draft section 106 agreement that will secure the payment of the SAC Management Contribution in connection with the Connah's Quay Low Carbon Power project DCO application was sent to FCC for review.
<u>11/03/2026</u>	<u>Email from the Applicant's solicitors to FCC's legal team</u>	<u>Requesting comments on the Draft Deed of Development Consent Obligations.</u>
<u>30/03/2026</u>	<u>Email from FCC's legal team to the Applicant's solicitors</u>	<u>Providing comments on the Draft Deed of Development Consent Obligations.</u>
<u>30/03/2026</u>	<u>Email from the Applicant's solicitors to FCC's legal team</u>	<u>Responding with a revised Draft Deed of Development Consent Obligations as per FCCs requested changes.</u>

Date	Form of Correspondence	Key topics discussed and key outcomes
13/04/2026	Email from the Applicant's solicitors to FCC's legal team	<u>Requesting any further comments on the Draft Deed of Development Consent Obligations to understand if it will be possible to submit a final draft at Deadline 5.</u>
<b>Consultation</b>		
16/02/2024	Meeting (Microsoft Teams with Planning Officers at FCC and the Applicant)	To provide an overview of the Connahs Quay Low carbon Power project, with community benefits and working framework with FCC discussed.
13/06/2024	Email and letter from the Applicant to FCC	To consult on the draft Statement of Community Consultation.
18/06/2024	Email from FCC to the Applicant	To confirm FCC had no comments on the draft Statement of Community Consultation.
01/10/2024	Email from the applicant to FCC	Request to provide an update on the CQLCP project to FCC.
17/10/2024	Meeting (Microsoft Teams with Planning Officers at FCC and the Applicant)	Meeting to provide FCC with an project update, including overview of statutory consultation process.
26/03/2025	Meeting (Microsoft Teams with Planning Officers at FCC, the Applicant, and the Applicant's EIA Advisors)	Meeting to discuss the approach to targeted consultation to introduce changes to emission stack heights following Statutory Consultation.
01/08/2025	Email from FCC Planning Officer to the Applicant	Email to provide feedback on this SoCG.
12/09/2025	Email from the Applicant to the FCC Engagement Officer	To initiate engagement with the Traveler's Site on Kelsterton Road
12/09/2025	Email from the FCC Engagement Officer to the Applicant	To inform the Applicant that the Travellers Site had been notified of the Applicant's intended visit scheduled for 18/09/2025.
28/11/ 2025	Relevant Representation	FCC Relevant Representation was published on the Planning Inspectorate's Connah's Quay Low Carbon Power website.

<b>Date</b>	<b>Form of Correspondence</b>	<b>Key topics discussed and key outcomes</b>
11/12/2025	Meeting (Microsoft Teams with Planning Officers at FCC, the Applicant, and the Applicant's Consultation Agency)	Meeting to discuss the approach to targeted consultation as part of the proposed Change Notification.
23/12/2026	Email from the Applicant to the FCC Engagement Officer	Email to provide the latest draft of this SoCG for FCC comment.
22/01/2026	Meeting (Microsoft Teams with Planning Officer at FCC and the Applicant)	Meeting to discuss timeframes for the Local Impact Report and SoCG.
27/01/2026	Email from FCC Planning Officer to the Applicant	Email to provide feedback on this SoCG.
03/03/2026	<u>Email from the Applicant to the FCC Planning Officer</u>	<u>Email to provide the latest draft of this SoCG for FCC comment.</u>
16/04/2026	Email from FCC and teams discussion with the FCC Planning Officer	Issues outstanding in the SoCG.
<b>Change</b>		
23/12/2025	Email	SoCG will be submitted after the Change Notification is submitted.
<b>General</b>		
10/02/2026	FCC emailed the Local Impact Report (LIR) to the Applicant	The LIR was published on the Planning Inspectorate Project website.

### 3. Areas of Discussion between the Parties

3.1.1 **Table 2** below details the areas of discussion and the current status of discussions between the parties, outlining whether matters are agreed, under discussion or not agreed.

**Table 2: Areas of Discussion with FCC**

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
<b>1.0 General Planning Matters and Consultation/Engagement</b>						
1.1	Consultation and Engagement Process	<b>Consultation Report [APP-028]</b> <b>Planning Statement [APP-262]</b>	The pre-application consultation and engagement undertaken by the applicant has been proactive and professional and accords with the Statement of Community Consultation (SoCC). This includes having had regard to the informal traveller site (which is identified as a nearby noise sensitive receptor) and carrying out appropriate engagement with them during pre-application to seek to avoid any discrimination or unfair prejudice.	As outlined in FCC's Adequacy of Consultation Representation [AoC-002], the County Council considers that, with the information available, the Applicant has complied with the statutory provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).	Agreed	Resolved
<b>2.0 Legislation and Planning Policy</b>						
2.1	Legislation and Planning Policy	<b>Planning Statement [APP-262]</b> <b>ES Volume II Chapter 7: Planning Policy and Need [APP-045]</b> <b>ES Volume IV Appendix 7-A: Legislative, Policy and Guidance Framework for Technical Topics [APP-179]</b>	The relevant legislation and planning policies have been accurately reported, however topic specific policy is referred to in the subsequent sections.	This matter is agreed between the parties.	Agreed	Resolved
<b>3.0 Draft Development Consent Order</b>						
3.1	Part 2 – Applications made under requirements	<b>Draft DCO [REP3-003]</b>	The 35-day timescale for discharge is precedent 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)). From a practical perspective, the Applicant would intend to work closely and proactively 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. 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 <b>Planning Statement [APP-262]</b> , there is an urgent need for	Applications made under requirements has given only 35 days for the determination of applications. This is 5 weeks in comparison to the 8 weeks for discharge of Hynet and for other planning conditions. This period is too short and not in accordance with standard timescales for determining applications. It is recommended that this be amended to 56 days (8 Weeks) to remain in line with the HyNet DCO and gives comfort to Flintshire County Council to consider the requirement.	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			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.			
3.2	Part 2 – Applications made under requirements	<b>Draft DCO [REP3-003]</b>	<p>The wording provided for in the <b>Draft DCO (EN010166/APP/3.1)</b> is longer than the precedent of the Hynet Order because the <b>Draft DCO (EN010166/APP/3.1)</b> 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>	Part 2 of Schedule 2 'Further Information' (24) sets out the timescales with regards to consultation on requirements which is to be undertaken by the approving authority. This allows a timeframe for any consultation responses to be returned to the undertaker. It allows 10 days to issue consultation from the date of receipt, then 10 days for comments to be turned around. This is considered to be too restrictive. There is little point of the 5 week total time (8 week requested) when this is the case in most discharges of requirements. Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.	Under discussion	Medium
3.3	Part 3 – Streets	<b>Draft DCO [REP3-003]</b>	The power provided for in the <b>Draft DCO [REP3-003]</b> is equivalent to that in the HyNet Order and, therefore, the equivalent approval power is provided for the local Authority to consent to the relevant access works. This wording is, therefore, considered already suitable by the Applicant and no change is proposed to the drafting of this Article.	Article 17 provides access to works and gives the Applicant powers to layout temporary and permanent means of access within the Order Limits. We notice that in the HyNet DCO the Applicant had to first obtain the consent of the Authority which allowed the Authority to vet/consider the detailed design of these works. If not covered elsewhere we believe this should also be repeated in this DCO.	Under discussion	Medium
3.4	Part 6 – Miscellaneous and general	<b>Draft DCO [REP3-003]</b>	Whilst there is precedent for protective provisions being included for the benefit of the local highway authorities within the HyNet Order, such protections were secured in the context of a different project with different highways impacts and, importantly, a different form of control on traffic management within the requirements. Whilst the HyNet Order secured an Outline CTMP in the same way as the <b>Draft DCO (EN010166/APP/3.1)</b> secures the <b>Framework CTMP [REP1-025]</b> within Requirement 5 of the <b>Draft DCO (EN010166/APP/3.1)</b> , the content of these outline plans differs. The Applicant considers that the gaps within the HyNet CO2 Pipeline Project Outline	Article 44 provides that Schedule 13 (protective provisions) has effect. From the Highways Development Control perspective, Flintshire County Council believe that the draft DCO needs to include the protective provisions for the Local Highway Authority which were again covered in the Hynet DCO. The protective provision gave comfort in terms of highway condition and assets surveys, HGV route remediation and allowed for an appropriately qualified officer of the	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>CTMP, which were filled by the highways protective provisions in the HyNet Order, are already covered by the Applicant's <b>Framework CTMP [REP1-025]</b>.</p> <p>For example, paragraph 4.2.17 of the <b>Framework CTMP [REP1-025]</b> 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 <b>Framework CTMP [REP1-025]</b> provides for detail regarding HGV forecasts and recommended routes. The design of certain highway works, such as the access to site, is provided indicatively within the <b>Framework CTMP [REP1-025]</b>.</p> <p>In addition, unlike the HyNet Order, all highway works required for the project are within the same highway authority boundary and so all final CTMP(s) will be approved by the same planning authority in consultation with the same highway authority pursuant to Requirement 5 of the <b>Draft DCO (EN010166/APP/3.1)</b>.</p> <p>The Applicant considers that if additional controls are required by the highway authority, these should be secured within the CTMP, 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 the <b>Framework CTMP (EN010166/APP/6.6)</b> accordingly.</p>	Authority to participate in the design of the works covered by the DCO.		
3.5	Disapplication of legislation	<b>Draft DCO [APP-019]</b>	The disapplication of provisions specified within Article 9 (disapplication, application and modification of legislative provisions and modifications to section 36 consent) is necessary for the delivery of the Proposed Development and proportionate in light of the mitigation secured under the <b>Draft DCO [APP-019]</b> .	<u>FCC has raised no comments regarding the disapplication provisions.</u>	Agreed	Resolved
<b>4.0 Air Quality</b>						
4.1	Scope of the assessment	<b>ES Volume II Chapter 8: Air Quality [APP-046]</b>	The scope of the air quality assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
4.2	Study area and baseline	<b>ES Volume II Chapter 8: Air Quality [APP-046]</b>	The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development. The study area was agreed with the Planning Inspectorate through EIA Scoping Process.	This matter is agreed between the parties.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
4.3	Assessment methodology	<b>ES Volume II Chapter 8: Air Quality [APP-046]</b>	The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies area is robust and acceptable. The overarching approach to the assessment is set out in <b>Chapter 2: Assessment Methodology [APP-040]</b> .	This matter is agreed between the parties.	Agreed	Resolved
4.4	Framework Construction Environmental Management Plan (CEMP)	<b>Draft DCO (EN010166/APP/3.1)</b>	<b>Appendix 8-B: Air Quality Construction Dust Risk Assessment [APP-181]</b> contains dust control measures which have been incorporated into the <b>Framework CEMP (EN01066/APP/6.5)</b> . A requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.	Agreed	Resolved

