



Connah's Quay Low Carbon Power

Applicant's Response to Deadline 4 Submissions

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1. Introduction

1.1 Overview

- 1.1.1 This document has been prepared on behalf of Uniper UK Limited in connection with the application (Application) that has been submitted to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ) for a Development Consent Order (a DCO) under Section 37 of the Planning Act 2008 (PA 2008) in respect of the Connah's Quay Low Carbon Power Project.
- 1.1.2 The Application was submitted to SoS on 5th August 2025 and accepted for examination on 28th August 2025. The Examination commenced on 13th January 2026.

1.2 Purpose of this Document

- 1.2.1 This document provides the comments of the Applicant in response to the submissions made by Interested Parties (IPs) at Deadline 4 of the Examination.
- 1.2.2 Accordingly, responses to the following IPs are contained in the subsequent sections of this document:
- Section 2 – Organisations / Business (Non-Landowners)
 - Section 3 – Landowners
- 1.2.3 The Applicant has not commented on every point made within the IP's submissions. Instead, the Applicant has sought to provide comments where it is helpful to the Examining Authority (ExA) or where it considers that it would be appropriate for the ExA to have the Applicant's view on the matter raised.
- 1.2.4 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by an IP, this is not an indication the Applicant agrees with the point or comment raised or opinion expressed.
- 1.2.5 When responding to Deadline 4 submissions, the Applicant has referenced the version of each document that was current at the time the relevant matter was originally addressed, with updated material cited only where necessary, to clarify or expand upon the Applicant's position, so that the evolution of the evidence base through the Examination is transparent to the ExA. However, where mitigation or controls are discussed that would ultimately be secured through the **Draft Development Consent Order (DCO) (EN010166/APP/3.1)**, the Applicant has referred to the latest version of the relevant securing document, as this is the version to be secured. Accordingly, where issues were addressed in the DCO submission or at Deadline 1, 2, 3 or 4, references are provided to those assigned in the examination library (e.g. APP-XXX, REP1-XXX and REP2-XXX). Where a matter is being addressed in a document being submitted at Deadline 5, the document reference is provided (e.g. EN010166/APP/X.X).

2. Organisations / Businesses (Non-Landowners)

2.1 REP4-091 Natural Resources Wales (NRW)

2.1.1 NRW's Deadline 4 submission and the Applicant's response are set out in **Table 1** below.

Table 1: Response to NRW Deadline 4 submission

Source Document	Reference ¹	Topic	Source Document Text	Applicant's Response
Comments on any submissions received by Deadline 3 (NRW) [REP3-091]: Annex A – NRW Comments on the Change Application	1.1	Applicant's definition of 'in perpetuity' for HRA purposes	Paragraph 10.2.22 of the updated RIHRA [CR1-105/106] states 80 years as being "the standard HRA definition of 'in perpetuity'". We previously queried this in our Written Representation (para. 2.1.60) and asked for a reference to this definition to be provided. The Applicant has since responded with further details, stating that "80 years is a legal definition given for 'in perpetuity' under the Perpetuities and Accumulations Act 1964, although a longer period of 125 years is given under the Perpetuities and Accumulations Act 2009". The full details provided about this are documented in our current draft SoCG (REP3-029, item NRW 9).	The Applicant notes the position outlined by NRW. This point was discussed with NRW during a call on 14 April 2026 and the Applicant has subsequently updated the following documents: <ul style="list-style-type: none"> • Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11); • Curlew Mitigation Strategy (EN010166/APP/6.13); • Saltmarsh Creation Strategy (EN010166/APP/6.16); and • Report to Inform Habitats Regulations Assessment (RIHRA) (EN010166/APP/6.12).
	1.2	Applicant's definition of 'in perpetuity' for HRA purposes	However, following review of the Applicant's response we consider that the Applicant's reliance on the Perpetuities and Accumulations Act 1964 is not applicable in this context.	
	1.3	Applicant's definition of 'in perpetuity' for HRA purposes	We understand that the purpose of this Act relates to the vesting of future interests in private trust law by specifying a "perpetuity period." Neither the 1964 nor the 2009 Act defines "in perpetuity" in a general sense. Further, we consider that there is no statutory, common-law or HRA specific basis for using those Acts for defining "in perpetuity" for HRA purposes.	
	1.4	Applicant's definition of 'in perpetuity' for HRA purposes	Case law indicates that mitigation/compensation measures for HRA purposes must last as long as the adverse effect persists, which may in some cases, be permanent where there has been a permanent loss of land.	
	1.5	Applicant's definition of 'in perpetuity' for HRA purposes	For this reason, we do not accept the Applicant's legal interpretation that 80 years is a standard or legally mandated definition of "in perpetuity" for HRA purposes. The period of management should, instead, reflect ecological necessity. If the Applicant wishes to justify a fixed period, they should provide robust evidential reasoning for this rather than relying on the above Acts. We would be willing to discuss this matter further with the Applicant.	
	1.6	Applicant's definition of 'in perpetuity' for HRA purposes	We do accept the Applicant's statement that, in Wales, " <i>the appropriateness of the management period is considered on a case-by-case basis.</i> " In our view, applying a fixed period based solely on an Act that deals with trust law may not align with this sensible and established approach.	
	2.1	Air Quality	The Applicant has recently submitted its Environmental Permitting Regulations (EPR) application for the proposed development, which includes	

¹ Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
			the stack emissions. NRW's Installations and RSR (Radioactive Substances Regulations) Permitting Team have informed the Applicant that the application is "duly made" as of 24 March 2026. As part of the permit determination process NRW will complete a detailed review of the submitted air quality modelling information. A further information request relating to the air quality assessment may be made at this point.	the air quality modelling through the EPR process and will respond to these accordingly once received.
	2.2	Air Quality	Pending the EPR detailed assessment, our comments on the ecological air quality impacts of the DCO application are therefore based on the potentially significant assumption that the dispersion information and subsequent predicted concentrations and deposition values are accurate. We anticipate being able to provide an update from our detailed review within around a months' time.	
	2.3	Air Quality	We have reviewed the following updated documents regarding air quality impacts: <ul style="list-style-type: none"> • 6.2.8 CQLCP Chapter 8 Air Quality Rev 02 [CR1-027] • 6.4 CQLCP Appendix 8-D Air Quality Operational Assessment Rev 02 [CR1-090] • 6.12 CQLCP Report to Inform Habitats Regulations Assessment Rev 01 [CR1-106] 	
	2.4	Air Quality	We note that changes have been made to various emission source parameters, notably changes to stack heights and the HRSG FEED 1 volume flow (m3/s). We note these changes to stack parameters result in minor changes to predicted levels but concur that these appear not to be significant enough to change the assessed outcomes. Our comments on these changes in relation to relevant designated sites for nature conservation are as follows.	The Applicant notes that NRW currently concur that the assessed outcomes have not changes significantly. See responses to 2.5 to 2.12 for site specific comments.
	2.5	Air Quality: Dee Estuary SAC	At the Dee Estuary SAC, the Applicant's predicted in-combination nitrogen deposition process contribution reduced from 2.4% of the critical load to 2.3%, and the individual contribution from Connah's Quay power station proposal alone reduced from 1.4% to 1.3% of the critical load. The Applicant has made no changes to the predicted saltmarsh area affected either in-combination (445 ha) or alone (245 ha).	The Applicant notes these comments and confirms these were the subject of meetings with NRW on 20 April 2026.
	2.6	Air Quality: Dee Estuary SAC	We therefore maintain our key concerns about nitrogen deposition on the Dee Estuary SAC Annex I saltmarsh habitat (please refer to our Written Representation [REP1-0173] and current draft SoCG [REP3-029/030] for further details regarding this).	
	2.7	Air Quality: Deeside and Buckley Newt Sites SAC	At the Deeside and Buckley Newt Sites SAC we note that the Applicant's predicted in-combination nitrogen deposition process contribution has reduced from 2.1% of the critical load to 1.8%. The Applicant has made no changes to the commentary of the assessment of the potential impact due to the predicted nitrogen deposition contribution.	
				The Applicant welcomes NRW's engagement to date on the Deed of Development Consent Obligations [REP4-088] and has provided a response to the comments provided on the management prescriptions.

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
	2.8	Air Quality: Deeside and Buckley Newt Sites SAC	We are satisfied that a Section 106 Agreement between the Applicant and Flintshire County Council is an appropriate method of securing the proposed financial contribution mitigation measures. We have received a draft copy of the additional site management mitigation proposals to be secured by Section 106 Agreement and provided feedback to the Applicant about this on 27/02/26. We remain committed to further engagement with the Applicant regarding this matter.	
	2.9	Air Quality: Deeside and Buckley Newt Sites SAC	We note that the predicted annual mean ammonia concentration in Table 38 of the Environmental Statement Volume IV Appendix 8-D: Air Quality Operational Assessment at OE11 (OE11 is identified as Connah's Quay Ponds and Woodland SSSI, but also forms part of Deeside and Buckley Newt Sites SAC (OE13)), is stated as 1.1% of the critical level of 1µg/m ³ . Paragraph 7.3.39 of the RIHRA states " <i>there are no receptors where the contribution of the Proposed Development to ammonia would exceed the 1% of the critical level threshold.</i> " Whilst this statement may seem a contradiction, the Applicant's response to ExQ1 Q6.20 states that " <i>as noted by Natural Resources Wales in paragraph 2.1.24 of their Written Representation [REP1-073], the appropriate ammonia critical level would be 3 µgm-3 rather than 1 µgm-3.</i> " Whilst our Written Representations did not explicitly specify that the ammonia critical level of 3 µg/m ³ was appropriate, after further discussion with NRW experts, we are of the opinion that the ammonia critical level of 3 µg/m ³ is appropriate for Deeside and Buckley Newt Sites SAC. Therefore, we consider that the Applicant's conclusions in the RIHRA regarding ammonia at this site are acceptable.	
	2.10	Air Quality: Deeside and Buckley Newt Sites SAC	As outlined in our response to the Examining Authority's first round of questions [ExQ1 22.7, REP3-062] we are also aware of the following 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: <ul style="list-style-type: none"> • Knauf Rock Mineral Wool Facility (S42 Statutory Pre-Application Consultation stage) • ICT Paper Mill (Environmental Permit issued) • Padeswood Cement Works (Environmental Permit issued) • Deeside Power Station (Environmental Permit application received) • Arrow AD plant (Environmental Permit application received) 	Considerations of the five projects identified by NRW have been addressed at Deadline 4, response 1.44 to question reference ExQ1 22.7 within the Applicant's Response to Deadline 3 Submissions [REP4-081] .
	2.11	Air Quality: Deeside and Buckley Newt Sites SAC	With regards to the Enfinium Parc Adfer ERF Carbon Capture development the Applicant stated that " <i>Although future emissions from the Enfinium project would need to be considered for cumulative impacts, there is no available data aside from a scoping report at the time this assessment is completed. Therefore, this development cannot be included in the dispersion modelling and the project won't be considered further.</i> " However, as the	Regarding the Enfinium Parc Adfer ERF Carbon Capture development ² , the dispersion modelling assessment submitted with their application does include sufficient information to consider in-combination impacts with Connah's Quay Low Carbon Power. It considers the cumulative impacts of Connah's Quay LCP, Shotton Paper Mill and Enfinium Parc Adfer ERF and reports impacts on the Deeside and Buckley Newt Sites SAC. The Enfinium Parc Adfer assessment considers the reported impacts from Connah's Quay prior to the Change Application Report becoming publicly available, but as confirmed by NRW, the impacts from the Proposed Development have not changed materially and therefore Enfinium Parc's Environmental Statement cumulative assessment is still relevant.