#### 5.0 Noise and Vibration

5.1	Scope of the assessment	<b>ES Volume II Chapter 9: Noise and Vibration [APP-047]</b>	Deadline 1: The scope of the noise and vibration assessment is appropriate and comprehensive, and the adopted methodologies area robust and acceptable. The Overarching approach to the assessment is set out in <b>Chapter 2: Assessment Methodology [APP-040]</b> .	As outlined in the Local Impact Report [REP2-021], the Council considers that the assessment reported is appropriate and has applied methods in line with current guidance and best practice.	Agreed	Resolved
5.2	Study area and baseline	<b>ES Volume II Chapter 9: Noise and Vibration [APP-047]</b>	Deadline 1: The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development. The study area was agreed with the Planning Inspectorate through the EIA Scoping Process.	As outlined in the Local Impact Report [REP2-021], the Council considers that the measurement locations (shown in Figure 9-1 [APP-120]) are appropriately distributed in relation to noise sensitive receptors and the proposed development site to provide a sufficient representation of the sound environment.	Agreed	Resolved
5.3	Assessment outcomes	<b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b>	Deadline 1: The noise and vibration assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 9 Noise and Vibration (EN010166/APP/6.2.9)</b> .  Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b> .	The Council welcomes the Applicant's provision (in Appendix A of their response to the LIR [REP3-058]) of the statistical analysis information to support the determination of the background sound levels (L <sub>A90,T</sub> ) – the Council agrees with the selected values.  Appendix B of the Applicant's response to the LIR provides their justification for using a significance criterion of a rating level of 8dB above the background sound level, which is clear and detailed. While	Under discussion	Low

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			Deadline 5: The Applicant will provide a response to FCC on this matter prior to Deadline 6 to enable an updated position to be reached.	this provides a lot of useful contextual information, the Council does not agree that this is an appropriate criterion in a location where high noise levels already exist. The baseline survey notes that noise sources at night included the existing power station; the plant noise criterion is set 8dB higher than the current background that includes the existing power station.		
5.4	Securing mitigation	<b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b> <b>Framework CEMP (EN01066/APP/6.5)</b>	Deadline 1: All relevant mitigation measures in <b>Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b> are adequately secured through the <b>Framework CEMP (EN01066/APP/6.5)</b> . A requirement in the <b>Draft DCO [APP-019]</b> secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.	Agreed	Resolved
5.5	Securing mitigation	<b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b> <b>Framework CEMP (EN01066/APP/6.5)</b>	With regards to Section 61 consent, where on-site works are to be conducted outside the core hours, they would comply with any restrictions agreed with the FCC following further assessment of specific planning activities.  Otherwise, in line with FCC guidance, core construction working hours would be 08:00 to 18:00 Monday to Friday (except Bank Holidays) and 08:00 to 13:00 on Saturdays.	This matter is agreed between the parties.	Agreed	Resolved
5.6	Residual effects after mitigation	<b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b>	Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.  Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b> .  Deadline 5: The Applicant will provide a response to FCC on this matter prior to Deadline 6 to enable an updated position to be reached.	The Council notes the mitigation measures described to control operational noise impacts. Table 9-22 of ES Volume II Chapter 9: Noise and Vibration [APP-047] identifies potential attenuation requirements for various plant items, however, it is not clear that the amount of mitigation stated would be practicable.  The Applicant notes the NRW permitting requirement to demonstrate BAT if criteria cannot be met. Successfully demonstrating BAT to the satisfaction of NRW does not necessarily mean that the impacts at residential receptors would be	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
				adequately mitigated and to the Council's satisfaction.		
<b>6.0 Traffic and Transport</b>						
6.1	Scope of the assessment	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	The scope of the traffic and transport assessment is appropriate and comprehensive, as agreed with FCC during a meeting in January 2025, as detailed in <b>Table 1</b> .	This matter is agreed between the parties.	Agreed	Resolved
6.2	Study area and baseline	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development.	This matter is agreed between the parties.	Agreed	Resolved
6.3	Assessment methodology	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	The assessment methodology was agreed with FCC during a meeting in January 2025, as detailed in <b>Table 1</b> .	This matter is agreed between the parties, other than below or will be discussed.	Agreed	Resolved
6.4	Assessment methodology	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	<p>Deadline 1: The assessment methodology was agreed with FCC during a meeting in January 2025, as detailed in <b>Table 1</b>.</p> <p>Deadline 5: The Applicant's Response on the consideration of the requirement for junction capacity modelling is detailed in 11.12 <b>Applicant's Response to LIR [REP3-058]</b>.</p>	FCC considers that further clarification is required on several methodological choices, particularly the absence of junction capacity modelling on Kelsterton Road, given the scale of forecast construction traffic increases. While FCC accepts that the Applicant has followed industry standard sources and IEMA guidance, a more explicit justification of why professional judgement alone is sufficient in this context would strengthen transparency and confidence in the assessment.	Under discussion	Medium
6.5	Assessment outcomes	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	<p>Deadline 1: The traffic and transport assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 10 Traffic and Transport [APP-048]</b>.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant's response on the adequacy of the assessment of effects on Kelsterton Road is set out in <b>11.14 of the Applicant's Response to LIR [REP3-058]</b>.</p>	The Council recognises that the Traffic and Transport assessment [APP-048] has been prepared in accordance with relevant guidance and presents a structured consideration of effects. However, FCC considers that conclusions would benefit from additional explanation to provide greater confidence, particularly in relation to the scale of forecast construction traffic on Kelsterton Road. In the absence of junction capacity or driver delay modelling, FCC is not yet persuaded that the effects can be fully characterised as minor adverse. On this basis, FCC considers that this matter remains under discussion.	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
6.6	Securing mitigation	<b>Draft DCO(EN010166/APP/3.1)</b>	Deadline 1: All relevant mitigation measures in <b>Chapter 10: Traffic and Transport [APP-048]</b> are adequately secured through the <b>Framework CEMP (EN01066/APP/6.5)</b> . The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development. A requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.	Agreed	Resolved
6.7	Securing mitigation	<b>Draft DCO (EN010166/APP/3.1)</b>	A requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that detailed CTMP(s) must be prepared, approved and implemented prior to construction of the authorised development. The CTMP(s) must include a construction worker travel plan in accordance with the framework construction worker travel plan.  It should be noted that no works are currently proposed to any footpaths which the Proposed Development does not directly impact.	The Council agrees with the Applicant that Requirement 5 of the Draft DCO [REP3-006] secures that detailed CTMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning and highway authority.	Agreed	Resolved
6.8	Residual effects after mitigation	<b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>	Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.  Deadline 5: The Applicant's response on the level of detailed included within the <b>Framework CTMP (EN01066/APP/6.5)</b> and <b>Framework CWTP [APP-248]</b> is set out in 11.9 and 11.10 of the <b>Applicant's Response to LIR [REP3-058]</b> .	The Council acknowledges the mitigation measures embedded within the Framework CTMP [REP1-025] and Framework CWTP [APP-248] and recognises the intent to manage construction traffic impacts. However, FCC considers that further clarity would be beneficial in demonstrating how these measures effectively reduce the magnitude of impacts during peak construction periods, particularly along Kelsterton Road. As such, FCC is not currently in a position to fully agree that the residual effects after mitigation are adequately evidenced, and this matter remains under discussion.	Under discussion	High
6.9	AIL Routing	<b>Framework CTMP (EN01066/APP/6.5)</b>	Deadline 1: The proposed routes for AILs from the identified ports are appropriate and suitable.  Deadline 5: The <b>Framework CTMP (EN01066/APP/6.5)</b> in paragraphs 3.4.6 to 3.4.15 provides further information on this matter. It also notes the route constraints that will be considered	FCC acknowledges the Applicant's explanation that a range of AIL routes may be required to differing load characteristics and route constraints and accepts that the proposed final route section will be informed by post-consent detailed design and risk assessment	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>during the detailed design process, the appointed Principal Contractor(s) and Specialist AIL transport contractor will establish the confirmed component size, weight and associated permitting required for the selected AIL delivery route. In addition section 4.2 of the <b>Framework CTMP (EN01066/APP/6.5)</b> provides further information on measures to manage the impacts on residents.</p> <p>As part of the detailed CTMP, the 'DfT Regulations – Form of Notice to Police and to Highway and Bridge Authorities' will be completed, where required, to notify the relevant authorities in advance of any AIL movements. These discussions are ongoing.</p>	<p>secured through the DCO, as also explained in the LIR. FCC considers this to be reasonable; however, additional clarity on the approach to route selection and the management of localised impacts would assist in providing stakeholder assurance. This matter, therefore, remains under discussion.</p>		
6.10	AIL Routing	<b>Access, Streets, Rights of Way, and Rights of Navigation Plan [APP-013]</b>	<p>Deadline 1: The proposed approach to the management of the Accommodation work is appropriate.</p> <p>Deadline 5: The <b>Framework CTMP (EN01066/APP/6.5)</b> in paragraphs 3.4.6 to 3.4.15 provides further information on this matter. It also notes the route constraints that will be considered during the detailed design process, the appointed Principal Contractor(s) and Specialist AIL transport contractor will establish the confirmed component size, weight and associated permitting required for the selected AIL delivery route. In addition section 4.2 of the <b>Framework CTMP (EN01066/APP/6.5)</b> provides further information on measures to manage the impacts on residents.</p> <p>It should also be noted that as part of the detailed CTMP, the 'DfT Regulations – Form of Notice to Police and to Highway and Bridge Authorities' will be completed, where required, to notify the relevant authorities in advance of any AIL movements. These discussions are ongoing.</p>	<p>FCC considers that the proposed approach to managing accommodation works associated with AIL movements is broadly acceptable. However, FCC considers that further detail would be helpful in demonstrating how potential impacts on the local highway network, rights of way and nearby receptors will be managed in practice. Accordingly, FCC is not yet in a position to fully agree this matter, which remains under discussion.</p>	Under discussion	High
6.11	AIL access	<p><b>Framework Construction Traffic Management Plan (CTMP) (EN01066/APP/6.5)</b></p> <p><b>Indicative Access Design [APP-276]</b></p>	<p>Deadline 1: The proposed access for AILs to the Main Development Area from the A548 is appropriate.</p> <p>Deadline 5: The <b>Framework CTMP [REP4-046]</b> does include further information in relation to the controls related to the design of the Proposed AIL Access from the A548. FCC would be consulted</p>	<p>FCC acknowledges that the proposed AIL access from the A548 represents an appropriate strategic access option to the Main Development Area. FCC is supportive of this approach; however, FCC considers that further assurance on detailed access design, construction traffic controls and the coordinated management</p>	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			throughout the design process as the relevant highway authority. The detailed design of this access is secured by Requirement 3 (detailed design) of the <b>Draft DCO (EN010166/APP/3.1)</b>	of AIL movements through the Framework Construction Traffic Management Plan (CTMP) [APP-247]. This matter, therefore, remains under discussion.		
6.12	Compliance with local policy	<b>Planning Statement [APP-262]</b>	<p>Deadline 3: Policy PC2 is considered within the <b>Planning Statement [APP-262]</b> at Table 2.6 (p206-7), Appendix 2.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	FCC notes that the Applicant has confirmed that Policy PC2 has been considered within the Planning Statement [APP-262] and that the development is claimed to be compliant. FCC accepts that the Planning Statement [APP-262] includes a policy-by-policy review; however, FCC would welcome further clarification on how specific transport, amenity and safety requirements of PC2 have been addressed in practical terms. For instance, an explanation or demonstration of how construction-phase traffic, severance effects and pedestrian amenity concerns on Kelsterton Road have been assessed against PC2 criteria would strengthen the policy compliance narrative.	Under discussion	Medium
6.13	Impacts on Kelsterton Road	<p><b>Framework CTMP (EN010166/APP/6.6)</b></p> <p><b>Construction Worker Travel Plan (CWTP) [APP-248]</b></p>	<p>Deadline 3: <b>The Framework CTMP (EN010166/APP/6.6)</b> and <b>Framework Construction Worker Travel Plan (CWTP) [APP-248]</b> are intentionally presented as frameworks, with the detailed plans required to be in general accordance with those frameworks. The principal contractor(s)'s operational requirements and logistics strategies will inform the detailed plans. The Applicant recognises the importance of providing confidence that the proposed measures, such as carsharing targets, worker shuttle strategies, and HGV routing restrictions, will be implemented and monitored effectively. When preparing the detailed construction worker travel plan, the appointed principal contractor(s) will review the targets (see Section 8 of the <b>Framework CWTP (EN01066/APP/6.5)</b>) to consider if further targets can be added in the plan at that stage. Additionally, as set out within Section 9 of the <b>Framework CWTP (EN01066/APP/6.5)</b>, a CWTP Co-ordinator will be appointed, with a specific responsibility to monitor delivery of the CWTP and refine measures and targets, where necessary. The final measures and targets would be included in the detailed construction worker travel plan which would</p>	<p>FCC acknowledges the Applicant's reliance on the Framework CTMP [REP1-025] and CWTP [APP-248] to manage construction phase impacts. While the embedded measures set out indicate a structured approach, FCC maintains that the justification for classifying the significant uplift on Kelsterton Road as "minor adverse" would benefit from additional transparency. In particular, FCC would welcome explanation of:</p> <ul style="list-style-type: none"> <li>• how embedded mitigation reduces 'high' magnitude impacts to 'medium';</li> <li>• where monitoring and enforcement mechanisms will be specified at the detailed stage; and</li> <li>• how these commitments will be secured to ensure road safety and amenity are effectively protected.</li> </ul> <p>FCC remains supportive of the Applicant's intention to refine these documents</p>	Under discussion	Medium

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			<p>be submitted to FCC for approval pursuant to Requirement 5 in Schedule 2 to the <b>Draft DCO (EN010166/APP/3.1)</b>. When preparing the final CTMP(s), the appointed principal contractor(s) will provide further details of proposed monitoring of HGV related restrictions in the final CTMP(s). Regarding FCC's request for a quantified assessment of potential modal shift, the Applicant considers that such assessment would not be proportionate at this stage. It is considered that the assessment of the peak construction phase, as presented in <b>Chapter 10: Traffic and Transport [APP-048]</b>, has been based on a worst-case scenario and no likely significant effects on traffic and transport have been identified. Refinements to the assessment can be made once a principal contractor(s) is / are appointed, and more-specific and measurable targets are included, as appropriate.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	post-consent, subject to ongoing consultation.		
6.14	Sustainable transport options for construction workers	<b>Framework Construction Worker Travel Plan (CWTP) [APP-248]</b>	<p>Deadline 3: As noted in the <b>Framework CWTP [APP-248]</b>, while theoretical accessibility by walking and cycling is recognised, it is accepted that the practical constraints, such as personal protective equipment requirements and the nature of construction shift patterns, are likely to limit the extent of which these modes could be utilised. The Applicant agrees that public transport options for travel represent more realistic alternatives for construction workers. The <b>Framework CWTP [APP-248]</b> proposes the use of coordinated worker travel strategies, including shuttle and / or minibus services which would link local bus stops and railway stations to the Main Development Area, with the intention to specifically facilitate integration with the wider transportation network and support more sustainable modes of travel.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	FCC acknowledges the Applicant's reference to the Framework CWTP [APP-248] and the proposed use of coordinated pickup points. FCC agrees in principle that this could help reduce reliance on single occupancy vehicles. However, FCC considers that the Applicant could provide information on how these measures will be secured, funded, and monitored, and how workers' shift patterns and PPE requirements may limit uptake of walking and cycling. This would help demonstrate alignment with local and national active travel objectives.	Under discussion	Medium
6.15	Public Rights of Way	Community and Local Benefits Statement ( <b>EN010166/APP/9.24</b> ).	Deadline 5: Refer to the Applicant's response to Action Point 2 within the <b>Applicant's Written Summary of Oral Submissions at OFH1 and</b>	FCC consider that a newly-created footpath could continue to run parallel to	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p><b>response to Action Points [REP4-083]</b> in which the limits on the ability of the Applicant to deliver the requested works to Footpath 28 are fully explained. However, as noted within that response, the Applicant is very aware that local amenity and access by foot is important and, therefore, intends to include public rights of way initiatives as part of its community benefits package proposed as detailed in the <b>Community and Local Benefits Statement (EN010166/APP/9.24)</b>.</p>	<p>the adjacent railway line, as Public Footpath currently does.</p>		
6.16	Cumulative impacts on Kelsterton Road	<b>Framework Construction Worker Travel Plan (CWTP) [APP-248]</b>	<p>Deadline 3: Kelsterton Road currently serves as the primary access to the existing Connah's Quay Power Station and is the most appropriate and practical route for both construction and operational phases of the Proposed Development. Consequently, some degree of concentration of worker traffic on this route is unavoidable given the local network layout and the Proposed Development's access constraints. Notwithstanding the above, the Applicant has assessed the impacts on Kelsterton Road using the IEMA Guidelines and has determined effects to be 'minor adverse' for severance, pedestrian amenity and fear and intimidation, and 'negligible' for highway safety, hazardous / large loads and driver delay, as reported in <b>Chapter 10: Traffic and Transport [APP-048]</b>. This classification reflects both professional judgement and the embedded mitigation measures incorporated within the <b>Framework CWTP [APP-248]</b>, which includes measures to manage construction traffic, route vehicles appropriately, and avoid sensitive peak periods such as school start and finish times. <b>Appendix 10-A: Transport Assessment [APP-188]</b> and <b>Chapter 10: Traffic and Transport [APP-048]</b> already consider cumulative effects through the inclusion of all committed developments within a 15 km radius of the Main Development Area (see paragraph 10.4.19 of <b>Chapter 10: Traffic and Transport [APP-048]</b>), with developments scoped in or out based on available information, relevance to the study network, and forecast years for traffic generation. The full list of developments considered is presented in <b>Appendix 24-A Long List of Proposed Schemes [APP-244]</b> which was developed in consultation with stakeholders, including FCC. The Applicant considers that cumulative effects have been assessed in a</p>	<p>FCC notes the Applicant's confirmation that Kelsterton Road is the only feasible access route. FCC accepts this physical constraint but maintains that the assessment would benefit from further explanation of how cumulative vehicle flows, safety considerations, and peak construction conditions have been fully reflected. FCC also encourages the Applicant to clarify the trigger points under which additional traffic management measures might be implemented at detailed design stage.</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>proportionate and robust manner. The Applicant does not consider further detailed cumulative junction modelling to be necessary or justified given the temporary / reversible nature of construction impacts, the scale of predicted worker movements, and the embedded mitigation measures already proposed.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>			
6.17	Operational construction traffic	<b>Chapter 10: Traffic and Transport [APP-048]</b>	<p>Deadline 3: The assessment of Kelsterton Road during the operational phase is set out within Section 10.6 of <b>Chapter 10: Traffic and Transport [APP-048]</b>. Following IEMA assessment methodology for traffic, the Classification of Effect on Kelsterton Road was determined to be Negligible (not significant) in relation to all assessed traffic and transport receptors. Specifically considering the increase in daily vehicles, there was noted to be a 29% increase in daily two-way vehicles on Kelsterton Road during operation, which results in a 'Very Low' magnitude of impact, when applying IEMA methodology. Coupled with the designation of Kelsterton Road as being of 'Low' sensitivity, this results in a Negligible (not significant) effect. This was also deemed to be the case for Highway Safety, whereby the forecast daily increases on Kelsterton Road during operation were not considered likely to result in a material impact, given the low number of incidents recorded on Kelsterton Road over the most recent five year period, as detailed within Section 10.4 of <b>Chapter 10: Traffic and Transport [APP-048]</b>.</p> <p>Deadline 5: The Applicant is unclear on the request and will continue to discuss this matter with FCC.</p>	<p>FCC notes the Applicant's conclusions regarding negligible operational impacts and accepts that the operational uplift is materially lower than peak construction scenarios. However, FCC encourages the Applicant to provide further commentary on how operational traffic has been distinguished from construction traffic in the assessment, particularly in relation to Kelsterton Road's long-term functioning and safety context.</p>	Under discussion	Medium
6.18	Proposed AIL delivery routes	<b>Chapter 10: Traffic and Transport [APP-048]</b> <b>Draft DCO (EN010166/APP/3.1)</b>	<p>Deadline 3: The Applicant needs to retain the potential use of all three delivery points during the construction of the Proposed Development. Each of the different routes has been identified to have different constraints and, therefore, a combination of the delivery points will be used. For example, heavier loads could be delivered to the Main Development Area via the Port of Mostyn without weight restrictions imposed by crossing Flintshire Bridge. The other options could be used to deliver</p>	<p>FCC notes the Applicant's explanation that all three candidate AIL routes need to remain available owing to differing constraints and load types, and that final selection will depend on post-consent detailed design and risk assessment, secured under Requirement 19 of the Draft DCO [REP3-003]. FCC accepts the rationale presented, but would welcome added narrative around the</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>larger, lighter, items with limited or no interventions required. In selecting these routes and setting the Order limits for the Proposed Development, the Applicant considered the various types of AILs that would be required for construction and the best route for these to be transported to the Construction and Operation Area. There is not one individual route which works for all types of AILs required. As the final loads would be confirmed through the detailed design process, there will be no further assessments carried out at this stage to discount any of the routes shown, however Requirement 19 of the <b>Draft DCO (EN010166/APP/3.1)</b> requires the following: "The transport of abnormal indivisible loads in connection with the construction of the authorised development must not commence until a detailed abnormal indivisible load risk assessment and method statement have been submitted to and approved by the relevant planning authority." As the detailed abnormal indivisible load risk assessment will be undertaken following the detailed design, the Order limits need to remain available for all three routes. The Applicant has prepared AIL Route Feasibility Cautions Assessment which was included as Appendix A of the <b>Framework CTMP (EN010166/APP/6.6)</b> which is retained in the Deadline 2 revision <b>[REP2-025]</b>, based on all the known information, including reasonable assumptions. As detailed in both revisions, AILs which are transported on the highway are subject to an advance consultation and consent process with the Strategic Network Managers, Trunk Road Authority, Highway Authority and emergency services. Local stakeholder engagement and notification can also be carried out. The AILs will be contained as far as possible to water transport, rail or the strategic road network. The forecast number of AILs over the construction period has been set out. The Applicant has carefully considered the powers required for delivery of the Proposed Development as a whole. The DCO regime is intended to be a 'one stop shop' for all consents required to deliver nationally significant infrastructure, such as the Proposed Development. As is precedent for projects of the same nature as the Proposed Development, seeking temporary powers to work in the street to facilitate the transport</p>	<p>decision-making process that will ultimately be used to determine route allocation, including:</p> <ul style="list-style-type: none"> <li>- how the Applicant intends to demonstrate that route selection will minimise disruption to the local network; and</li> <li>- the extent to which localised impacts along each route (including settlement areas and known pinch-points) will be re-examined at the detailed design stage.</li> </ul> <p>This additional narrative would improve transparency for stakeholders and reinforce confidence in the proportionality of the retained Order Limits</p>		