² Fichtner (2025). Appendix 7.1: Dispersion Modelling Assessment – Parc Adfer Carbon Capture Facility. Prepared for enfinium Parc Adfer Operations Ltd [online]. Available at: [appendix-7-1---dispersion-modelling-assessment.pdf](#) (Accessed: 15/04/2026)

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			Environmental Permit Application has now been submitted to NRW, we advise that the Applicant reviews whether sufficient information is now available for them to consider this project.	Figure 22 of the Enfinium Parc Adfer ERF Carbon Capture's dispersion modelling assessment ² illustrates that the greatest impacts from Enfinium Parc Adfer occur to the eastern end of the Dee Estuary and have minimal contributions at the Deeside and Buckley Newt Sites SAC and do not materially alter the conclusion of the Proposed Development's cumulative assessment.
	2.12	Air Quality: Deeside and Buckley Newt Sites SAC	We advise that the Local Planning Authority for the application site (Flintshire County Council, FCC) is consulted for advice on the planning application status of the above projects and advise that FCC and other relevant Local Planning Authorities are consulted regarding any other relevant projects and plans that may be within the project's Zone of Influence, including any located in England.	
Comments on any submissions received by Deadline 3 (NRW) [REP3-091]: Annex B – NRW Comments on the Saltmarsh Creation Strategy [REP3-026]	1.	Introduction	We note that the Applicant does not concur with our Key Concern 1 that the saltmarsh managed realignment proposal is inadequate to offset the negative impacts of nitrogen deposition (Ndep) on Annex I saltmarsh habitat (paragraph 1.1.1). The predicted exceedance of the critical load for Ndep covers 245ha related to this project alone (445ha in-combination with other projects).	The Applicant welcomes NRW's commentary on the adequacy of the proposed saltmarsh creation measures to mitigate the impact of permanent and temporary saltmarsh loss due to the proposed Surface Water Outfall, as being satisfactory in principle.
	2.	Introduction	The proposed managed realignment site is intended primarily to offset the 650m2 combined permanent and temporary saltmarsh loss from the new surface water outfall works. We note that the Applicant also considers that creating a 0.13ha area of saltmarsh would not only address the direct loss of habitat due to the new surface water outfall but also mitigate the likely impacts across the wider saltmarsh in the Dee Estuary because of elevated nitrogen deposition.	With regards to the adequacy of saltmarsh creation measures to be mitigation for nitrogen deposition impacts, the Applicant considers that in this case a simple percentage comparison between the Saltmarsh Creation Area and the area affected by elevated nitrogen deposition due to the Proposed Development (i.e. NRW's observation that the realignment area is equivalent to 'only 0.32%' of the air quality affected area) is not an appropriate basis to determine whether the Saltmarsh Creation Area is adequate to balance or offset any adverse effects on integrity that may arise on the Dee Estuary SAC/SPA/Ramsar site from atmospheric nitrogen deposition.
	3.	Introduction	However, the managed realignment site is only 0.32% of the area which would be affected by increased Ndep from this project, and we understand that it would also receive the same increased Ndep rates. We therefore maintain our position regarding Key Concern 1 of our Written Representation [REP1-073] regarding Ndep impacts on the Annex I saltmarsh.	This is because it does not take account of the fact that the area of saltmarsh affected by nitrogen deposition, while large, will neither be lost nor cease to be functional or even botanically diverse saltmarsh. At worst, given the Proposed Development would only result in a 1.4% increase in nitrogen deposition rates compared to the baseline situation, there may be a slight shift in botanical species composition away from broadleaved saltmarsh plants and towards saltmarsh grasses, and/or a slight reduction in the frequency of positive indicator species. To express the likely subtle nature of any effect in another way, studies in a range of habitats (reported in the RIHRA [REP4-054]) have identified that a minimum 0.4 kgN/ha/yr of additional nitrogen (twice the maximum dose that is forecast to arise from the Proposed Development) would be required to reduce botanical species richness in most studied habitats by one species ³ .
	4.	Introduction	In respect of our Key Concern 2 we consider that the proposed saltmarsh creation measures to offset the impact of permanent and temporary saltmarsh loss due to the new surface water outfall are satisfactory in principle, subject to further clarification of the detailed proposals being submitted, as reflected in our following comments and SoCG with the Applicant.	This is why National Highways, in the Design Manual for Roads and Bridges ⁴ , identifies that adverse effects on integrity can be dismissed if nitrogen deposition from new roads does not exceed 0.4 kgN/ha/yr. There is no basis to conclude that any positive indicators would be entirely lost from any of the affected areas. In practice, no botanical change may ever be detectable on the ground, due to overriding influences such as management

³ In other words, if you dropped a random quadrat into the sward, a minimum 0.4 kgN/ha/yr nitrogen dose would be required before you would record one less species in that quadrat. It does not mean any species are lost from the sward.

⁴ National Highways (2025). Design Manual for Roads and Bridges [online]. Available at: <https://www.standardsforhighways.co.uk/dmrb/> (Accessed: 15/04/2026)

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				<p>practices and grazing pressure, coastal processes, and inundation extent and duration, all of which have an equivalent or greater effect on botanical composition than atmospheric nitrogen deposition.</p> <p>Current nitrogen deposition rates at the affected parts of the SAC/SPA/Ramsar site are already 63% above the lowest part of the critical load range. It should be noted that this existing exceedance is not due to the existing Connah's Quay Power Station; source attribution data on the Air Pollution Information System indicates that agriculture (livestock and fertilizer) is by far the largest local atmospheric nitrogen source, being responsible for 43.2% of the local nitrogen deposition to the SAC/SPA/Ramsar site, with transport being the next largest source (13.2%). Despite nitrogen deposition already being well above the critical load, functional saltmarsh with positive indicator species persists. It is also reasonable to conclude that, given the extent to which the nitrogen deposition rates already exceed the critical load, the most significant changes in botanical composition that might arise due to nitrogen deposition have already occurred due to nitrogen already being present in excess for many years, underlining that the small amount of additional nitrogen from the Proposed Development is likely to only result in small subtle changes. In other words, while the area affected is large the magnitude of the expected botanical effect across that area is small and may never actually be detectable. The Applicant has therefore been precautionary in concluding that an adverse effect on integrity exists that requires mitigation, and the extent and nature of that mitigation needs to be proportionate to the likely magnitude of the forecast effect, rather than just the size of the area affected.</p> <p>This is relevant because the Saltmarsh Creation Area, while much smaller than the area affected by nitrogen deposition, would enable an entire area of saltmarsh to persist or expand that would otherwise be lost over time due to sea level rise. The Applicant considers this increase in the quantity of functional saltmarsh in the SAC/SPA/Ramsar site offsets the small (possibly imperceptible) effect that may arise on the quality of a larger area. While the managed realignment area would also be subject to elevated nitrogen deposition (there is no part of the Dee Estuary SAC/SPA/Ramsar site where nitrogen deposition falls below the lowest part of the critical load range) functional and species-rich saltmarsh does establish and persist in areas with high rates of nitrogen deposition (most of the saltmarsh in the UK is subject to high rates of nitrogen deposition) and, as identified above, the actual change in nitrogen deposition due to the Proposed Development is small, representing only a maximum 1.4% increase on current nitrogen deposition rates in the affected area.</p>
	5.	Introduction	The area identified for managed realignment to offset the permanent and temporary loss of saltmarsh is located outside of the Dee Estuary Special Area of Conservation (SAC) but is within part of the current Connah's Quay power station Conservation Area (Compartment 3).	The Applicant would like to clarify that the proposed Saltmarsh Creation Area is outside compartment 3 (Station Saltings) of the current Connah's Quay Power Station Conservation Areas Management Plan but is located immediately adjacent.

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
	6.	Baseline	The baseline data will need to provide sufficient information to inform the managed realignment site design. Old, contaminated sediments may become exposed or redistributed as the new marsh develops. The pre-intervention monitoring should therefore include a review of the contamination risk of the area proposed for managed retreat in the form of sediment cores.	<p>The Applicant is committed to undertaking a round of ground investigation to determine the presence of potential areas of contamination within the Saltmarsh Creation Area. This has been added to the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5.</p> <p>The Saltmarsh Creation Area has been considered in studies to date which are detailed in Appendix 14-A: Geo-Environmental Desk Based Assessment [CR1-095]. This information will inform the scope of the ground investigation.</p>
	8.	Identifying Location for Saltmarsh Creation	The Applicant's Response to Deadline 2 Submissions [REP3-057] states that "The Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5) identifies that a Saltmarsh Method Statement would be prepared to detail soil stockpiling and the suitability of using turves as well as setting out the proposed approach to monitoring saltmarsh recovery."	<p>The Saltmarsh Method Statement is separate from the Saltmarsh Creation Strategy (EN010166/APP/9.16) and subsequent Saltmarsh Implementation and Monitoring Plan. The Saltmarsh Method Statement only relates to the area of temporary loss of saltmarsh within the Surface Water Outfall Area and does not apply elsewhere within the Order limits.</p> <p>This was clarified with NRW during a meeting on 14 April 2026 and a written clarification provided via email following the meeting.</p>
	9.	Identifying Location for Saltmarsh Creation	Paragraph 4.1.5 of the SCS states that final proposals will be outlined within the Saltmarsh Implementation and Monitoring Plan to be submitted in accordance with Requirement 22 (saltmarsh creation) of the Draft DCO (EN010166/APP/3.1).	
	10.	Identifying Location for Saltmarsh Creation	We therefore seek clarification on whether the 'Saltmarsh Method Statement' is the same as the Saltmarsh Implementation and Monitoring Plan, or a different document, and the role of each document.	
	11.	Identifying Location for Saltmarsh Creation	We welcome the consideration of further enhancement opportunities to remove man-made features within their landholding and note that they have identified the possibility to remove an area of hard standing equating to 5m ² .	This is noted by the Applicant. These options are continuing to be explored.
	12.	Saltmarsh Implementation and Monitoring Plan	We advise that, in general, saltmarsh develops between mean high water neap tides at the lowest level and the highest astronomical tide rather than "within mean spring tidal range to highest astronomical tide (HAT)" as stated in paragraph 5.3.2.	This is noted and has been amended in an updated version of the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5.
	13.	Saltmarsh Implementation and Monitoring Plan	We welcome that the final location of the Saltmarsh Creation Area would be determined and plans developed in discussion with NRW as outlined in paragraph 5.3.6 following the completion of the surveys.	<p>Requirement 22 (Saltmarsh Creation) was added to the Draft DCO (EN010166/APP/3.1) at Deadline 3 which states:</p> <p><i>"No stage of Work No. 5 [construction of a surface water discharge] may be commenced or any stage of Work No. 1(a) [up to two combined cycle gas turbine plants] be brought into commercial use until a saltmarsh implementation and monitoring plan has been submitted to and approved by the relevant planning authority, in consultation with Natural Resources Wales."</i></p>
	14.	Saltmarsh Implementation and Monitoring Plan	However, we seek clarification on the timeline around the production of the detailed plans, and whether there is a DCO requirement for this to be finalised before construction.	
	16.	Saltmarsh Implementation and Monitoring Plan	The pre-intervention surveys to prepare the digital terrain model and digital surface model are not detailed. We assume that they will include a UAV survey and ground truthing with an RTK-GNSS, but this detail should be confirmed.	<p>The final scope of pre-intervention surveys is being developed but will include UAV survey to capture LiDAR and RGB photogrammetry utilising RTK-GNSS geo-referencing.</p> <p>This was clarified with NRW during a meeting on 14 April 2026.</p>

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
	17.	Saltmarsh Implementation and Monitoring Plan	Topographic surveys should include areas outside of the site which could be impacted by the breach. Brooks et al (2022) outline the physical processes information required to inform small-scale projects and should be used to determine the scale of influence of the managed realignment and therefore the scale of monitoring required.	The topographic surveys proposed cover areas outside of the Saltmarsh Creation Area. No sediment surveys are currently proposed as the topographic surveys are yet to be completed which would enable the identification of suitable locations for any such survey.
	18.	Saltmarsh Implementation and Monitoring Plan	To inform managed realignment design wave and tidal current data are normally collected to inform understanding of hydrodynamic conditions and inform breach design. We therefore advise that tidal current velocity data should be collected. The location of the breach may be too far inland to be affected by waves but additional information regarding the wave climate at this location should be provided to confirm this.	Given the location of the Saltmarsh Creation Area is set back from the channel edge it is considered that it is sheltered from waves and therefore the data suggested would not provide any benefit to the design development of the Saltmarsh Creation Area. The Applicant has therefore not included a commitment to obtain tidal current data within the updated Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5.
	19.	Saltmarsh Implementation and Monitoring Plan	A breach design tool (empirical tool) which can inform the initial dimensions of the breach has been developed and is available from Coastal Science & Engineering Applications (CoastalSEA). We advise that a model based on tidal flows, topography and the designed breach would help to inform predicted velocities/bed shear stresses within the managed realignment site.	The Applicant considers that the surveys proposed within the Saltmarsh Creation Strategy (EN010166/APP/9.16) will provide suitable information to finalise the Saltmarsh Creation Area. Whilst the Applicant acknowledges the breach design tool can be used to inform managed realignment projects, it is considered that these are of substantial scale when compared with the Applicant's proposals. The Applicant is also exploring options which would avoid the realignment of the existing defences but would introduce a controllable inlet (culvert) into the Saltmarsh Creation Area which could be closed in certain events to hold the existing defence alignment.
	20.	Saltmarsh Implementation and Monitoring Plan	The post-construction surveys all appear to comply with best practice in terms of frequency and purpose. However, we advise that post-breach tidal data are collected to inform whether the required tidal levels have been achieved.	No amendments have been made to the post-construction surveys included within the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5 as the Applicant believes the existing surveys would provide the information that is suggested. The Applicant will continue to discuss further details of the final scope of post-intervention surveys with NRW during the development of the Saltmarsh Implementation and Monitoring Plan.
	21.	Saltmarsh Implementation and Monitoring Plan	Regarding para. 5.4.24, a cutting regime would only be required if the site starts to develop a dense cover of grasses. The general aim should be to achieve a varied mosaic of sward heights.	This clarification has been included at paragraph 5.4.24 of the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5.
	22.	Saltmarsh Implementation and Monitoring Plan	The final bullet point of para. 5.4.27 should be proof-read as there appears to be a typographical error ("translation of curves" instead of "translocation of curves").	This typographical error has been corrected in an updated version of the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5.
	23.	Saltmarsh Implementation and Monitoring Plan	We advise that the SCS should reference the following further design factors that should be considered at the detailed design stage: <ul style="list-style-type: none"> • The amount of sediment that will need to be removed to create the right elevation for the site. • The location of where the material is to be deposited after altering the topography of the site. • Whether an artificial creek system is needed within the site 	These additional design factors have been listed within Section 5.3 (Design Development) of the Saltmarsh Creation Strategy (EN010166/APP/9.16) submitted at Deadline 5. The only deviations from the text provided by NRW are a minor edit within the first bullet point to the 'required elevation' and use of the Saltmarsh Creation Area rather than 'site'.