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>of AILs is necessary to ensure there is no future impediment to delivery. For further details on why the relevant DCO powers sought are justified, please refer to the Applicant's response to Q24.2 and Q24.9 below.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>			
6.19	Alternative access routes	<p><b>Appendix 10-A Transport Assessment [REP1-016]</b></p> <p><b>Applicant's Response to ExQ1 [REP3-059]</b></p>	<p>Deadline 3: The existing Connah's Quay Power Station is currently able to use this alternative site access off B1529 Kelsterton Road in Connah's Quay town. It is these rights that the Proposed Development seeks to replicate. This route includes a crossing over the North Wales Main Line railway and under the A548 Chester Road which then connects to the existing Connah's Quay Power Station internal road network. This could then, in turn, provide access towards (or egress from) the Main Development Area. Whilst this access is not routinely used by the existing Connah's Quay Power Station, it has not been used recently, and is not envisaged to be used frequently by the Proposed Development, availability of the alternative access improves resilience of the Main Development Area. In the past, this route has been used where access to the former A station site (the construction and indicative enhancement area, C&amp;IEA) has been restricted by NGET, with the Main Development Area accessed through this gate. This eventuality is neither routine nor recent. This alternative access has not been assigned any construction traffic as part of the <b>Traffic Assessment (Appendix 10-A: Transport Assessment (EN010166/APP/6.4))</b> and, therefore, the potential impact of light vehicles routing to the Main Development Area via this access has not been considered in the Application. Accordingly, the use of the alternative access route by the Applicant for the purposes of the Proposed Development would be in case of emergency only. This access is the main route used by NGET to access their 400kV substation facilities. Whilst not defined explicitly or exhaustively, emergencies where the use of this alternative access may be required could include:</p> <ul style="list-style-type: none"> <li>• Main Development Area evacuation;</li> </ul>	<p>FCC notes the Applicant's confirmation in REP3-059 that the alternative access via B1529 Kelsterton Road is intended solely for emergency use and has not been assigned construction traffic within the Transport Assessment. FCC welcomes this clarification and invites the Applicant to:</p> <ul style="list-style-type: none"> <li>• Indicate or include in the CTMP a concise Emergency Access Protocol explaining circumstances under which this route may be used;</li> <li>• Indicate in the application documentation or provide high-level information on expected vehicle types and the traffic management arrangements that would apply during such exceptional events; and</li> <li>• Indicate in the application documents or confirm that emergency use would be reported to the highway authority where deviations from standard routing occur.</li> </ul> <p>FCC believes that this would ensure procedural clarity without altering the assessment.</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<ul style="list-style-type: none"> <li>• C&amp;IEA evacuation;</li> <li>• Entry of emergency vehicles; and</li> <li>• Blockage of main site access. By their nature as emergencies, these circumstances are not common or considered likely in practice.</li> </ul> <p>Therefore, the risks associated with the frequency of use of the access are considered negligible.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>			
<b>7.0 Terrestrial and Aquatic Ecology</b>						
7.1	Scope of the assessment	<b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<p>Deadline 1: The scope of the terrestrial and aquatic ecology assessment is appropriate and comprehensive, as agreed with FCC at the EIA Scoping stage.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	FCC agrees that the scope of the terrestrial and aquatic ecology assessment is broadly appropriate as previously scoped. However, FCC does not agree that the Applicant's responses have resolved the Council's concerns, and FCC's position remains that the evidence base is not yet sufficiently complete and internally consistent to support the conclusions presented. This is explored in detail in the following matters raised.	Under discussion	High
7.2	Study area and baseline	<b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>  <b>ES Volume IV Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys and Study Area [APP-190]</b>	<p>Deadline 1: The baseline conditions have been collated using desk-based and field-based techniques. The scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p>	FCC does not agree that the baseline is sufficiently robust to support the conclusions presented. FCC have noted deviations from best practices which are not adequately explained or justified through scientific reasoning, including reference to precautionary principles, within the assessments. FCC remains concerned that limitations/constraints and associated uncertainty reduce confidence in the assessment of effects derived from the baseline evidence.	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>Deadline 5: The Applicant has outlined relevant limitations for each of the ecological surveys undertaken in support of the assessment. These are included and discussed in the context of the relevant report in <b>Appendix 11-C to 11-M (EN010166/APP/6.4)</b>. The majority of the limitations related to access for the Repurposed CO<sub>2</sub> Connection Corridor within which no works are proposed. The Applicant considers that the identified limitations do not affect the conclusions reached within <b>Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11)</b> or the <b>RIHRA (EN010166/APP/6.12)</b>.</p>			
7.3	Scope and methodology of terrestrial and aquatic ecology surveys	<b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<p>Deadline 1: The scope and methodology of the terrestrial and aquatic ecology surveys have been discussed and agreed upon with FCC as stated in FCC feedback received during Statutory Consultation. It should also be noted that this has also been discussed and agreed with Natural Resources Wales (NRW).</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant has provided a response to comments raised by FCC at Deadline 4 <b>[REP4-089]</b> within the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b>.</p>	<p>FCC acknowledges that the survey scope and methodology were previously agreed upon with NRW, excluding the newly added area resulting from the change notification. However, FCC remains concerned that baseline surveys have not been conducted in accordance with this agreed scoping exercise. Without clearly defined limitations and uncertainties, the assessment outcomes cannot be considered reliable at this stage.</p>	Under discussion	Medium
7.4	Assessment methodology	<p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>Survey Reports (ES Volume IV Appendix 11-C to 11-L)</b></p>	<p>Deadline 1: The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies area robust and acceptable.</p> <p>It should be noted that the terrestrial and aquatic ecology assessment is supported by Survey Reports as technical appendices which include detailed accounts of the baseline surveys undertaken and their results.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its</p>	<p>FCC does not agree that the adopted methodologies and supporting survey reports are sufficiently robust, as currently presented, to underpin the assessment conclusions. FCC's position is that survey limitations and inconsistencies across the documentation reduce confidence in the assessment, particularly regarding the suitability of the proposed mitigation and compensation measures.</p>	Under Discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: As detailed in REP3-058 in the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b>, to be submitted at Deadline 5, UKHabitat Classification was selected as the primary habitat classification as it provides a higher resolution and more detailed habitat classification when compared to Phase 1 Habitat Classification. UKHabs hierarchical classes and secondary codes distinguish habitat variants within primary hierarchy with secondary codes used to capture information such as current management and variations within the habitats. Phase 1 habitat classification does not allow for such detailed information to be captured and often groups habitat types under one broader habitat type and relies on target notes to capture non-standard habitat descriptions. Appendix D of the <b>Green Infrastructure Statement [REP4-052]</b> translates UKHabitat Classifications to Phase 1 Habitat Classifications.</p> <p>Further information can be found in the <b>Applicant's Response to Deadline 4 Submissions (EN10166/APP/9.27)</b>.</p>			
7.5	Assessment outcomes	<b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<p>Deadline 1: The terrestrial and aquatic ecology assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	FCC does not agree that the assessment has demonstrated effects are as concluded. FCC's position remains that, due to uncertainty in the baseline assessments, and the scale and duration of habitat loss, the conclusions of significance (including for protected and notable species) are not sufficiently evidenced.	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
7.6	Mitigation	<p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>Outline Landscape and Ecology Management Plan (LEMP)(EN010166/APP/6.9)</b></p> <p><b>Curlew Mitigation Strategy [APP-254]</b></p> <p><b>Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy (EN010166/APP/6.14)</b></p>	<p>Deadline 1: All relevant mitigation and monitoring measures are captured within the <b>Outline LEMP [APP-250], Framework CEMP (EN01066/APP/6.5), Curlew Mitigation Strategy [APP-254]</b> and <b>Off-site NBB and GI Strategy (EN010166/APP/6.14)</b> as applicable.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	FCC agrees in principle that mitigation, compensation and enhancement measures as well as ongoing monitoring should be secured through enforceable DCO requirements and approved plans. However, FCC does not agree that the current proposals demonstrate that impacts can be appropriately mitigated or compensated in practice, particularly where measures rely on future details particularly surrounding off-site delivery to address losses arising within the Order limits.	Under discussion	High
7.7	Securing mitigation	<b>Draft DCO (EN010166/APP/3.1)</b>	Deadline 1: A Requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that detailed CEMP(s) and LEMP(s) must be prepared, approved and implemented prior to construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-003] secures that detailed CEMP(s) and Requirement 10 of the Draft DCO [REP3-003] secures that detailed LEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.	Agreed	Resolved
7.8	Residual effects after mitigation	<b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant has responded to comments raised by FCC in relation to this topic in <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b>.</p>	FCC is unable to agree that the residual effects are sufficiently justified or that the mitigation hierarchy (stepwise approach has been properly adhered to), in part due to uncertainties in the baseline assessment as detailed above and lack of information provided on the decision making regarding the stepwise approach. FCC considers habitat loss described as 'temporary', which includes a nine-year period plus re-establishment time, is not a short-term impact, and notes that such loss may result in long-term/permanent ecological impacts that have not been fully addressed. Furthermore, the	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
				<p>proposed mitigation strategy, which largely constitutes compensation, lacks adequate detail to assess whether the residual effects have been satisfactorily resolved.</p> <p>FCC is currently in discussion with the Applicant regarding provision of further mitigation measures that could be delivered within Flintshire to allow the scheme to deliver mitigation elements locally. The Council welcomes this engagement and supports continued discussion on this matter as Examination progresses.</p>		
<b>10.0 Net Benefit for Biodiversity</b>						
8.1	Assessment methodology	<b>Green Infrastructure Statement (EN010166/APP/6.11)</b>	<p>Deadline 1: A meeting was held in May 2024 to discuss the approach to NBB as detailed in <b>Table 1</b>.</p> <p>The Applicant has prepared the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> to summarise the NBB and GI assessment. The methodology used for gathering information for baseline conditions relating to the initial NBB assessment is appropriate to the nature of the Proposed Development and its potential effects.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant confirms that the <b>Green Infrastructure Statement [REP4-052]</b> submitted at Deadline 4 addresses FCC's points on inconsistencies in habitat loss/gain reporting identified in the LIR.</p>	<p>FCC does not agree that the Green Infrastructure Statement [REP4-052] provides a sufficiently clear and consistent basis to demonstrate net benefit for biodiversity. FCC's position is that insufficient baseline data relating to the NBB assessment (as has been detailed to the Applicant) and inconsistencies in habitat loss/gain reporting and uncertainty around condition and temporal losses mean NBB is not yet reliably demonstrated.</p>	Under discussion	Medium
8.2	Data collection, methods, baseline data and the identification and sensitivity of relevant	<b>Green Infrastructure Statement (EN010166/APP/6.11)</b>	<p>Deadline 1: The approach used for the NBB assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.</p>	<p>FCC does not agree that the NBB approach and baseline data follows 'standard best practice' for projects in Wales, as information is currently insufficiently detailed to inform a DECCA assessment. The assessment further</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
	features and receptors		<p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: As detailed in the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b> the Applicant has used a previously accepted methodology for the NBB assessment for the Proposed Development. Nevertheless, the Applicant will update the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> to include a full DECCA assessment of baseline condition. The Applicant is confident that the survey data and other available sources of information are sufficient to provide the additional detail requested.</p>	contains inconsistencies and uncertainty identified by the Council and NRW.		
8.3	Assessment findings	<p><b>Green Infrastructure Statement (EN010166/APP/6.11)</b></p> <p><b>Off-site Net NBB and GI Strategy (EN010166/APP/6.14)</b></p>	<p>Deadline 1: The findings of the NBB assessment are appropriate.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: Further details are in the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b>.</p>	FCC does not agree that the findings of the NBB assessment are currently demonstrated to be appropriate. FCC's position remains that the documentation does not yet provide a complete and internally consistent evidence base to support conclusions on the proposal outcomes.	Under discussion	Medium
<b>9.0 Report to Inform the Habitats Regulations Assessment</b>						
9.1	Assessment methodology	<b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b>	<p>Deadline 1: The survey baseline used in the Report to Inform Habitat Regulations Assessment is appropriate/acceptable. The methodology used in the <b>Report to Inform Habitat Regulations Assessment [APP-253]</b> is appropriate.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR .</p> <p>Deadline 5: The Applicant clarifies that the <b>Notice of a proposed without prejudice Habitats</b></p>	<p>FCC broadly agrees that the Report to Inform the HRA uses an appropriate baseline and methodology for informing HRA screening and assessment. However, FCC does not agree that the current evidence base is sufficient to conclude that Likely Significant Effects and/or Adverse Effects on Integrity can be ruled out at this stage. This includes for the works proposed within the recent change notification submitted.</p> <p>FCC welcomes the 'Notice of a proposed without prejudice Habitats Regulations</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<b>Regulations Assessment (HRA) derogation in Wales [REP4-078]</b> was submitted in response to the <b>Procedural decision following issue of acceptance decision – English [PD-006]</b> at the request of the ExA. The Applicant has also provided a response to FCC's comments in relation to the Change Application within the <b>Applicants Response to Deadline 4 Submissions (EN010166/APP/9.27)</b> .	Assessment (HRA) derogation in Wales [REP4-078]. The derogation report confirms, on a without-prejudice basis, that the Applicant now considers adverse effects on integrity of the Dee Estuary SAC/SPA/Ramsar cannot be excluded in relation to Atlantic salt meadow and functionally linked land for curlew.  FCC awaits a complete, consistent HRA at Examination stage, informed by secured mitigation and a clear distinction between mitigation and compensation.		
9.2	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	<b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b>	<p>Deadline 1: The approach used for the <b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b> follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines. The list of sites considered at the screening stage is appropriate.</p> <p>The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p> <p>Deadline 5: The Applicant clarifies that the <b>Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales [REP4-078]</b> was submitted in response to the <b>Procedural decision following issue of acceptance decision – English [PD-006]</b> at the request of the ExA.</p>	<p>FCC notes that, through the submission of [REP4-078] the Applicant is now proceeding on a without-prejudice basis that adverse effects on integrity of the Dee Estuary SAC/SPA/Ramsar site may arise as a result of:</p> <ul style="list-style-type: none"> <li>• direct and medium-term loss of Atlantic salt meadow associated with the proposed surface water outfall;</li> <li>• operational nitrogen deposition affecting qualifying saltmarsh habitat; and</li> <li>• loss of functionally linked land for curlew.</li> </ul> <p>FCC considers that this position aligns with the Council's outstanding concerns that likely significant effects and adverse effects on integrity could not be excluded on the basis of the information previously submitted. FCC remains of the view that, in the absence of further information, conclusions of no AEol are not supported by sufficient certainty at Examination stage.</p>	Under discussion	Low
9.3	Assessment findings	<b>Report to Inform the Habitats Regulations Assessment [APP-253]</b>	<p>Deadline 1: The findings of the assessment in the <b>Report to Inform Habitat Regulations Assessment [APP-253]</b> are appropriate.</p> <p>The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p>	<p>FCC acknowledges that REP4-078 provides additional detail on proposed compensatory measures, including managed realignment for Atlantic salt meadow and off-site habitat provision for curlew at Gronant Fields.</p> <p>However, FCC notes that the advice from Natural England and Natural Resources</p>	Under discussion	Low

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>Deadline 5: The <b>Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086]</b> sets out the Applicant's position on mitigation and compensation. These matters are being discussed further with Natural England and Natural Resources Wales.</p>	<p>Wales confirms that these measures should be treated as compensation, not mitigation, for HRA purposes.</p> <p>FCC therefore considers it critical that the Examination proceeds on the basis that adverse effects on integrity are not avoided or mitigated, and that the legal tests for derogation under the Habitats Regulations must be clearly and robustly met. FCC emphasises that reliance on future plans and post-consent detail remains insufficient where those measures are fundamental to the HRA conclusions.</p>		
9.4	Securing mitigation	<p><b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b></p> <p><b>Framework (CEMP (EN010166/APP/6.9)</b></p> <p><b>OLEMP (EN010166/APP/6.9)</b></p> <p><b>Curlew Mitigation Strategy (EN010166/APP/6.13)</b></p>	<p>Deadline 1: All relevant mitigation measures specified in the <b>Report to inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b> are adequately secured through the <b>Framework CEMP (EN01066/APP/6.5), OLEMP (EN010166/APP/6.9) and Curlew Mitigation Strategy (EN010166/APP/6.13).</b></p> <p>Deadline 3: The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p> <p>Deadline 5: The <b>Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086]</b> sets out the Applicant's position on mitigation and compensation. These matters are being discussed further with Natural England and Natural Resources Wales. Further details are also provided in the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).</b></p>	<p>FCC agrees in principle that HRA-relevant mitigation measures should be secured through enforceable DCO requirements and approved plans. FCC does not agree that deferring key detail to post-consent strategies is sufficient where that detail is necessary at Examination to support conclusions on LSE/AEoI. FCC also considers it critical (for HRA purposes) to clearly distinguish mitigation relied upon in the HRA from compensation.</p>	Under discussion	Medium
9.5	Securing mitigation	<b>Draft DCO (EN010166/APP/3.1)</b>	The proposed mitigation is appropriate for managing construction impacts from the Proposed Development and is adequately secured via the requirements in the <b>Draft DCO (EN010166/APP/3.1).</b>	The Council agrees with the Applicant that Requirement 4 secures that detailed CEMP(s), Requirement 10 secures that detailed LEMP(s) and Requirement 11 of the Draft DCO [REP3-003] secures that a detailed Curlew mitigation and monitoring plan must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
				FCC will be a consultee on these documents as the relevant planning authority.		
<b>10.0 Marine Ecology</b>						
10.1	Scope of the assessment	<b>ES Volume II Chapter 12: Marine Ecology [APP-050]</b>	The scope of the marine ecology assessment is appropriate and comprehensive, as agreed with FCC at the EIA Scoping stage.	This matter is agreed between the parties.	Agreed	Resolved
10.2	Study area and baseline	<b>ES Volume II Chapter 12: Marine Ecology [APP-050]</b>	The baseline conditions have been collated using desk-based and field-based techniques. The scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in <b>Chapter 12: Marine Ecology [APP-050]</b> .	This matter is agreed between the parties.	Agreed	Resolved
10.3	Assessment methodology	<b>ES Volume II Chapter 12: Marine Ecology [APP-050]</b> <b>ES Volume IV Appendix 12-A: Marine Ecology Assessment Methodology [APP-204]</b>	The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies are robust and acceptable. Full details can be found in <b>Chapter 12: Marine Ecology [APP-050]</b> and <b>Appendix 12-A: Marine Ecology Assessment Methodology [APP-204]</b> .	This matter is agreed between the parties.	Agreed	Resolved
10.4	Assessment outcomes	<b>ES Volume II Chapter 12: Marine Ecology [APP-050]</b>	Deadline 1: The marine assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 12: Marine Ecology [APP-050]</b> .  Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b> .  Deadline 5: The Applicant awaits further information regarding FCC's position on this matter.		Under discussion	High
10.5	Mitigation	<b>Draft DCO [REP3-003](EN010166/APP/3.1)</b>	A Marine Invasive Non-Native Species Outline Management Plan ( <b>Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan [APP-209]</b> ) has been produced and preparation, approval and implementation of a detailed version is secured through the DCO via Requirement 4 which expressly specifies that a marine invasive non-native species management plan which is in general	The Council acknowledge that the Marine Invasive Non-Native Species Outline Management Plan ( <b>Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan [APP-209]</b> ) has been provided in support of the application and is to be certified through the DCO, should it be made.	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			accordance with the marine invasive non-native species outline management plan the detailed CEMP must include a marine invasive non-native species management plan which is in general accordance with the marine invasive non-native species outline management plan. The detailed CEMP must be approved by FCC and, therefore, there is already an express commitment contained within the DCO that FCC approve the marine invasive non-native species management plan.	However, there is not a Requirement within the DCO that a detailed version is produced and FCC are consulted on as the relevant planning authority. The Council suggest that a Requirement is added to the Draft DCO [REP3-003] to secure this commitment.		
10.6	Residual effects after mitigation	<b>ES Volume II Chapter 12: Marine Ecology [APP-050]</b>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>		Under discussion	High