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
			<ul style="list-style-type: none"> Whether the sediment at the site is compacted and any decompaction is required prior to a breach 	
Comments on any submissions received by Deadline 3 (NRW) [REP3-091]: Annex C – NRW Response to Examining Authority's Question to NRW During Issue Specific Hearing 3 (ISH3)	1.		During ISH3 on 17 March 2026 the ExA stated that it was seeking to establish if NRW is content with the current management of the saltmarsh under the existing Connah's Quay power station conservation management plan for the site. NRW has since considered this question, and our response is as follows.	This is noted by the Applicant. The Conservation Areas Management Plan is in the process of being updated in consultation with the Deeside Naturalists Society and NRW with further discussions planned in May 2026.
	2.		A Conservation Areas Management Plan is currently in place at the site, secured as mitigation for environmental impacts associated with previous developments at this location. The Conservation Areas Management Plan for the land within the Applicant's control, which is a legal requirement of the Section 36 consent for the existing Connah's Quay Power Station, must be maintained for the life of the existing Connah's Quay Power Station.	
	3.		Within the current Conservation Areas Management Plan, there are three 'compartments': <ul style="list-style-type: none"> Compartment 1: the pools and hinterland within the SSSI to the north-west of the power plant, this is not intertidal and therefore has no saltmarsh. The focus of this area is to provide pools to attract waders and wildfowl for feeding, roosting and potentially nesting. Compartment 2: the saltmarsh bordering the north-eastern edge of the plant, which is ungrazed and has artificial 'bunded pools' that are periodically maintained to retain tidal water, in order to attract a range of over-wintering and passage birds. Whilst one of these is currently in disrepair, the Applicant has recently consulted NRW in respect of undertaking management to address the issue. Compartment 3: this is a small area of saltmarsh to the south of the power station, which is ungrazed and has non-intervention management - it is left to its own devices. This area of saltmarsh is adjacent to the area where the Applicant proposes small-scale managed realignment. 	
	4.		There is currently no grazing on any of the saltmarsh but there is limited mowing of areas in front of the bird viewing hides (to maintain sight lines to the pools). The large bunded pools are maintained every five years or so (for birds rather than saltmarsh). NRW has historically been comfortable with the current management, due to the mixture of species and habitat that we are aiming to see managed across the site.	
	5.		Therefore, in general, NRW is satisfied with the current management of the saltmarsh by the Applicant under the extant management plan agreement but would not object to Compartment 3 being grazed appropriately if it is safe for stock do so. NRW is currently awaiting the renewal of the 5-year management plan at the Connah's Quay power station site, which is overdue.	
	6.		To ensure the continuity of the extant environmental management commitments associated with the ongoing use of the site as a power station, we would expect a new Conservation Areas Management Plan to be	

Source Document	Reference1	Topic	Source Document Text	Applicant's Response
			<p>implemented for the life of the Proposed Development. We therefore welcome the Applicant's confirmation that an updated Conservation Areas Management Plan would be prepared as an embedded design measure and submitted to FCC and NRW for approval prior to the commencement of operation of the Proposed Development. We would expect this to encompass the existing conservation management compartments, and any new compartments associated with the Proposed Development. We note that the updated Conservation Areas Management Plan would be secured by DCO Requirement 13 (as part of the Operational and Maintenance Environmental Management Plan) and remain in place until completion of the decommissioning of the Proposed Development, unless otherwise agreed with FCC and NRW (commitment ref. TAE – 39).</p>	<p>updated Conservation Areas Management Plan would be prepared and submitted to FCC and NRW for approval prior to the decommissioning of the existing Connah's Quay Power Station. This will be clarified, where necessary, in an updated version of Appendix 4-A: Operation and Maintenance Mitigation Register [APP-177] submitted at deadline 6, which is secured by Requirement 13: (Operational and maintenance environmental management plan) of the Draft DCO (EN010166/APP/3.1).</p> <p>This updated Conservation Areas Management Plan would be reviewed and updated at a frequency to be agreed with FCC and NRW and would remain in place until the point of the completion of the decommissioning of the CQLCP Abated Generating Station, unless otherwise agreed with FCC and NRW.</p>

2.2 REP4-090 Natural England

2.2.1 Natural England's Deadline 4 submission and the Applicant's response are set out in **Table 2** below.

Table 2: Response to Natural England Deadline 4 submission

Source Document	Reference ⁵	Topic	Source Document Text	Applicant's Response
Comments on any submissions received by Deadline 3 (NE) [REP3-090]: Annex 1 – Comment on documents submitted at Deadline 3	A1.1	Report to Inform a Habitats Regulations Assessment (RIHRA)	We note that the RIHRA has been updated to reflect the changes to the air quality assessment. Given these changes are minimal and make no material difference to the conclusions reached, we refer the Examining Authority to our Relevant Representations and the latest version of the Statement of Common Ground for our outstanding concerns regarding the RIHRA.	The Applicant has provided a response to these two points above at reference NRW Annex B points 1-4 in Table 1 .
	A1.2	RIHRA	Our position remains unchanged – we do not consider the proposed measures to address the impacts from nitrogen deposition across the designated saltmarsh of the Dee Estuary to be sufficient.	
	A1.3	RIHRA	Furthermore, we maintain that the measures proposed to offset loss of designated saltmarsh within the Dee Estuary SAC from the new cooling water outflow, and to address the loss of functionally linked land supporting birds associated with the Dee Estuary SPA and Ramsar site should be considered compensation rather than mitigation.	The Applicant refers Natural England to paragraph 1.1.1 of the Saltmarsh Creation Strategy (EN010166/APP/9.16) which identifies that the Saltmarsh Creation Area is proposed as mitigation (as opposed to compensation) for both the permanent loss of saltmarsh within the Order limits (and more specifically the Surface Water Outfall Area) associated with the creation of a new headwall and also for negative effects of saltmarsh vegetation from nitrogen deposition associated with the stack emissions of the operational facility. The Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086] provided at Deadline 4 outlines further justification for this position.
	A1.4	Saltmarsh Creation Strategy	We welcome the production of the Saltmarsh Creation Strategy to ensure the proposed managed realignment delivers the maximum environmental outcomes.	
	A1.5	Saltmarsh Creation Strategy	We note that this work is intended to compensate for the loss of designated saltmarsh habitat to be lost for the cooling water outflow, and to mitigate for the additional nitrogen deposition to designated saltmarsh once the site is operational.	
	A1.6	Saltmarsh Creation Strategy	As this site lies within Wales we defer to NRW's advice in relation to the detailed design of this area to compensate for the saltmarsh loss.	
	A1.7	Updated Air Quality Assessment	We have reviewed the updated Air Quality assessment submitted at Deadline 3, and have the following comments: <ul style="list-style-type: none"> • The update does not materially change the overall position. • The reduction in stack height is noted, but there is limited explicit comparison of pre- and post change impacts at ecological receptors. • In-combination assessment has been improved slightly, but still lacks full clarity, particularly in relation to ammonia and the completeness of sources included. • The ammonia assessment remains close to relevant thresholds in places, and there is still some uncertainty around how background concentrations have been represented. 	
The Applicant would like to highlight: <ul style="list-style-type: none"> • It is unclear from the response what "lacks full clarity" is referring to. If the reference to "full clarity" on ammonia sources is considered to be a reference to the input by agricultural practices to the baseline conditions, the contribution from these sources are represented by the background ammonia concentration and deposition values taken from Air Pollution Information System (APIS). • The stated "relevant thresholds" refer to the Applicant's screening thresholds and not the relevant criteria themselves. The Applicant refers to the response provided in NE 45 of the Applicant's Response to Relevant Representations [REP1-062]. The Applicant and NE are arranging a meeting to discuss outstanding air quality matters following Deadline 5.				

⁵ Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

Source Document	Reference ⁵	Topic	Source Document Text	Applicant's Response
<p>Comments on any submissions received by Deadline 3 (NE) [REP3-090]: Annex 2 – Examiner's Questions</p>	A2.1	HRA	<p>Q1.6.10: HRA: Air quality modelling Are NE and NRW satisfied with the air quality modelling that has been undertaken (ES appendix 8-D [APP-183]) to inform the assessment of atmospheric pollution on European sites?</p> <p>NE Response: Natural England has reviewed the updated air quality modelling and supporting information. The updated material provides additional clarity in places, including the presentation of scenarios and reporting of ecological receptors.</p> <p>However, the update does not materially change the assessment outcomes or fully address the points previously raised in Natural England's Relevant Representation. Natural England's position therefore remains broadly as previously stated, with ongoing discussions focused on a small number of areas including in combination assessment of nitrogen deposition and ammonia in relation to ecological receptors.</p>	<p>This position is noted. The Applicant and Natural England continue to discuss matters relating to the air quality modelling and supporting information.</p>
	A2.2	HRA	<p>Q1.6.15: HRA: River Dee and Bala Lake SAC – Atmospheric pollution exhaust emissions Are NE satisfied with the applicant's conclusion that the critical levels of ammonia (NH₃) and nitrogen (NO_x) would not be exceeded at River Dee and Bala Lake SAC during both construction and operation of the proposed development? If not, what further evidence is required for the applicant to justify their conclusion?</p> <p>NE Response: Natural England notes the applicant's conclusion that critical levels for ammonia and nitrogen oxides would not be exceeded.</p> <p>At this stage, Natural England considers that the updated information does not materially alter the conclusions previously presented and does not change its position. As such, Natural England is not yet in a position to confirm agreement with the applicant's conclusions.</p>	<p>Paragraph 7.2.57 of the RIHRA [REP4-055] explains why none of the SAC qualifying features present, or likely to be present, within the affected part of the SAC are air quality sensitive. NRW has not expressed any disagreement with this conclusion. Paragraph 7.2.57 of the RIHRA [REP4-055] identifies that modelling for the Proposed Development shows that the relevant critical levels for the protection of vegetation (3 µgm⁻³ for ammonia and 30 µgm⁻³ for NO_x) would not be exceeded even in combination with other projects and plans.</p> <p>The Applicant therefore considers that it has addressed Natural England's previous concerns in relation to the air quality impacts on the River Dee and Bala Lake SAC within the RIHRA [REP4-055].</p>
	A2.3	HRA	<p>Q1.6.17 : Atmospheric pollution at internationally designated sites – Construction Are NE satisfied that the concerns raised in ID NE35 of their relevant representation [RR-026] have been addressed in ES chapter 8, table 8 5 [APP-046]?</p> <p>Natural England acknowledges that updates have been made to the air quality assessment and supporting documentation.</p> <p>However, the updated material does not fully address the concerns previously raised in Natural England's Relevant Representation. Our position therefore remains unchanged at this stage.</p>	<p>The Applicant confirms that updated information or additional sign posting has been provided in responses to ID NE35 in the Applicant's Response to Relevant Representations [REP1-062] and considers no further information or clarification is necessary.</p>

2.3 REP4-092 Climate Emergency Science Law (CESL)

2.3.1 With regard to CESL's Deadline 4 submission, please see **Table 3** below.

Table 3: Response to CESL Deadline 4 submission

Source Document	Reference	Source Document Issue / Theme	Applicant's Response
REP4-092	n/a	n/a	A response to the Post-Hearing Submission [REP4-092] submitted by Climate Emergency Science Law (CESL) is provided in a separate document: Additional Climate Change Submission (Response to Dr Boswell) (EN010166/APP/9.28) .

3. Local Authorities

3.1 REP4-089 Flintshire County Council (FCC)

3.1.1 FCC's Deadline 4 submission and the Applicant's response are set out in **Table 4** below.

Table 4: Response to FCC's Deadline 4 submission

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
Comments on any submissions received by Deadline 3 (FCC) [REP3-089]: Table 1-1: FCC written response to the Applicant's response to the Council's Local Impact Report [REF 9.15] and the information submitted at Examining Authority's at Deadline 3	12.6	Public Rights of Way	<p>It is acknowledged that Public Footpath 28 is located outside of the Order limits reference Extract from Sheet 11 – APP-013 2.6 CQLCP Access, Streets, Rights of Way and Rights of Navigation Plans Rev 00. However, the extent of the order limits is within the gift of the applicant. Why was the order limit not drawn to the boundary of the land?</p> <p>Understood the applicant is of the view that mitigation in the form of amendments to Public Footpath 28 are not considered to be required or directly related to the Proposed Development.</p> <p>Agreed that access to the nature reserve is restricted, in agreement with NRW and the DNS.</p> <p>FCC consider that a newly-created footpath could continue to run parallel to the adjacent railway line, as Public Footpath currently does.</p> <ul style="list-style-type: none"> - That the safety concerns could be addressed by secure fencing, which Uniper have already recently undertaken along Public Footpath No. 28. - That the relocation of the security gate approximately 15 metres further back into the site would allow for this to be safely created. - While this is predominantly a Uniper project, National Grid's land is included in the order limits for a reason. Don't agree that the ownership is a preventative reason for a tangible community benefit. - By providing 245 metres of PROW it could ensure that the public can avoid approx. 600 metres of active traffic and increased construction on the B5129. <p>Benefits would allow a public footpath to better link Connahs Quay community and to the college.</p> <p>Further to this, it would assist with restricting access to the nature reserve, by giving the path a direction/destination rather than just opening it out to the Saltmarsh, which is presumed would be supported NRW and the Deeside Naturalists Society.</p>	<p>Please refer to the Applicant's response to Action Point 2 within the Applicant's Written Summary of Oral Submissions at OFH1 and response to Action Points [REP4-083] 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, subject to agreement with local stakeholders, as part of its community benefits package proposed as outlined in the Community and Local Benefits Statement (EN010166/APP/9.24).</p>
	REP3-058 Survey scope and baseline validity	Biodiversity and Nature Conservation	<p><u>Survey extents and access</u></p> <p>The Applicant's response does not fully address the concerns raised in the Local Impact Report (LIR) [REP2-021]. While agreement on survey scope exists, it does not mitigate the baseline limitations acknowledged in the supporting documentation.</p>	<p><u>Survey Limitations</u></p> <p>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</p>

⁶ Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>Upon review of the technical appendices, constraints relating to survey extents and access have not been comprehensively described or adequately illustrated, notwithstanding the Applicant's position referenced in section 13.10 [REP3-058].</p> <p>The Council therefore awaits further information, anticipated at Deadline 5, which should clearly delineate these limitations and their implications for the assessment.</p> <p>The Council acknowledges the Applicant's clarification that otter surveys were conducted 200m both upstream and downstream of the Order Limits, and notes that the reference to a 50m survey buffer in Appendix 11-J [REP3-020] was a typographical error that has now been corrected. This clarification is appreciated; however, the revised Otter Technical Appendix [REP3-020] was not available for review at the time of writing. The Council would be grateful if the Applicant could share this with the ecology officer, appreciating its confidential nature. However, the Council's concern is not limited to typographical inconsistencies, but extends to whether the survey coverage has been applied comprehensively and in accordance with the agreed scope, as evidenced within the mapping provided. The agreed methodology requires survey coverage extending 200m upstream and downstream of the Order Limits along all affected watercourses. Previous submissions indicate that survey efforts may have been concentrated on a limited subset of waterbodies, without sufficient explanation for their selection or confirmation that all relevant sections were included. Further clarification and evidence are therefore required to demonstrate that otter surveys have been undertaken consistently across the full 200m up and downstream extents in accordance with the agreed scope.</p> <p><u>UKHab and habitat surveys</u></p> <p>The Applicant states that the UK Habitat Classification (UKHab) survey methodology was used on the basis that it is a "CIEEM-approved" method. CIEEM's role is to publish EclA guidance, which explicitly recognises multiple habitat survey methods, including JNCC Phase 1, UKHab, EUNIS and others, depending on purpose and context. This is therefore not a valid justification for methodology selection as CIEEM guidance does not elevate UKHab above Phase 1, nor does it say UKHab is sufficient for all planning or EIA contexts. Both Natural Resources Wales and the Council have explicitly advised during pre-application and examination that habitat surveys for this project should accord with the JNCC Phase 1 Habitat Survey methodology. The Applicant has not provided a clear, evidence-based justification for departing from this advice and as described below reliance on UKHab methodology, without a supporting Phase 1 survey or adequately detailed habitat condition assessments for use within the DECCA framework, is insufficient to establish a robust baseline for impact assessments in Wales. Further comments on the limitations of UKHab in this context, including the implications of the absence of species-level data for assessing ecosystem resilience under DECCA, are addressed in the DECCA section below.</p>	<p>Appendix 11-C to 11-M (EN010166/APP/6.4). The majority of the limitations related to access for the Repurposed CO₂ Connection Corridor within which no works are proposed. The Applicant considers that the identified limitations do not affect the conclusions reached within Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11) or the RIHRA (EN010166/APP/6.12).</p> <p><u>Otter Technical Appendix</u></p> <p>The Applicant has provided a copy of the updated Appendix 11-J: Otter Technical Appendix [REP3-020] to FCC via email.</p> <p><u>UKHab and Habitat Surveys</u></p> <p>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.</p> <p>Further to this, UKHabs is compatible with the Statutory Biodiversity Metric Condition Assessments⁷. In the absence of formal guidance on how to assess condition of habitats when undertaking net benefit for biodiversity (NBB) assessments, the Statutory Biodiversity Metric Condition Assessment sheets have been used for the Proposed Development to allow for standardised and repeatable condition assessments to inform the NBB assessment. The Statutory Biodiversity Metric Condition Assessment sheets utilise the UK Habitat classification system, EUNIS habitat definitions, Annex I habitats and Water Framework Directive. Phase 1 Habitat Classification has no readily compatible condition assessment tools available, with those available being more suited to designated sites and habitats of ecological interest. The Applicant emphasises the evolving status of NBB within Wales, and its prematurity, including the current absence of comprehensive and standardised methodological guidance to support its consistent application. It is therefore necessary and appropriate to apply professional judgement and industry standards in areas where detailed guidance is absent. Where appropriate, the Applicant has drawn upon established methodologies originating from CIEEM best practice and industry standard, such as the Statutory Biodiversity Metric Condition Assessment sheets solely to inform and provide</p>

⁷ Defra (Department for Environment, Food & Rural Affairs) (2023). Statutory Biodiversity Metric: Condition Assessments. [online]. Available at: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides> (Accessed 17 April 2026).

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>In relation to the Applicant's response regarding invasive non-native species referenced within habitat condition assessments, the Applicant has advised that parcels were incorrectly labelled on figures and that these labels have since been removed. As a result, it is no longer possible to verify habitat condition, including the presence or absence of invasive species, either within or outside the Order limits, or to assess whether such habitats are affected by the Proposed Development. The Council therefore awaits further updates and clarification, to be provided at Deadline 5 as indicated by the Applicant.</p> <p><u>Species impacts</u> Natural Resources Wales and the Council have previously advised that Likely Significant Effects could not be ruled out for several receptors. The Applicant's response in 9.15 CQLCP Applicant's Response to Local Impact Report [REP3-058] provides limited new evidence to address that position and continues to rely on post-consent updates, leaving uncertainty unresolved at Examination stage.</p> <p>Where the Applicant considers survey scope and conclusions to be justified, the Council expects this to be embedded in ES Chapter 11: Terrestrial and Aquatic Ecology [APP-049], with limitations and any deviations from guidance clearly set out, and an explicit explanation of how these limitations have influenced the final assessments and how precaution has been applied.</p> <p>For example, the Applicant's ongoing conclusion of negligible suitability for bats is not adequately evidenced against the habitat descriptions, particularly given that habitats supporting notable invertebrate assemblages remain present within the Order Limits. The Council therefore requests that the Applicant explains, with clear reasoning and evidence, why lighting and site exposure are considered limiting to bat use, in circumstances where other nocturnal taxa are demonstrated to persist.</p> <p>The Council position remains that Preliminary Roost Appraisal (PRA) and inspection surveys should be undertaken prior to determination, rather than deferred to the pre-construction stage. This information is required to inform the ecological valuation of the site and to provide a robust assessment of the potential impacts, as well as to identify any mitigation, compensation or licensing requirements that may be necessary.</p> <p>The Council further observes that inconsistencies persist, particularly in relation to the assessment of great crested newt pond suitability, connectivity and survey effort (including the need for further information on the order limit extension for the Jetty north of the River Dee) as well as the undervaluation of GCN, which is at contrary to the advice provided by NRW.</p>	<p>evidence-based in circumstances where equivalent Welsh-specific guidance is not available. In such instances the Applicant believes this represents a reasonable and widely accepted approach and does not constitute inconsistent application.</p> <p>Appendix D of the Green Infrastructure Statement [REP4-052] translates UKHabitat Classifications to Phase 1 Habitat Classifications.</p> <p><u>Invasive non-native species</u> With regards to amendments to 'habitats conditions assessments' included within Appendix 11-C: Botany Technical Appendix [REP3-017], the Applicant has not advised that parcels were incorrectly labelled on figures or that these labels have since been removed. The only amendments made were to the headers of Table 2 of the appendix to align with the area codes used on supporting Figures. No further clarifications are proposed.</p> <p><u>Species Impacts</u> The Applicant has completed the full suite of baseline surveys required to support its impact assessment. The post consent surveys required are limited to pre-commencement surveys undertaken to confirm there are no changes to the baseline prior to start of works and the baseline survey work at the Off-Site Delivery Area which are currently ongoing.</p> <p>The Applicant has set out its full methodology in Chapter 11: Terrestrial and Aquatic Ecology [APP-049] and its associated appendices. Where any limitations or deviations have occurred, this has been discussed and a rationale given as to whether these affect the assessment. If a precautionary method has been applied at any point, then this has been fully explained.</p> <p>The Applicant has provided adequate justification for its conclusions on bat suitability of both habitats and roosts. The survey scope was presented to NRW and FCC, as shown in Table 11.5 of Chapter 11: Terrestrial and Aquatic Ecology [APP-197], and discussed and agreed. It should also be noted that in response to the Statutory Consultation (October to November 2024), FCC noted "<i>The scope and methodology of ecology surveys and assessments being undertaken as set out within Chapter 11 Terrestrial and Aquatic Ecology are accepted and as agreed at the EIA Scoping stage</i>".</p> <p>The Applicant undertook a PRA in 2024. The survey was carried out by an ecologist registered to use the Natural England bat survey class licence (Level 2) and who holds a NRW bat survey licence</p>

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
				<p>and concluded that all buildings present within the Main Development Area have negligible suitability for bats. Preconstruction surveys are not required in this instance. All trees with potential for bat roosts found during the surveys are to be retained by the Proposed Development and no works will be conducted within 30m of these trees. Therefore any potential bat roosts will not be impacted by the Proposed Development. This information was included within the Preliminary Environmental Information Report published in support of the Statutory Consultation.</p> <p>The Applicant retains its position in points 13.26-13.28 and 13.147-13.153 within the Applicant's Response to the Local Impact Report [REP3-058] on its valuation and survey scope for great crested newt (which is considered proportionate to the impacts). NRW have raised no comments or concerns over the survey scope or valuation of this species during the examination process.</p> <p>Annex B of ES Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty sets out the Applicant's assessment of the impact of the hardstanding expansion at Connah's Quay North Jetty on great crested newt. It concludes that due to the very small area of habitat loss (0.19 ha) the impact to any populations present would be limited to risk of mortality during construction and so any impact to newts can be sufficiently controlled by the precautionary methods of work detailed in the Framework CEMP (EN010166/APP/6.5).</p> <p>In addition to the points detailed above the Applicant refers to paragraph 2.1.42 of NRW's Relevant Representation [RR-027] which states: <i>"Overall, we are largely satisfied with the survey and assessment in respect of great crested newts (GCNs), bats, otter, water vole, hazel dormouse, and natterjack toad and agree with the conclusions of the ES."</i></p>
	REP3-058 Treatment of up to nine-year habitat loss (temp impact 13.50)	Biodiversity and Nature Conservation	<p>The Council does not agree with the Applicant's approach to classifying habitat loss lasting up to nine years (plus re-establishment time) as a temporary ecological impact. This position aligns with NRW's concern regarding lifecycle impacts and population-level effects. REP3-058 does not demonstrate how these long-term effects have been precautionarily assessed.</p> <p>While it is acknowledged that the Applicant has sought to define 'temporary' on the basis that habitats would ultimately be reinstated, this interpretation is not consistent with established ecological principles or with the intent of relevant guidance. As set out in CIEEM's Guidelines for Ecological Impact Assessment, the duration of an activity may differ from the duration of the resulting ecological effect, and impacts must be defined explicitly in months or years, recognising that effects may be short,</p>	<p>The Applicant retains its position in point 13.50 within the Applicant's Response to the Local Impact Report [REP3-058] on reversibility of impacts. The Applicant notes FCC's position that <i>"... impacts must be defined explicitly in months or years, recognising that effects may be short, medium or long-term, temporary or permanent"</i> confuses 'revisability' and 'duration'. Appendix 11-A: Ecological Impact Assessment Methodology [APP-189] confirms how the Applicant has considered 'revisability' and 'duration' within the assessment. The relevant text is repeated below:</p>