**11.0 Water Environment and Flood Risk**

11.1	Scope of the assessment	<p><b>ES Volume II Chapter 13: Water Environment and Flood Risk [APP-051]</b></p> <p><b>ES Volume IV Appendix 13-C: Flood Consequence Assessment (FCA) [APP-212]</b></p> <p><b>ES Volume IV Appendix 13-D Outline Surface Water Drainage Strategy [APP-213]</b></p>	<p>The scope of the water environment and flood risk assessment is appropriate and comprehensive.</p> <p>It should be noted that:</p> <ul style="list-style-type: none"> <li>The <b>Outline Surface Water Drainage Strategy</b> is included as <b>Appendix 13-D [APP-213]</b> and preparation, approval and implementation of a detailed version(s) is secured through the DCO. Its suitability for protecting the water environment is assessed within <b>Chapter 13: Water Environment and Flood Risk [APP-051]</b>. A SuDS approach is included in this strategy; and</li> <li>A FCA is provided as <b>Appendix 13-C: Flood Consequence Assessment [APP-212]</b> and is considered within <b>Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b> in EIA terms. The risk of pollution to surface and groundwater bodies is assessed.</li> </ul>	This matter is agreed between the parties.	Agreed	Resolved
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Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
11.2	Study area and baseline	<p><b>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b></p> <p><b>ES Volume IV Appendix 13-A: Water Environment Baseline Survey and Methodology Report [APP-210]</b></p>	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.	This matter is agreed between the parties.	Agreed	Resolved
11.3	Assessment methodology	<b>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b>	The assessment methodology used in the water environment and flood risk assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
11.4	Assessment outcomes	<p><b>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b></p> <p><b>ES Volume IV Appendix 13-B: Water Framework Directive Assessment Report [APP-211]</b></p> <p><b>ES Volume IV Appendix 13-C: Flood Consequences Assessment [APP-212]</b></p>	<p>Deadline 1: The water environment and flood risk assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 13 Water Environment and Flood Risk (EN010166/APP/6.2.13)</b>.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>	-	Under discussion	High
11.5	Mitigation	<b>Draft DCO [REP3-003](EN010166/APP/3.1)</b>	The preparation, approval and implementation of a detailed <b>Outline Surface Water Drainage Strategy</b> is secured through the DCO.	The Council agrees with the Applicant that Requirement 6 of the Draft DCO [REP3-006] secures that a Surface Water Drainage Strategy must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning and lead local flood authority.	Agreed	Resolved
11.6	Mitigation	<b>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b>	Deadline 1: The proposed mitigation set out in the <b>Outline Surface Water Drainage Strategy</b> is included as <b>Appendix 13-D [APP-213]</b> is	-	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<p><b>Framework CEMP (EN01066/ APP/6.5)</b></p> <p><b>ES Volume IV Appendix 13-D Outline Surface Water Drainage Strategy [APP-213]</b></p>	<p>appropriate for managing construction and operation impacts from the Proposed Development.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: Measures to manage surface water from temporary hardstanding areas would be detailed in the final CEMP. A Pre-Works Surface Water Feature Survey would be undertaken prior to construction to investigate the location and condition of existing ditches. If drains are identified that need to be crossed, then the mitigation measures outlined in the Framework CEMP would be implemented.</p> <p>The Applicant awaits further information from FCC regarding their position on this matter.</p>			
11.7	Residual effects after mitigation	<p><b>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</b></p>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>		Under discussion	High

## 12.0 Geology and Ground Conditions

12.1	Scope of the assessment	<p><b>ES Volume II Chapter 14: Geology and Ground Conditions [APP-052]</b></p>	<p>The scope of the geology and ground conditions assessment is appropriate and comprehensive.</p>	<p>This matter is agreed between the parties.</p>	Agreed	Resolved
12.2	Study area and baseline	<p><b>ES Volume II Chapter 14: Geology and Ground Conditions [APP-052]</b></p> <p><b>ES Volume IV Appendix 14-E: Agricultural Land</b></p>	<p>The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.</p>	<p>This matter is agreed between the parties.</p>	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<b>Classification Survey [APP-219]</b>				
12.3	Assessment methodology	<b>ES Volume II Chapter 14: Geology and Ground Conditions [APP-052]</b> <b>ES Volume IV Appendix 14-B: Land Contamination Methodology [APP-217]</b>	The assessment methodology used in the geology and ground conditions assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
12.5	Assessment outcomes	<b>ES Volume II Chapter 14: Geology and Ground Conditions [APP-052]</b> <b>ES Volume IV Appendix 14-A: Geo-Environmental Desk Based Assessment [APP-216]</b> <b>ES Volume IV Appendix 14-C: Potential Areas of Contamination and Further Risk and Impact Assessment [APP-218]</b> <b>ES Volume IV Appendix 14-D: Agricultural Land Classification Report [APP-219]</b> <b>ES Volume IV Appendix 14-F: Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater [APP-221]</b>	<b>Deadline 1:</b> The geology and ground conditions assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 14: Geology and Ground Conditions [APP-052]</b> . <b>Deadline 3:</b> The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP2-021]</b> . <b>Deadline 5:</b> The Applicant awaits further information from FCC regarding their position on this matter.	-	Under discussion	High
12.5	Mitigation	<b>Chapter 14: Geology and Ground Conditions [APP-052]</b> <b>Framework CEMP (EN01066/APP/6.5)</b>	<b>Deadline 1:</b> The proposed mitigation set out within the <b>Framework CEMP (EN01066/APP/6.5)</b> is appropriate for managing construction and operation impacts from the Proposed Development. <b>Deadline 3:</b> The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b> .	-	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.			
12.6	Residual effects after mitigation	<b>Chapter 14: Geology and Ground Conditions [APP-052]</b>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b></p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>		Under discussion	High