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>medium or long-term, temporary or permanent depending on the ecological context. The absence of prescribed timeframes within guidance reflects the need for professional judgement informed by ecological evidence, context and scientific principles.</p> <p>In this case, the Council considers that the removal of habitat for up to nine years represents a long-term ecological effect, irrespective of whether reinstatement is proposed. The ecological consequences of prolonged habitat loss, including loss of function, disruption to ecological processes, population displacement, and potential effects on metapopulation dynamics and ecosystem resilience, cannot reasonably be equated with short-term or temporary disturbance. The reversibility of a habitat in physical terms does not negate the ecological significance of its absence over a prolonged period (e.g. in relation to species loss), particularly where recovery times and uncertainties associated with habitat establishment are also relevant.</p> <p>The Council also notes the Applicant's position that Biodiversity Net Gain (BNG) guidance is not applicable in Wales in relation to the 2-year temporary impact defined within BNG; however, the Applicant continues to rely on assessments and concepts derived from these metric-based approaches, which are then applied inconsistently.</p>	<ul style="list-style-type: none"> • duration - the time over which an impact is expected to last prior to recovery or replacement of the resource or feature. The likely duration of the impact should be quantified (e.g. two weeks duration; five to 10 years). Consideration has been given to how this duration relates to relevant ecological characteristics such as a species' lifecycle. However, it is not always appropriate to report the duration of impacts in these terms. The duration of an effect may be longer than the duration of an activity or impact. • reversibility - is the impact temporary or permanent. A temporary impact is one from which recovery is possible or for which effective mitigation is both possible and enforceable. A permanent effect is one from which recovery is either not possible, or cannot be achieved within a reasonable timescale (in the context of the feature being assessed). <p>On the basis of the above, an impact could be long term and temporary, however by its very nature, a discussion on duration is not required for permanent impacts.</p> <p>The Applicant emphasises the evolving status of NBB within Wales, and its prematurity, including the current absence of comprehensive and standardised methodological guidance to support its consistent application. It is therefore necessary and appropriate to apply professional judgement and industry standards in areas where detailed guidance is absent. Where appropriate, the Applicant has drawn upon established methodologies originating from CIEEM best practice and industry standard, such as the Statutory Biodiversity Metric Condition Assessment sheets solely to inform and provide evidence-based in circumstances where equivalent Welsh-specific guidance is not available. In such instances the Applicant believes this represents a reasonable and widely accepted approach and does not constitute inconsistent application.</p>
	REP3-058 DECCA assessment and Net Benefit for Biodiversity	Biodiversity and Nature Conservation	<p>The Council does not agree with the Applicant's position that the DECCA framework is intended solely as a tool for assessing proposed habitat enhancement and creation, nor with the omission of the DECCA framework from the EclA methodology. DECCA is a framework for assessing ecosystem resilience and, by its nature, requires an understanding of baseline condition and function in order to evaluate change arising from development.</p> <p>While UK Habitat Classification (UKHab) surveys and Statutory Biodiversity Net Gain (BNG) Biodiversity Condition Assessments provide some baseline information on habitat type and selected aspects of condition, they do not assess ecosystem resilience. These survey outputs are inputs to, rather than substitutes for, a DECCA-based assessment. DECCA explicitly considers diversity, extent, connectivity, condition and other components of ecosystem resilience (including</p>	<p>The Applicant has used a previously accepted (HyNet - FUL/000526/25) methodology for the NBB assessment for the Proposed Development. Nevertheless, the Applicant will update the Green Infrastructure Statement (EN010166/APP/6.11) to include a standalone DECCA assessment of baseline condition at Deadline 6. The Applicant is confident that the survey data and other available sources of information are sufficient to provide the additional detail requested.</p> <p><u>DECCA in EclA</u> The Applicant retains the position set out in the Applicant's Response to the Local Impact Report [REP3-058] at point 13.127. The Applicant also refers to Appendix 11-A: Ecological Impact Assessment Methodology [APP-189] which explains that</p>

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>adaptability), and is therefore concerned with how ecological systems function and respond to disturbance, not solely with habitat creation or enhancement proposals. In this context, the Council does not agree with the Applicant's assertion that there is no requirement to collect comprehensive species information for the UKHab methodology where it is being relied upon to inform a DECCA assessment, nor that the information presented in Annex B of Appendix 11-C [REP3-016] is sufficient to justify the conclusions drawn. While UKHab does not require exhaustive species lists for the purposes of habitat classification alone, a baseline that lacks adequate species-level information is not sufficient to support a DECCA assessment, as required in Wales. DECCA requires an understanding of ecological diversity, condition and function in order to assess changes in ecosystem resilience pre- and post-development. The Applicant's position therefore highlights a fundamental methodological issue: where DECCA is required, reliance on UKHab data alone is inadequate unless it is supplemented by sufficient ecological evidence to enable a detailed assessment of diversity, condition and ecosystem function. This further reinforces the position of both Natural Resources Wales and the Council that habitat survey data should be collected using the JNCC Phase 1 Habitat Survey methodology, supported by appropriate botanical and species information, to establish a robust baseline for impact assessment and evaluation of ecosystem resilience.</p> <p>Furthermore, the Council does not agree with the Applicant's assertion that the DECCA framework need not be applied because it is not explicitly required by CIEEM guidance. In Wales, the application of DECCA arises from requirements under the Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016, and is embedded within national planning policy, including Planning Policy Wales and Future Wales. CIEEM has also published Wales specific guidance on the application of DECCA and notes within its own EclA guidelines the importance of referring to up to date planning policy relevant to the applicable UK nation. As such, Welsh legislation and policy requirements take precedence over sector guidance where there is any perceived inconsistency. The Council therefore considers that DECCA should be applied consistently across the Proposed Development, including baseline conditions, construction phase impacts and post construction outcomes, to enable a transparent assessment of changes in ecosystem resilience and a robust demonstration of net benefit for biodiversity. Restricting the framework to enhancement proposals alone does not achieve this. The proposed inclusion of additional survey references or corrections within the Green Infrastructure Statement does not address this fundamental methodological issue. On the basis of the information currently presented, the Council is unable to assess whether a net benefit for biodiversity has been clearly demonstrated, particularly when long term habitat loss during construction is taken into account.</p>	<p>whilst the DECCA framework is not applied directly, the principles of the framework are embedded in the approach taken by the Applicant when determining 'Ecological Importance'. This is evidenced in Appendix 11-A: Ecological Impact Assessment Methodology [APP-189] at paragraph 1.2.3 which notes 'biodiversity value' is based on diversity, rarity, scarcity, ecosystem function, and population trends. This is then supported by paragraphs 1.2.4 and 1.2.5 of Appendix 11-A: Ecological Impact Assessment Methodology [APP-189], which provide further details of how these have been considered. The approach taken is similar to that for the consented Mona Offshore Windfarm (EN010137) and Hynet Carbon Dioxide Pipeline (EN070007)</p> <p>Each of the species Technical Appendices to Chapter 11: Terrestrial and Aquatic Ecology (11-C to 11-F) (EN010166/APP/6.4) provides a detailed discussion on Ecological Importance.</p>
	REP3-058 Mitigation and Compensation	Biodiversity and Nature Conservation	The Council notes the Applicant's position that certain measures identified within Table 6 of the Green Infrastructure Statement [APP-252], such as ground protection and cellular confinement systems within Root Protection Areas, constitute mitigation rather than compensation. The Council agrees that such measures can appropriately be described as mitigation where they function to avoid or reduce adverse impacts in	<p><u>Step-wise Approach On-Site</u></p> <p>The Applicant notes FCC's commentary. Table 6 of the Green Infrastructure Statement [REP4-058] will be updated at Deadline 6 to provide further clarity on measures considered to be mitigation and those considered to be compensation in the context of NBB. For clarity, the local planning authority in which the habitat is being</p>

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			<p>situ, and are consistent with the definition of mitigation set out within the CIEEM Ecological Impact Assessment Guidelines.</p> <p>However, this example does not address the substantive concern raised by the Council, which relates to the overall application of the stepwise approach and the balance between on-site mitigation and reliance on off-site measures. Planning Policy Wales Edition 12 is explicit that development proposals should follow a sequential (stepwise) approach of avoidance, minimisation, mitigation and, only where necessary, compensation, with compensation treated as a last resort where residual adverse effects remain after all reasonable on-site options have been exhausted.</p> <p>In this case, while elements of standard construction-stage mitigation are proposed on site, the primary mechanism for addressing habitat losses and delivering Net Benefit for Biodiversity is the off-site strategy at Gronant Fields, located approximately 30km offsite, and outside of Flintshire. In functional terms, these measures are intended to address residual impacts that have not been demonstrably avoided or mitigated within the County, and therefore meet the definition of compensation, rather than mitigation, under both CIEEM guidance and the stepwise approach set out in PPW12.</p> <p>The Council's concern is not that no mitigation has been proposed, but that the documentation does not clearly or consistently distinguish between:</p> <ul style="list-style-type: none"> • measures that avoid, minimise or mitigate impacts within the Development Area and its immediate receiving environment, and • measures that are relied upon to compensate for residual losses through off-site provision. <p>This distinction is critical in the Habitats Regulations process (the Council's supports NRW's position on this matter however we defer to them for continued comment) and to demonstrating compliance with PPW12, particularly where compensation is delivered remotely and outside the local planning authority area. The Council therefore maintains that the Applicant should clearly identify, on a receptor-by-receptor basis, which measures are mitigation and which are compensation, and provide justification for progressing to off-site compensation before fully exhausting opportunities for on-site or locally delivered mitigation.</p> <p>The Council notes that it is now liaising with the Applicant on the identification of further mitigation measures that could be delivered within Flintshire to allow the scheme to deliver elements of Net Benefit for Biodiversity locally. The Council welcomes this engagement and supports continued discussion on this matter as Examination progresses.</p>	<p>delivered does not alter whether or not the measures that are being proposed should be treated as mitigation or compensation for the purposes of NBB.</p> <p>With regard to the balance between on-site and off-site measures, substantial information is included within the application on the alternatives considered by the Applicant. Chapter 6: Project Alternatives [CR1-025]. Chapter 6: Project Alternatives [CR1-025] outlines consideration of the following matters:</p> <ul style="list-style-type: none"> • alternative technologies; • do nothing and do minimum scenarios; • site selection; • alternative locations considered within the existing Connah's Quay Power Station site; • alternative arrangement and design considered for the Connah's Quay Low Carbon Power (CQLCP) Abated Generation Station; and • changes made to the design of the Proposed Development following consultation. <p>This information on alternatives has not been repeated within the Green Infrastructure Statement [REP4-058] as it would considerably increase the length of the document whilst directly repeating information that is readily available elsewhere within the application.</p> <p>The Applicant confirms that the stepwise approach, as set out in PPW 12, has been robustly applied throughout the design and assessment process. This has included multiple design iterations to maximise opportunities for avoidance, minimisation and on-site mitigation, considering both site-specific constraints and ecological sensitivities. Opportunities for on-site habitat creation, such as woodland and scrub creation were carefully considered. However, the introduction of such habitats within available habitat creation areas within the Main Development Area following construction of the Proposed Development would give rise to adverse effects on existing ornithological receptors, which represent a key ecological feature within the immediate vicinity of the Main Development Area. To deliver meaningful biodiversity enhancement, the Applicant has prioritised creation of grassland on-site with the remaining net benefit requirements for woodland and scrub provided off-site. This recognises that habitat creation at an alternative location can more effectively support biodiversity and ecosystem resilience at a wider scale, rather than resulting in adverse on-site ecological trade-offs.</p>

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				<p>Further discussion in relation to re-provision of scrub is included in the row below responding to FCC's comments on the CR1-088 Change notification.</p> <p><u>Step-wise Approach Off-Site</u> The Applicant has considered relevant area statement priorities and opportunities to determine suitable locations for securing off-site habitat creation and enhancement. PPW12 does not preclude the delivery of off-site compensation at a distance from the development site. Paragraph 6.4.15 (criterion 4b) explicitly recognises that habitat provision located further from the site may, where appropriate, better support biodiversity and enhance ecosystem resilience at a wider scale.</p> <p>In relation to habitat creation and enhancement being delivered at Gronant Fields, this is within land owned by the Applicant. Justification for the selection of this site as the Off-Site Delivery Area is provided in Appendix A: Off-site NBB requirements - Consideration of sites provided by FCC. As explained in Chapter 6: Project Alternatives [CR1-025], although some compulsory acquisition powers are required for the Proposed Development, the Applicant has sought to minimise this where possible through careful site selection and having regard to land ownership and availability. The Applicant does not own any additional land within Flintshire that would be suitable for these measures.</p> <p>As highlighted in previous responses, the Applicant undertook an exercise to identify suitable off-site areas for enhancement which included discussions with FCC in 2024 and 2025.</p> <p>Appendix A: Off-site NBB requirements - Consideration of sites provided by FCC provides a summary of the Applicant's ecological review of the sites identified by FCC which it considers to be suitable for the delivery of off-site NBB requirements. The Appendix does not present a full environmental or planning appraisal of the sites identified by FCC.</p> <p>Appendix A Off-site NBB requirements - Consideration of sites provided by FCC concludes that Site 2, which is no longer available, did provide suitable opportunities for the delivery of proportionate habitat creation if sold as individual lots. The Applicant considers that the habitat enhancement opportunities presented at Gronant fields would provide a greater NBB than the provision of the extents of habitat creation required to deliver NBB (1.8 ha) at either of the remaining FCC Sites. Whilst it is</p>

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				<p>acknowledged that the FCC Sites could be used to deliver NBB within Flintshire, the FCC Sites are not considered to have connectivity to the Order limits and are therefore not as suitable as Gronant fields.</p> <p><u>Habitats Regulations Assessment</u> Gronant Fields is being delivered primarily to provide mitigation for the Proposed Development's adverse effects. Even if no NBB opportunities were being recognised on the Gronant Fields site there would still therefore be a requirement for the site. The local planning authority in which the habitat is being delivered does not alter whether or not the measures that are being proposed should be treated as mitigation or compensation for the purposes of Habitats Regulations Assessment. Please see the Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086] for further information. It should be noted that the CIEEM Ecological Impact Assessment Guidelines do not cover Habitats Regulations Assessment.</p>
	REP3-058	Biodiversity and Nature Conservation	The Applicant's response does not address the Examination-stage requirement for clarity and consistency at this point. NRW has similarly requested reconciled figures. In the absence of a single, internally consistent dataset, conclusions on no net loss or net gain cannot be relied upon, and the issue remains unresolved. The Council awaits re-calculation and corrections at Deadline 5, notwithstanding above comments relating to DECCA and the Green Infrastructure Assessment that should also be addressed at this stage.	The Applicant provided an updated suite of NBB documents at Deadline 4 (including an updated Green Infrastructure Statement [REP4-058] and Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [REP4-058]) which addresses the points raised by FCC.
	CR1-088	Biodiversity and Nature Conservation	<p>Ecological survey methodology and baseline</p> <p>The Applicant states that a UKHab survey was undertaken on 18 November 2025 to inform the assessment of the proposed changes. The Council reiterates its position, as set out in the previous Local Impact Report [REP2-021] and consistent with advice from Natural Resources Wales, that habitat surveys in Wales should be undertaken using the JNCC Phase 1 Habitat Survey methodology to ensure consistency with established guidance and policy expectations.</p> <p>Given the sub-optimal time of year during which the UKHab survey was undertaken, there remains a significant risk that habitat condition, botanical diversity and the presence of notable species have been undervalued or not fully captured. The Council therefore considers that an updated botanical survey, undertaken during an appropriate survey window, is required to robustly establish baseline conditions. This should include a targeted survey for invasive non-native species (INNS), noting that seasonal constraints may have limited detectability during the November survey period.</p> <p>Non-statutory sites and habitats</p>	<p><u>Ecological survey methodology and baseline</u></p> <p>Notwithstanding that the survey for the Hardstanding Expansion was undertaken in November 2025, Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty [CR1-088] demonstrates that the limitations associated with survey timing have been explicitly acknowledged, considered, and are not considered to undermine the robustness of the baseline (see paragraph 2.3.4 of Annex B). The Applicant considers that Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty [CR1-088] provides a sufficiently robust and precautionary ecological baseline for the Hardstanding Expansion, and that the existing commitment to pre-construction checks and an updated ISMP represents an appropriate and proportionate response to seasonal constraints. An additional botanical survey undertaken in an alternative survey window is therefore not considered necessary.</p> <p><u>Non-statutory sites and habitats</u></p>

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>The information provided does not include a robust assessment of non-statutory designated sites or locally important habitats. The statement that there are “no non-statutory sites within the vicinity” is not considered sufficient or acceptable without a clear definition of “vicinity”, an explanation of the search area applied, and supporting evidence.</p> <p>In the absence of a transparent and proportionate assessment of non-statutory sites and habitats, the Council is unable to verify whether all relevant ecological receptors have been appropriately identified or considered.</p> <p>Protected species and Habitats Regulations Assessment</p> <p>The Council notes that only a redacted version of the relevant ecological information has been made available at this time. As such, it is not possible to confirm that a sufficient and proportionate assessment of protected species has been undertaken to support the conclusions reached, or to justify the position that no further surveys are required.</p> <p>Further comments will be provided once the full report is available however the Council is unable to identify sufficient information to support the conclusions reached in respect of otter, noting that this species have been raised previously by both the Council and NRW as requiring careful consideration, particularly given their notification as part of the adjacent River Dee and Bala Lake SAC.</p> <p>The report states that “the section of the River Dee within the Survey Area does not support suitable features for otter (such as tall bankside vegetation and scrub to allow otter to breed or create holts)” and therefore concludes that otter presence within the hardstanding expansion area is unlikely.</p> <p>The Council disagrees with this conclusion. Otter have been found use scrub and woodland habitats up to 1km from a waterbody for resting and particularly for natal holts. The mapping provided indicates that the proposed hardstanding expansion would result in the loss of woodland and scrub habitats, which are likely to represent suitable supporting habitat for otter associated with the River Dee SAC population. We therefore also disagree with the assessment that no changes to the Report to inform Habitats Regulations Assessment [CR1-105] are required due to the designations being “on the opposite bank of the river” as this fails to recognise that the River, its banks, and the adjacent habitats together comprise the designated area; it is not confined to the opposite bank, and this overlooks the importance of functionally linked land.</p> <p>The reliance on a pre-commencement survey strategy (including, but not limited to, otter) is not considered sufficient to address these uncertainties or to enable a robust assessment of impacts at this stage. Without adequate baseline information, the</p>	<p>The Applicant acknowledges that the term “vicinity” is not explicitly defined within Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty [CR1-088]. However, in Section 3.1 of Annex B, it is confirmed that the desk-study search area applied for non-statutory designated sites and notable habitats extended to 1 km from the Hardstanding Expansion, with international statutory sites considered up to 5 km. No non-statutory designated sites (including Local Wildlife Sites or equivalent locally important habitats) were identified within this search area.</p> <p><u>Protected species and Habitats Regulations Assessment</u></p> <p>Contrary to the statement made by FCC, NRW has not raised any concerns regarding impacts on SAC otter from the Proposed Development in any of their representations on the DCO application. While otters can use habitat away from the river corridor, they generally stay close to water. The affected area of scrub is separated from the SAC by an extensive area of hardstanding (the existing quay) and is also separated from the river by the existing quay wall. Moreover, even with this small area of scrub removed there remains extensive scrub and woodland habitat in this location, far larger than the small area to be removed. Therefore, any effect on SAC otter that might venture through or round the existing quay and into this area will be negligible.</p> <p><u>Ecological Baseline Robustness</u></p> <p>Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty [CR1-088] is based on a defined desk study and ecological walkover survey which characterises existing habitats, identifies relevant ecological receptors, and evaluates potential impact pathways. The ecological baseline, habitat valuation and species assessments presented in Appendix 5-B: Environmental Screening of the Proposed Hardstanding Expansion at Connah's Quay North Jetty [CR1-088] were used to reach conclusions on habitat value, likely species presence, and the significance of effects. The pre-construction measures referenced are precautionary and compliance-based measures secured through the Framework CEMP [REP4-044]. These measures are not relied upon to determine whether impacts occur, but rather to ensure that legally protected species are appropriately safeguarded during construction. The Applicant considers that Appendix 5-B: Environmental Screening of the Proposed Hardstanding</p>

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			<p>Council cannot agree with the conclusions reached in respect of habitat value, species impacts, or the adequacy of proposed mitigation and compensation.</p> <p>Habitats</p> <p>Scrub and woodland habitats</p> <p>The Council does not agree with the assessment that scrub habitats are of limited ecological value. Scrub habitats provide important foraging, commuting and shelter resources for a range of protected and notable species, including otter, bats and breeding birds, and form an important transitional habitat within the wider ecological network.</p> <p>The loss of scrub and woodland habitats associated with the proposed changes has not been adequately assessed, quantified or justified, and the Council remains concerned that these losses have been undervalued within the submitted information.</p> <p>Mitigation, compensation and net benefit for biodiversity</p> <p>Due to the limitations in baseline habitat and species information, including uncertainty regarding habitat condition and protected species use of the site, the Council is unable to verify whether a Net Benefit for Biodiversity can be achieved in relation to the proposed changes.</p> <p>The Applicant refers to mitigation and enhancement measures described within the Green Infrastructure Statement [CR1-103]. However, the Council reiterates its position that much of what is described as mitigation constitutes compensation, particularly where measures are delivered off-site. The updated information describes the loss of:</p> <ul style="list-style-type: none"> • 0.10 ha of other neutral grassland, • 0.07 ha of mixed scrub, • 0.02 ha of hardstanding, and • one individual tree, <p>This is proposed to be offset by a slight increase in other neutral grassland off-site at Gronant Fields, together with the planting of three additional trees. The Council notes that the previously referenced bramble scrub category is no longer identified, and that no compensation is proposed for the loss of other woodland and scrub habitats.</p> <p>The proposals would lead to a further reduction in tree and scrub cover within Flintshire, which the Council considers to be contrary to local policy objectives relating to the retention of canopy cover and green infrastructure.</p>	<p>Expansion at Connah's Quay North Jetty [CR1-088] provides an adequate and proportionate ecological baseline and that the conclusions in respect of habitat value, species impacts and mitigation remain valid.</p> <p><u>Habitats</u></p> <p>The Applicant does not agree with FCC's characterisation of the assessment. At no point has the Applicant stated that scrub habitats are of limited ecological value. Rather, the assessment identifies that scrub is relatively limited in extent within the Construction and Operation Area, and that the proportion affected by the Proposed Development represents a small fraction of the total scrub resource retained within the wider site context.</p> <p>The loss of scrub and woodland habitats has been appropriately assessed, quantified, and transparently reported within the Green Infrastructure Statement [REP4-052]; and Off-site Net Benefit for Biodiversity and Green Infrastructure Statement [REP4-058]. The following losses are clearly set out:</p> <ul style="list-style-type: none"> • Mixed scrub: 0.95 ha • Bramble scrub: 0.43 ha (updated from 0.09 ha) • Woodland: 0.83 ha <p>These losses have been considered within the context of the overall design, which includes the creation of approximately 2.07 ha of woodland on-site. This reflects a necessary design trade-off, whereby woodland planting is prioritised in appropriate areas, with limited encroachment into grassland and small areas of scrub, while avoiding adverse effects on key ornithological receptors.</p> <p>In accordance with the stepwise approach set out in PPW 12, additional on-site scrub creation has been constrained by ecological suitability, particularly in relation to potential impacts on bird assemblages. As such, compensation for scrub and woodland has been secured through a combination of on-site and off-site measures.</p> <p>Specifically:</p> <ul style="list-style-type: none"> • Scrub will be compensated at a minimum ratio of 1:1 • Woodland and trees will be compensated at a minimum ratio of 3:1 primarily On-Site with a proportion located within the Off-Site Delivery Area

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
			<p>The Council therefore awaits the updated Green Infrastructure Statement [CR1-103], proposed at Deadline 4, including:</p> <ul style="list-style-type: none"> • a revised and internally consistent assessment of habitat losses and gains; and • an indicative plan of the off-site delivery area, showing the proposed planting, habitat creation and enhancement at Gronant Fields, together with any additional mitigation or compensation areas identified. We have been liaising with applicant on identification of potential mitigation sites within the Flintshire area and welcome further discussions in relation to mitigating impacts in this additional area. <p>This information is required to enable the Council to confirm that sufficient land is available to accommodate all necessary habitat and species mitigation and compensation, and that the proposals are feasible, deliverable and policy-compliant.</p>	<p>The indicative landscape plan of the Off-Site Delivery Area (see Figure 2 of the Off-site Net Benefit for Biodiversity and Green Infrastructure Statement [REP4-058]) includes the creation of approximately 1.38 ha of scrub, and 0.42 ha of woodland, with scrub planting forming an integral component of the habitat mosaic, including along woodland edges. While bramble scrub is not separately itemised within the off-site strategy, it is inherently included within the broader scrub habitat creation proposals.</p> <p>The Applicant therefore reaffirms that scrub remains a clearly identified and integral component of the compensatory strategy. Compensation for habitat loss is provided in accordance with established planting ratios and is fully set out in Table 6 of the Green Infrastructure Statement [REP4-052].</p> <p><u>Mitigation, compensation and net benefit for biodiversity</u></p> <p>With regard to the definition of mitigation and compensation within the Application, the Net Benefit for Biodiversity documentation submitted at Deadline 4 includes a clarification to explain the different meaning of these terms within the RIHRA [REP4-054].</p> <p><u>Updated Documentation (Deadline 4)</u></p> <p>The Applicant provided an updated suite of Net Benefit for Biodiversity documentation at Deadline 4, including:</p> <ul style="list-style-type: none"> • Green Infrastructure Statement [REP4-052]; and • Off-site NBB and GI Statement [REP4-058]. <p>The documentation listed above provides updated habitat totals and an indicative plan of the off-site delivery area.</p>
	16.13 Landscape – LANDMAP search area.	Landscape and Visual Impact	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4	<p>The Applicant has provided the additional information requested within the Local Impact Report [REP2-021] at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> • Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15); and • Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.2.9).
	16.14 Landscape LANDMAP methodology	Landscape and Visual Impact	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4	
	16.22 Landscape features and characteristics	Landscape and Visual Impact	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4	