### 13.0 Landscape and Visual Amenity

13.1	Study area and methodology	<p><b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b></p> <p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p>	<p>Deadline 1: The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.</p> <p>Deadline 3: The Applicant is undertaking an updated landscape character assessment for the component of the Study Area which lies within Wales, to respond to the Council's representation in its LIR [REP2-021] that with regards to LANDMAP.</p>	<p>In its LIR [REP-021], the Council requested the Applicant clarify if, why, the LANDMAP search area was not used when considering the stack height of the proposals.</p> <p>It is noted that the Applicant has committed to providing an updated landscape character assessment which was to be submitted at Deadline 4. However, the updated Chapter 15 Landscape and Visual Amenity [REP4-023] does not include an updated landscape character assessment for the areas within Flintshire and does not display how all LANDMAP aspect areas have been considered, or how the updated landscape character assessment has been used to adequately assess the likely landscape effects on the site. Updated versions of Appendix 15-B Landscape Character and Figure 15-4B Local Landscape Character Areas have not been submitted for Deadline 4.</p>	Under discussion	Medium
13.2	Assessment methodology	<b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b>	Deadline 5: The Applicant notes FCCs concerns regarding the appropriate assessment of Landscape	In its LIR [REP2-021], the Council requested the Applicant identified that the	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p>	<p>and Visual Impacts as detailed in its submissions made at Deadline 4</p> <p>The Applicant has provided the additional information requested within the <b>Local Impact Report [REP2-021]</b> at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15);</b> and</li> <li>• <b>Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29).</b></li> </ul>	<p>Applicant had not assessed the landscape features and characteristics as receptors.</p> <p>It is noted that the Applicant has committed to providing an updated landscape character assessment which was to be submitted at Deadline 4. However, the updated Chapter 15 Landscape and Visual Amenity [REP4-023] does not include an updated landscape character assessment for the areas within Flintshire and does not display how all LANDMAP aspect areas have been considered, or how the updated landscape character assessment has been used to adequately assess the likely landscape effects on the site. Updated versions of Appendix 15-B Landscape Character and Figure 15-4B Local Landscape Character Areas have not been submitted for Deadline 4.</p>		
13.3	Assessment methodology for viewpoints	<p><b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b></p> <p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p>	<p>Deadline 5: The Applicant has provided the additional information requested within the <b>Local Impact Report [REP2-021]</b> at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15);</b> and</li> <li>• <b>Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29).</b></li> </ul>	<p>In its LIR [REP2-021], the Council raised concerns that the Applicant had either over- or -under assessed visual effects, which had resulted from a single sensitivity rating being ascribed for each viewpoint, despite there being a range of receptors for each viewpoint.</p> <p>The Council acknowledges the Applicant's response to this point, but retains the position that this does not represent an accurate and robust assessment and is likely to lead to over or under assessment of some effects. FCC assert that the applicant's approach to assessing susceptibility of visual receptors is inconsistent.</p>	Under discussion	Medium
13.4	Assessment of recreational receptors	<p><b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b></p> <p><b>Local Impact Report [REP2-021]</b></p>	<p>Deadline 5: The Applicant has provided the additional information requested within the <b>Local Impact Report [REP2-021]</b> at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15);</b> and</li> </ul>	<p>Recreational receptors have been assigned a medium susceptibility often resulting in a medium overall sensitivity. In line with the Applicant's methodology set out in Table 10 in ES Appendix 15-A: Landscape and Visual Impact Assessment Methodology [APP-222], and guidance in GLVIA3; receptors most highly susceptible</p>	Under discussion	Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<b>Applicant's Response to the LIR [REP3-058]</b>	<ul style="list-style-type: none"> <li><b>Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29).</b></li> </ul>	<p>to change in their views include people engaged in outdoor recreation, whose attention/interest is likely to be focused on the landscape or particular views, including strategic/ popular Public Rights of Way.</p> <p>However, many of the recreational visual receptors in the LVIA including national and local PRow users (e.g, VPs 1, 2, 7, 9, 12, 13) and dynamic views from NCR5 are ascribed a medium susceptibility and therefore a lower than appropriate medium sensitivity, akin to receptors which have 'a view which plays a small part in the receptors being there. (Appendix 15-A, Table 11 [APP-222]).</p> <p>The Council raised concerns in its LIR [REP2-021] with regards to the assessment of key routes, stating that GLVIA3 highlights the importance of considering sequential views along key routes. The <b>Applicant's Response to LIR [REP2-021]</b> points to Para 15.6.29 where effects on local roads are addressed. The updated <b>ES Chapter 15 Landscape and Visual [REP4-023]</b> addresses NCR 15 in close proximity to Site, but ascribes it a medium susceptibility and sensitivity, in contradiction to their methodology, as set out above. Sequential views from the A5119, A548 and A55 and in particular, the key recreational walking route of the Wales Coast Path are not assessed.</p>		
13.5	Assessment of plumes visibility	<b>Local Impact Report [REP2-021]</b> <b>Applicant's Response to the LIR [REP3-058]</b>	Deadline 5: An assessment of plume visibility was included within <b>Chapter 15: Landscape and Visual Amenity [REP4-023]</b> submitted at Deadline 4.	This matter is agreed between the parties.	Agreed	Resolved
13.6	Visualisations	<b>Local Impact Report [REP2-021]</b>	Deadline 5: The annotated photographs requested by FCC were provided at Deadline 4 within <b>Figure 15.31 to 15.38 Landscape Annotated Photography [REP4-027]</b> .	This matter is agreed between the parties.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<b>Applicant's Response to the LIR [REP3-058]</b>				
13.7	Assessment of Clwydian Range and Dee Valley National Landscape	<p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p>	<p>Deadline 5: An assessment on the Special Qualities is not deemed necessary and has not been requested by NRW and they are satisfied with the conclusions of the LVIA. Within paragraph 2.6.4 of <b>NRW's Relevant Representation [RR-027]</b> it states <i>"Based on the above, and considering the relevant principles (27 – 29) to be secured and applied through the Design Principles Document (Appendix 7.8), we agree with the conclusion of ES Chapter 15, that, although there would be adverse visual effects within the CRDVNL, e.g. at Moel Famau, the effect on the visual amenity of people at this location would not be significant. We also agree that there would be no significant adverse effects on the special qualities of the CRDVNL"</i>.</p> <p>As a result of the long distance (approximately 9.3km) between the Proposed Development and the Clwydian Range and Dee Valley National Landscape and with reference to the reported impacts in <b>Chapter 15: Landscape and Visual [APP-053]</b> there would be no significant adverse effects on the special qualities. Specific reference is made to Table 15 of <b>Appendix 15-E: Visual Impact Assessment [APP-226]</b> for Viewpoint 15 - Moel Famau, Jubilee Tower, Offa's Dyke Way, Llangynhafal, Denbighshire which states that there would be a minor adverse (not significant effect) for visual receptors and Table 2 of <b>Appendix 15-D: Landscape Impact Assessment [APP-225]</b> that states that there would be no impact on landscape characteristics and no further assessment of Special Qualities is proposed.</p>	<p>This matter is agreed between the parties.</p>	Agreed	Resolved
13.6	Securing mitigation	<b>Draft DCO (EN010166/APP/3.1)</b>	<p>The proposed mitigation is presented in the <b>Framework CEMP (EN01066/APP/6.5)</b> and <b>OLEMP (EN010166/APP/6.9)</b> which are secured through Requirements in the <b>Draft DCO (EN010166/APP/3.1)</b> that detailed CEMP(s) and LEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.</p>	<p>The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-003] secures that detailed CEMP(s) and Requirement 10 of the Draft DCO [REP3-003] secures that detailed LEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.</p>	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
<b>14.0 Terrestrial Heritage</b>						
14.1	Scope of the assessment	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>	The scope of the terrestrial heritage assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
14.2	Study area and baseline	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>  <b>ES Volume IV Appendix 17-A: Terrestrial Heritage Desk Based Assessment [APP-229]</b>  <b>ES Volume IV Appendix 17-B: Gazetteer of Terrestrial Heritage Assets [APP-230]</b>  <b>ES Volume IV Appendix 17-C: Geophysical Survey Report [APP-231]</b>	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects. The Desk Based Assessment (DBA) ( <b>ES Volume IV Appendix 17-A: Terrestrial Heritage Desk Based Assessment [APP-229]</b> ) has been carried out in accordance with a Written Scheme Investigation (WSI) agreed with Heneb. The DBA's study area has been agreed with Heneb.	This matter is agreed between the parties.	Agreed	Resolved
14.3	Assessment methodology	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>	The assessment methodology used in the terrestrial heritage assessment is appropriate/acceptable.  It should be noted that WSI for each stage of assessment (including DBA and archaeological fieldwork) have been prepared and agreed with Heneb. All WSIs include a Data Management Plan, Archive Selection Strategy, Archive Content List and Archive Deposition Location Statement where relevant.	This matter is agreed between the parties.	Agreed	Resolved
14.4	Assessment outcomes	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>  <b>ES Volume IV Appendix 17-A: Terrestrial Heritage Desk Based Assessment [APP-229]</b>	The terrestrial heritage assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 17: Terrestrial Heritage [APP-055]</b> .	This matter is agreed between the parties.	Agreed	Resolved
14.5	Mitigation	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>	The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development.	This matter is agreed between the parties.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<p><b>Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]</b></p> <p><b>Draft DCO (EN010166/APP/3.1)</b></p>	<p>It should be noted that an <b>Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]</b> has been prepared and agreed with Heneb which sets out the mitigation strategies agreed for the Proposed Development, including archaeological monitoring and recording and a protocol for unexpected archaeological discoveries.</p> <p>A Requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that a WSI of areas of archaeological interest must be approved by FCC, such detail to be in general accordance with the <b>Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]</b>. No stage of the authorised development with the potential to affect buried archaeological assets may commence until a WSI of areas of archaeological interest relevant to that stage (if any) as identified in the written scheme of investigation has been submitted to and approved by the relevant planning authority following consultation with Cadw and Heneb.</p>			
14.6	Residual effects after mitigation	<b>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</b>	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.	This matter is agreed between the parties.	Agreed	Resolved
<b>15.0 Marine Heritage</b>						
15.1	Scope of the assessment	<b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b>	<p>The scope of the marine heritage assessment is appropriate and comprehensive.</p> <p>It should be noted that engagement has been undertaken with Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW ) in order to confirm the scope and methodology for the assessment of impacts to marine heritage assets.</p>	This matter is agreed between the parties.	Agreed	Resolved
15.2	Study area and baseline	<p><b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b></p> <p><b>ES Volume IV Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232]</b></p>	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.	This matter is agreed between the parties.	Agreed	Resolved
15.3	Assessment methodology	<b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b>	The assessment methodology used in the marine heritage assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<b>ES Volume IV Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232].</b>	It should be noted that the Desk-Based Assessment ( <b>Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232]</b> ) will be deposited with the HER when the ES has been submitted in accordance with the requirements of Heneb and in line with their guidance. The full digital archive will be deposited with Archaeology Data Service and submitted to the National Monuments Record and RCAHMW where appropriate.			
15.4	Assessment outcomes	<b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b>	The marine heritage assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 18: Marine Heritage [APP-056]</b> .	This matter is agreed between the parties.	Agreed	Resolved
15.5	Mitigation	<b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b>  <b>Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]</b>  <b>Draft DCO (EN010166/APP/3.1)</b>	The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development. Refer to 16.5 for further details.	This matter is agreed between the parties.	Agreed	Resolved
15.6	Residual effects after mitigation	<b>ES Volume II Chapter 18 Marine Heritage [APP-056]</b>	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.	This matter is agreed between the parties.	Agreed	Resolved