Source Document	Reference ⁶	Topic	Source Document Text	Applicant's Response
	of the site are not assessed as receptors			
	16.28 Visualisation Type 1 (Photosheets) Baseline photos do not have annotations	Landscape and Visual Impact	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4	The Applicant provided this information at Deadline 4 within Figure 15.31 to 15.38 Landscape Annotated Photography [REP4-027] .
	16.43 Plumes Visibility	Landscape and Visual Impact	FCC retains all concerns regarding the appropriate assessment of Landscape and Visual Impacts until updated assessment can be reviewed following submission at Deadline 4	The Applicant provided this information at Deadline 4 within an updated Chapter 15: Landscape and Visual Amenity [REP4-023] . Please refer to paragraphs 15.6.30 to 15.6.38.
	20.7 Multiple Discharging Authorities	Commentary on Applicant's Draft DCO Requirements	<p>Whilst it is agreed that FCC is the only 'relevant planning Authority' it is common and normal practice to allow adequate time for a response from consultees in discharging requirements.</p> <p>It would not be normal practice or indeed ethical to restrict responses from consultees due to a prohibitively restrictive timescale.</p>	The Applicant wishes to clarify that timescales are provided for consultation with relevant third parties as part of the requirement discharge process. This is facilitated through paragraph 27 (further information) of Schedule 2 to the Draft DCO (EN010166/APP/3.1) . The absence of the 'multiple discharging authorities' paragraph within the Draft DCO does not prejudice the ability for inputs from consultees on requirements to be gathered. The paragraph referenced by FCC is only required where multiple authorities are acting as the approver for the requirement, rather than instances where there is one approving authority with one or more consultees. Because there are no requirements where multiple authorities will be the approving authority for the discharge of that requirement, it is not necessary to include the drafting FCC proposed within its Local Impact Report [REP2-021] . The absence of this unnecessary drafting does not prejudice the process that FCC will follow in discharging the requirements in the Draft DCO (EN010166/APP/3.1) and consulting with the relevant bodies as appropriate.

4. Members of the Public (Non-Landowners)

4.1 REP4-093

4.1.1 Deadline 4 submission REP4-093 and the Applicant's response are set out in **Table 5** below.

Table 5: Response to REP4-093 Deadline 4 submission

Source Document	Reference ⁸	Source Document Issue / Theme	Applicant's Response
REP4-093	1.1	<p>I saw an article on Deeside.com today about the low number of residents attending the meeting regarding this proposal.</p> <p>I think this is probably because very few residents are even aware of what is being proposed or that a meeting was taking place.</p> <p>I live in Oakenholt and will be impacted by this if it goes ahead (due to increased pollution, reduced house values etc) but I had no idea this meeting was taking place.</p> <p>I have received 2 leaflets from Uniper during the time that I have lived in the property (8 years), and these gave the impression that it was just an idea that was being considered.</p>	<p>The Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour.</p> <p>To ensure local people were consulted on the proposals, the Applicant carried out a programme of pre-application public consultation, as agreed with the local planning authority – Flintshire County Council – and documented in Appendix B: Statement of Community Consultation [APP-030] of the Consultation Report [APP-028].</p> <p>The Applicant undertook Non-Statutory Consultation from 26 February 2024 to 25 March 2024. The Applicant then consulted on the Preliminary Environmental Information Report (PEIR) and invited feedback on the proposals during the Statutory Consultation, from 8 October to 19 November 2024. The Applicant also carried out a non-statutory Targeted Consultation on a design change from 8 May to 6 June 2025.</p> <p>The Consultation Report [APP-028] accompanying the application sets out in detail the consultation undertaken prior to submission, summarises the responses received to the consultation and explains the account taken by the Applicant of those responses in finalising the application. The Applicant had careful regard to the consultation responses received as it finalised the application for the Proposed Development.</p> <p>Following acceptance of the application, the Applicant undertook a Change Consultation on proposed changes to the application between 21 January to 18 February 2026, as set out in the Change Application Consultation Report [CR1-119].</p> <p>With regard to the examination hearings, the Applicant publicised the hearings held on 13-14 January 2026 and 17-</p>

⁸ Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

Source Document	Reference ⁸	Source Document Issue / Theme	Applicant's Response
			<p>18 March 2026 in accordance with the applicable statutory requirements⁹. Hearing notices [OD-12] [OD-013] were posted and maintained in 9 clearly visible places. These locations were strategically chosen to be as close as reasonably practicable to the Order limits, and also to be in areas with expected footfall to increase the chances of the hearing notices being read by members of the public. Amongst others, the locations included multiple visible spots along Kelsterton Road, Chester Road and along the A548 up to Greenfield and Mostyn. The closest installation of the hearing notices in Oakenholt was affixed to a sign-post along Chester Road, near to the junction of Paper Mill Lane. The Applicant also posted and maintained the hearing notices in three places where public notices are usually posted in the area: Connah's Quay, Civic Hall (Greenacres, 20 Wepre Dr, Connah's Quay, Deeside CH5 4HA); Flint Town Hall (Market Square, Flint CH6 5NW); and Mostyn Community Notice Board (Rhewl, Holywell CH8 9QF). The Applicant published the hearing notices on its website, and the notices were also published on the Planning Inspectorate's website¹⁰.</p> <p>As confirmed on the Planning Inspectorate's website, the examination timetable ('Rule 8 letter') was sent to all parties. Annex A of the Rule 8 letter identified that hearings had been scheduled for the weeks commencing 12 January 2026 and 16 March 2026. Agendas for those hearings were then issued on the Planning Inspectorate's website in advance of the hearings taking place.</p> <p>Having regards to above, it is considered that the hearings held in January and March 2026 were suitably publicised.</p> <p>The Applicant has provided the additional information requested within Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 4 and response to Action Points [REP4-084]: Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29) submitted at Deadline 5.</p>
	1.2	I had no idea this might become a reality. I am very shocked by the artist's impressions of the site. It will be a complete eyesore for residents and visitors to the area.	The Applicant refers to Chapter 15: Landscape and Visual Assessment [REP4-023] , which reports on the likely landscape and visual effects from a representative receptor within Oakenholt (Viewpoint 9). The assessment concludes that at the representative viewpoint the visual effects would be Moderate adverse (Significant) during the construction

⁹ The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

¹⁰ Connah's Quay Low Carbon Power Project - All project updates (accessed: 15.3.26)

Source Document	Reference ⁸	Source Document Issue / Theme	Applicant's Response
			<p>and operation of the Proposed Development. There are no feasible additional mitigations that could be implemented to reduce effects further.</p> <p>Considerable thought has been given to how the Proposed Development is designed to minimise its visual impact as far as reasonably practicable. This includes the use of appropriate materials and finishes to reduce reflections and break up the visual massing of the buildings and structures, and a colour study has informed the proposed appearance of the taller structures, including the use of lighter coloured materials on the stacks to help them recede against the sky (Chapter 15: Landscape and Visual Amenity, paragraph 15.5.2; EN010166/APP/6.2.15).</p> <p>The layout of the Proposed Development has also been carefully considered, with the main built elements centralised and positioned in proximity to the existing Connah's Quay Power Station (Chapter 4: The Proposed Development [CR1-020]; Plate 4-5). These design-embedded measures are secured through the Design Principles Document (EN010166/APP/7.8) and are reflected in Chapter 15: Landscape and Visual Amenity (paragraphs 15.5.1–15.5.3; EN010166/APP/6.2.15), which describes how impacts have been avoided or minimised through the design process.</p> <p>Further information on design development and alternatives considered is set out in Chapter 6: Project Alternatives [CR1-024]. Perimeter landscaping will also be incorporated where practicable, with reinstatement areas managed in accordance with the Outline Landscape and Ecological Management Plan [REP4-048], though given the scale of the structures, its contribution to visual mitigation is acknowledged to be limited.</p>
	1.3	<p>I am also concerned about the impact on wildlife in the area as there are a lot of birds that nest there.</p> <p>I thought some of this land was protected for the birds as I know you can't walk along some of it due to nesting birds?</p>	<p>The Applicant has undertaken a suite of ecological surveys which are reported in the Appendices to Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.4), which includes details of ornithology surveys.</p> <p>There are areas within the Order limits (the Surface Water Outfall Area and the Water Connection Corridor) that are located within the Dee Estuary SAC, SPA and Ramsar site, however there are very limited works in these areas, with the necessary mitigation measures identified within the Framework Construction Environmental Management Plan (EN010166/APP/6.5).</p>

Source Document	Reference ⁸	Source Document Issue / Theme	Applicant's Response
			<p>In addition to these controls, the Framework Construction Environmental Management Plan (EN010166/APP/6.5) provides measures to be undertaken if a nesting bird is identified within the site and also notes that acoustic fencing would be provided around the temporary construction areas to minimise noise disturbance within the estuary from the construction works.</p> <p>The Applicant has identified that areas within the Order limits provide important habitats for Curlew. To mitigate the loss of these areas, the Applicant is proposing enhancements within its landholding at Gronant Fields as detailed in the Curlew Mitigation Strategy (EN010166/APP.6.13).</p>
	1.4	I know it might be too late for residents to have a voice now but thought I would send an email anyway to let you know how little awareness there is for this in the surrounding area. Kind regards Julie Griffiths	Please see the Applicant's response to 1.1 in this table, above.

4.2 REP4-094

4.2.1 Deadline 4 submission REP4-094 and the Applicant's response are set out in **Table 6** below.

Table 6: Response to REP4-094 Deadline 4 submission

Source Document	Reference ¹¹	Source Document Issue / Theme	Applicant's Response
REP4-094	1.1	I saw your comments about newspaper promo The below is something I wrote last year - circulations have dropped further since then so the numbers are worse. The idea newspapers are well read is sadly decades out of date	<p>Following acceptance of the application for examination, the Applicant undertook a comprehensive programme of notification and publicity to formally notify local communities, stakeholders and interested parties about the application's acceptance by the Planning Inspectorate and how they could make a relevant representation and register as an Interested Party.</p> <p>In accordance with Section 56 of the Planning Act 2008, notices were published in a range of national and local publications including The Leader, The Times, The London Gazette, Lloyd's List and Fishing News.</p> <p>In addition, site notices were displayed in publicly accessible locations and the project website was updated to reflect acceptance of the application, including clear signposting to the Planning Inspectorate's website and guidance on how to register as an Interested Party. Electronic copies of the full application were also made available on USB devices and placed in local deposit locations, ensuring continued public access to the application documents. Letters notifying of acceptance of the application were also issued to statutory consultees.</p> <p>Information relating to the Proposed Development remains publicly available via the project website and the Applicant will continue to engage with stakeholders as the application progresses through the Examination stage.</p>
	1.2	Flintshire has 155,319 people living there. 128,000 of those people are over the age of 16. The Leader product that covers that area has a circulation of 3,041. The circulation certificate says 65% are for Wrexham edition so 1976 copies and 35% for Flintshire edition so just 1,064 copies there..	
	1.3	<p>In Flintshire alone Stats Wales say there are 16,000 'older people' (75+). The Older Peoples Commissioner say roughly a third of older people could be classed as digitally excluded (Source: 'Access Denied' report 2024) - so 5,280 such excluded people in this example.</p> <ul style="list-style-type: none"> Let's assume every single purchaser of The Leader Flintshire edition is a digitally excluded older person and makes up the entire 1,064 circulation, and no one else buys a copy. Let's assume the obligation to pay £0.95 every weekday, £4.75 a week or around £240 a year, to stay informed is a fair requirement in our society for older digitally excluded people (in a cost of living crisis) Let's assume they all read every paper from front to the back - where the statutory notices are. Let's assume they can read the usually very small print the notices use - as referenced in one Senedd committee. 	