#### 16.0 Materials and Waste

16.1	Scope of the assessment	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b>	The scope of the materials and waste assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
16.2	Study area and baseline	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b>  <b>ES Volume IV Appendix 23-A: Materials and Waste Baseline Data Report [APP-243]</b>	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.  It should be noted that data related to recycled aggregate is included in Table 3 of <b>ES Volume II Appendix 23-A: Materials and Waste Baseline Data Report [APP-243]</b> . The source of data is Minerals and Mineral Products Sales in Great Britain, Mineral Products Association (MPA), Profile of the UK Mineral Products Industry (2023 Edition). This provides more recent data than The	This matter is agreed between the parties.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			Contribution of Recycled and Secondary Materials to Total Aggregates Supply in Great Britain - 2020 Estimates publication. Both publications do not provide recent Wales based data for recycled aggregate, the most recent is 2005 and has not been included since it is more out of date than the Minerals and Mineral Products Sales in Great Britain, MPA, Profile of the UK Mineral Products Industry (2023 Edition).			
16.3	Assessment methodology	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b>	The assessment methodology used in the materials and waste assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
16.4	Assessment outcomes	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b>	The materials and waste assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 23: Materials and Waste [APP-061]</b> .	This matter is agreed between the parties.	Agreed	Resolved
16.5	Mitigation	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b> <b>Framework CEMP (EN01066/APP/6.5), including Framework Site Waste Management Plan (SWMP)</b>	The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development.  Section 23.5 Development Design and Embedded Mitigation of <b>Chapter 23: Materials and Waste [APP-061]</b> and the <b>Framework SWMP</b> within the <b>Framework CEMP (EN01066/APP/6.5)</b> provides information on applying the waste hierarchy during construction. A requirement in the <b>Draft DCO (EN010166/APP/3.1)</b> secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development. These detailed CEMP(s) must include detailed site waste management plan(s) in general accordance with the <b>Framework SWMP</b> .	This matter is agreed between the parties.	Agreed	Resolved
16.6	Residual effects after mitigation	<b>ES Volume II Chapter 23: Materials and Waste [APP-061]</b>	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.	This matter is agreed between the parties.	Agreed	Resolved

#### 17.0 Cumulative and Combined Effects

17.1	Scope of the assessment	<b>ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]</b> <b>ES Volume IV Appendix 24-A: Long List of Other Developments [APP-244]</b>	The scope of the cumulative and combined effects assessment is appropriate and comprehensive.  It should be noted that: <ul style="list-style-type: none"> <li>The Proposed Development is proposed to connect to the HyNet project (consented by the</li> </ul>	This matter is agreed between the parties.	Agreed	Resolved
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Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
		<b>ES Volume IV Appendix 24-B: Short List of Other Developments [APP-245]</b>	<p>HyNet Carbon Dioxide Pipeline Order 2024) and therefore the HyNet project has been considered as part of the cumulative assessment presented in this chapter; and</p> <ul style="list-style-type: none"> <li>Port of Mostyn is included in the cumulative long list as proposed scheme ID 16 (The Mostyn Energy Park Extension Project).</li> </ul> <p>The Short List of cumulative developments was provided to FCC for review – refer to <b>Table 1</b>.</p>			
17.2	Study area and baseline	<b>ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]</b>	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential for cumulative effects to arise in combination with other developments.	This matter is agreed between the parties.	Agreed	Resolved
17.3	Assessment methodology	<b>ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]</b>	The assessment methodology used in the cumulative and combined effects assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
17.4	Assessment outcomes	<b>ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]</b>	<p>Deadline 1: The cumulative and combined effects assessment outcomes are appropriate.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the <b>Applicant's Response to LIR [REP3-058]</b>.</p> <p>Deadline 5: The Applicant provided a response at Deadline 4, response 1.44 to question reference ExQ1 22.7 in reference to additional projects within Flintshire which have potential air quality impacts but do not appear to be identified in the updated RIHRA in-combination effects assessment: those considered in the response include:</p> <ul style="list-style-type: none"> <li>Knauf Rock Mineral Wool Facility (S42 Statutory Pre-Application Consultation stage)</li> <li>ICT Paper Mill (Environmental Permit issued)</li> <li>Padeswood Cement Works (Environmental Permit issued)</li> <li>Deeside Power Station (Environmental Permit application received)</li> <li>Arrow AD plant (Environmental Permit application received).</li> </ul>	FCC require an update/ refresh of the Short List.	Under discussion	High

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>The Applicant has provided the following documents at Deadline 5:</p> <ul style="list-style-type: none"> <li>• <b>Appendix 24-A: Long List of Proposed Schemes (EN010166/APP/6.4);</b></li> <li>• <b>Appendix 24-B: Short List of Proposed Schemes (EN010166/APP/6.4);</b></li> <li>• <b>Figure 24-2: Identified Proposed Schemes (EN010166/APP/6.3);</b></li> <li>• <b>Figure 24-3: Short List of Proposed Schemes (EN010166/APP/6.3); and</b></li> <li>• <b>Figure 24-4: Short List of Proposed Schemes within 5 km (EN010166/APP/6.3).</b></li> </ul> <p>An updated revision of <b>Chapter 24: Cumulative and Combined Effects (EN010166/APP/6.2.24)</b> will be provided at Deadline 6 to consider the additional short listed schemes.</p> <p>- .</p>			

## References

- Ref 1. Stationary Office (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Accessed 16/10/2024 at [The Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009](#)
- Ref 2. The Stationary Office (2008). Planning Act 2008. Accessed on 18/10/2024 at <https://www.legislation.gov.uk/ukpga/2008/29/contents>
- Ref 3. Department for Energy Security & Net Zero. (2023). Overarching National Policy Statement for Energy (EN-1). Accessed on 16/01/2026 at [https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/o\\_verarching-nps-for-energy-en1.pdf](https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/o_verarching-nps-for-energy-en1.pdf)
- Ref 4. Department for Energy Security & Net Zero. (2023). National Policy Statement for Renewable Energy Infrastructure (EN-3). Accessed on 16/01/2026 at <https://assets.publishing.service.gov.uk/media/695e4abce83db7562d67192a/nps-renewable-energy-infrastructure-en3-withdrawn.pdf>
- Ref 5. Ref. 5 Department for Energy Security and Net Zero. (2023). National Policy Statement for Electricity Networks Infrastructure (EN-5). Accessed on 16/01/2026 at <https://assets.publishing.service.gov.uk/media/695e4a307ad4bff6f7afdfc5/nps-electricity-networks-infrastructure-en5-withdrawn.pdf>
- IsFCC, 2023; Flintshire Local Development Plan 2015 – 2030. Adopted Plan 24th January 2023. [online] Available at: <https://flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/FINAL-LDP-Written-Statement-English.pdf> (Accessed 26/02/25)

## Abbreviations

Abbreviation	Term
AIL	Abnormal Indivisible Loads
BAT	Best Available Technique
BESS	Battery Energy Storage System
CCGT	Combined Cycle Gas Turbine
CCP	Carbon Capture Plant
CEMP	Construction Environmental Management Plan
CO <sub>2</sub>	Carbon Dioxide
COMAH	Control of Major Accident Hazards
CPAT	Clwyd-Powys Archaeological Trust
CNP	Critical National Priority
CQLCP	Connah's Quay Low Carbon Power
CTMP	Construction Traffic Management Plan
CWMP	Construction Worker Management Plan
DAS	Discretionary Advice Service
DBA	Desk Based Assessment
DESNZ	Department for Energy Security and Net Zero
DCO	Development Consent Order
EA	Environment Agency
ECoW	Ecological Clerk of Works
ES	Environmental Statement
ExA	Examining Authority
FCA	Flood Consequence Assessment
FCC	Flintshire County Council
FEED	Front-End Engineering Design
GHG	Greenhouse Gas
HER	Historic Environment Record
HGV	Heavy Goods Vehicles
HRA	Habitats Regulations Assessment
MA&Ds	Major Accidents and Disasters
MPA	Mineral Products Association
MW	Megawatts
MWe	Megawatts for electrical output
NBB	Net Benefits for Biodiversity

<b>Abbreviation</b>	<b>Term</b>
NGET	National Grid Electricity Transmission
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxide
NPS	National Policy Statement
NRW	National Resources Wales
NSR	Noise Sensitive Receptor
oBSMP	outline Battery Safety Management Plan
PA	Planning Act
PEA	Preliminary Ecological Appraisal
PRA	Preliminary Risk Assessment
PWS	Private Water Supplies
RCAHMW	Royal Commission on the Ancient and Historical Monuments of Wales
SAC	Special Area of Conservation
SAB	SuDS Approval Board
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Sites of Special Scientific Interest
SuDS	Sustainable Urban Drainage Systems
SWMP	Outline Site Waste Management Plan
WSI	Written Scheme of Investigation
ZTV	Zone of Theoretical Visibility