¹¹ Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

5. Landowners

5.1 REP4-095 Tata Steel UK

5.1.1 Deadline 4 submission the Applicant's response are set out in **Table 7** below.

Table 7: Response to TATA Steel UK Deadline 4 submission

Source Document	Reference ¹²	Source Document Issue / Theme	Applicant's Response								
Deadline 4 Submission of Behalf of TATA Steel UK Limited	1.	<p>Introduction</p> <p>This submission is made on behalf of Tata Steel UK Limited ("Tata Steel"), further to the relevant representation dated 27 October 2025, written representation dated 27 January 2026, response to ExQ1 and written submissions at Deadlines 2 and 3 ("Previous Submissions"). The issues highlighted in the Previous Submissions are not repeated in this submission.</p>	<p>In respect of each of the submissions referenced, the Applicant notes the following:</p> <ul style="list-style-type: none"> - Land and Rights Negotiations Tracker (EN010166/4.2) – this document has been updated at Deadline 5 (and every deadline previously) to reflect ongoing engagement with Tata Steel. The Applicant is engaging directly with Tata Steel on the comments recently received from them on the Heads of Terms to provide the detail newly requested within such comments. - Applicant's Response to Deadline 2 Submissions [REP3-057] - The Applicant understands the concerns being referred to relate to the following line from Tata Steel's submission made at Deadline 2: "We note that the Framework Construction Traffic Management Plan (document reference: EN010166/APP/6.6) includes an AIL Route Feasibility Cautions Assessment at Appendix A. Whilst this document provides an initial assessment of the AIL routes, as confirmed at Section 1.1, a detailed AIL study will be required by the appointed contractor." In response, the Applicant has already confirmed that further detail will be included in support of the final CTMP following completion of the design, appointment of the Principal Contractor, appointment of the specialist haulier and confirmation of the waterborne delivery strategy. The Applicant had not understood that Tata Steel's concern related to insufficient detail being included at this stage because it makes specific reference to further work being done by the appointed contractor. The Applicant agrees with this position and confirms that further work will be carried out by the appointed contractor to provide more information at the detailed design stage post-consent. This is secured through Requirement 5 (Construction traffic management plan) of the Draft DCO (EN010166/3.1). 								
	2.	For the reasons set out in the Previous Submissions and this submission, Tata Steel objects to the application seeking development consent for the Connah's Quay Low Carbon Power Project ("Application").									
	3.	<p>Comments on Deadline 3 Submissions</p> <p>The following Deadline 3 submissions are of direct relevance to Tata Steel:</p> <table border="1"> <thead> <tr> <th>Ref.</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>REP1-012 - 4.2 CQLCP Land Rights and Tracker Rev 01</td> <td>Tata Steel accepts the record of negotiations to date. While Tata Steel will continue to cooperate with the Applicant in respect of the heads of terms, considerably greater detail is required to address the concerns raised in the Previous Submissions.</td> </tr> <tr> <td>REP3-057 - 9.14 CQLCP Applicant's Response to Deadline 2 Submissions Rev 00</td> <td>In the absence of sufficient detail in the Framework CTMP [REP1-025] and the AIL Route Feasibility (dating from November 2024), the concerns raised in the Previous Submissions have not been addressed.</td> </tr> <tr> <td>REP3-059 - 9.16 CQLCP Applicant's Response to ExQ1 Rev 00</td> <td>As highlighted above, considerably greater detail is required to address the concerns raised in the Previous Submissions.</td> </tr> </tbody> </table>		Ref.	Comments	REP1-012 - 4.2 CQLCP Land Rights and Tracker Rev 01	Tata Steel accepts the record of negotiations to date. While Tata Steel will continue to cooperate with the Applicant in respect of the heads of terms, considerably greater detail is required to address the concerns raised in the Previous Submissions.	REP3-057 - 9.14 CQLCP Applicant's Response to Deadline 2 Submissions Rev 00	In the absence of sufficient detail in the Framework CTMP [REP1-025] and the AIL Route Feasibility (dating from November 2024), the concerns raised in the Previous Submissions have not been addressed.	REP3-059 - 9.16 CQLCP Applicant's Response to ExQ1 Rev 00	As highlighted above, considerably greater detail is required to address the concerns raised in the Previous Submissions.
	Ref.	Comments									
REP1-012 - 4.2 CQLCP Land Rights and Tracker Rev 01	Tata Steel accepts the record of negotiations to date. While Tata Steel will continue to cooperate with the Applicant in respect of the heads of terms, considerably greater detail is required to address the concerns raised in the Previous Submissions.										
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REP3-059 - 9.16 CQLCP Applicant's Response to ExQ1 Rev 00	As highlighted above, considerably greater detail is required to address the concerns raised in the Previous Submissions.										

¹² Where the source document provides its own numbering / referencing, the Applicant has retained this for ease of comparison. If not, the Applicant has applied a generic referencing format.

Source Document	Reference ¹²	Source Document Issue / Theme	Applicant's Response
			<p>- Applicant's Response to ExQ1 [REP3-059] - in the absence of clear identification of what concerns specifically Tata Steel considers have not been addressed, the Applicant can only reiterate the points previously made in response and confirm that engagement remains ongoing to reach commercial agreement with Tata Steel.</p>
	4.	<p>Draft Heads of Terms High level heads of terms were received by Tata Steel on 26 February 2026, with comments returned to the Applicant on 31 March 2026. While Tata Steel will continue to cooperate with the Applicant in respect of the heads of terms, considerably greater detail is required to address the concerns raised in the Previous Submissions.</p>	<p>Following receipt of the marked-up draft heads of terms from Tata Steel on 31 March 2026, the Applicant emailed Tata Steel on 1 April 2026 acknowledging receipt.</p> <p>There were further email exchanges between Tata Steel and the Applicant on 7 and 9 April 2026 to arrange suitable meeting dates to discuss the marked-up draft heads of terms of agreement for use of the jetty and Tata Steel land.</p> <p>A positive meeting was held on 17 April 2026 between Tata Steel and the Applicant. Tata Steel proposed an approach on key topics by email on 17 April 2026 to the Applicant, which is being considered and will be discussed at a further meeting that has been arranged for 23 April 2026. A follow up meeting to include respective solicitors is planned for the week commencing 4 May 2026.</p> <p>Tata Steel and the Applicant are working towards having matters agreed by Deadline 6.</p>
	5.	<p>Until such time as agreement is reached with the Applicant in respect of the HoTs and any resulting agreement has completed, Tata Steel objects to the Application and reserves the right to request the inclusion of protective provisions in the development consent order.</p>	<p>As noted above, the Applicant is engaging with Tata to agree voluntary terms for the temporary use of the Connah's Quay North Jetty.</p> <p>To date, as part of the extensive engagement held, the Applicant has received no indication that Tata would be looking to secure protective provisions for its benefit or, indeed, what form such provisions might take. The Applicant is also not aware that Tata has any statutory undertaking which would necessitate protection through such protective provisions in order to satisfy the relevant statutory tests. Notwithstanding the commercial discussions ongoing regarding the temporary use of the Jetty, for which the Applicant will continue to seek to agree with Tata, it is the Applicant's position that the absence of agreement before the close of the examination would not be justification for imposing terms within the DCO to this effect. This is a commercial matter regarding use of the Jetty and does not relate to any serious detriment of a formal statutory undertaking.</p>

Abbreviations

Abbreviation	Term
CEMP	Construction Environmental Management Plan
CESL	Climate Emergency Science Law
CIEEM	Chartered Institute of Ecology and Environmental Management
CQLCP	Connah's Quay Low Carbon Power Project
DCO	Development Consent Order
DECCA	Diversity, Extent, Condition, Connectivity, and Adaptability
DESNZ	Department for Energy Security and Net Zero
EPR	Environmental Permitting Regulations
ES	Environmental Statement
ExA	Examining Authority
HRA	Habitats Regulations Assessment
INNS	Invasive Non-Native Species
IP	Interested Party
IPs	Interested Parties
NRW	Natural Resources Wales
PA 2008	Planning Act 2008
REP	Examination Library reference prefix related to all deadline submissions
RIHRA	Report to Inform Habitats Regulations Assessment
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area

Appendix A – Technical Note - Response to FCC

A.1 Introduction

A.1.1 Following email correspondence with Flintshire County Council (FCC) Ecologists, three sites were presented to the Applicant by FCC on 9 March 2026 for review as potential suitable alternative locations for off site NBB delivery within Flintshire (the FCC Sites). This Technical Note provides further rationale for the suitability of Gronant fields and presents a high level desk based appraisal of the three FCC Sites in the context of the off-site habitat compensation requirements for the Proposed Development. This technical note does not provide a comprehensive environmental assessment of the suitability of the FCC Sites as this initial exercise provides commentary against key site selection criteria for NBB outlined in Section A.5.

A.1.2 The structure of this Technical Note is as follows:

- Section A.2 - NBB Guidance on Off-Site Delivery, which provides an overview of the principles of NBB and off-site compensation;
- Section A.3 – Off-Site NBB Requirements for the Proposed Development, which outlines the off-site NBB requirements for the Proposed Development;
- Section A.4 – Gronant Fields, which demonstrates how NBB would be achieved (and exceeded) at the site within the Applicant's ownership;
- Section A.5 – Other sites considered by the Applicant, provides a summary of other land considered to provide off-site NBB for the Proposed Development;
- Section A.6 – Consideration of the FCC Sites, provides a high level appraisal of each of the FCC Sites; and
- Section A.7 – Summary, which provides a conclusion of the findings of the Technical Note.

A.2 NBB Guidance on Off-Site Delivery

A.2.1 PPW12 encourages biodiversity improvements primarily on or adjacent to the development site, with off site compensation to be considered only when other options are exhausted.

A.2.2 The key principles for NBB include:

- Applying the Step-Wise approach
- Applying the DECCA framework
- Long term management

A.2.3 Off site compensation, which is step 5 of the Step-Wise Approach, plays a key role in cases where options for on site biodiversity enhancements have been exhausted, or where additional enhancements above those proposed

are not considered to be feasible i.e. uplifting the condition of habitats to realistically unachievable levels.

A.2.4 Guidelines for off site compensation include:

- **Quality Standards:** Compensation habitats must be of equal or better quality than those lost.
- **Landscape-Scale approach:** To promote wider ecosystem resilience in locations that would best support biodiversity at a wider scale. Paragraph 6.4.15 4b of PPW12 outlines that through NBB assessments (application of the Step-wise approach and applying the DECCA framework) applications will be able to determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.
- **Proximity:** They should ideally be located near the original habitat to maintain ecological connectivity. However, as outlined above and within PPW12 it may be more beneficial for biodiversity and ecosystem resilience for delivery to be further away from the site of impact.
- **Long Term Management:** Long term management will secure net benefits and deliver long term ecological restoration.

A.3 Off-Site NBB Requirements

- A.3.1 The Applicant has provided an assessment of alternative locations and designs of the Proposed Development within **Chapter 6: Project Alternatives [CR1-024]** of the ES. Due to the extensive nature of this assessment it is not repeated within the **Green Infrastructure Statement [REP4-058]** or this Technical Note.
- A.3.2 The Applicant has also prepared the **Curlew Mitigation Strategy [REP5-056]** to demonstrate how off-setting measures for the loss of functionally linked land within the Main Development Area would be mitigated.
- A.3.3 As identified in the **Green Infrastructure Statement (REP4-058)**, the Applicant has made every attempt to mitigate habitat impacts on site through habitat re-provision on site, however, the following compensation requirements are identified:
1. Woodland – 0.42 ha;
 2. Individual Trees – 3; and
 3. Scrub – 1.38 ha.
 4. **Total – 1.8 ha**
- A.3.4 It is important to note that these habitats could be delivered within the Main Development Area under the **Outline Landscape and Ecology Management Plan (EN010166/APP/6.9)**. However, it is considered that the provision of these habitats would reduce the future suitability of reinstated areas of grassland (in areas which are functionally linked land) during the operational phase of the Proposed Development and therefore is proposed to be provided off-site. Should FCC consider that it would be beneficial for

these areas to be delivered within the Construction and Operation Area, this can be accommodated within the scheme securing the provision of net benefit for biodiversity secured by Requirement 18 of the **Draft DCO (EN010166.APP/3.1)**.

- A.3.5 The **Green Infrastructure Statement (REP4-058)** also notes a shortfall in on-site delivery of grassland habitat. The habitat creation and enhancement being delivered through the **Curlew Mitigation Strategy (EN010166/APP/6.13)**, which also supports the delivery of NBB, is not duplicated in the **Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [REP4-058]**.

A.4 Gronant Fields

Location

- A.4.1 Gronant fields is a 56.30 ha site located approximately 27 km north of the Main Development Area, where the Applicant is proposing to deliver mitigation for the loss of functionally linked land (FLL) which includes Curlew mitigation and covers 26 ha of the site and utilise 30.30 ha to deliver habitat areas in excess of the NBB requirements identified in within this document.

Habitat proposals

- A.4.2 Habitats proposed at Gronant fields include:
1. Woodland – 1.95 ha;
 2. Retained Woodland – 2.35 ha
 3. Retained standing water – 0.06 ha
 4. Individual Trees – 3;
 5. Scrub – 1.38 ha;
 6. Grassland (enhancement) – 21.64 ha; and
 7. Wet Grassland (enhancement) – 26 ha.
- A.4.3 These proposals include a modification to the existing drainage ditches, creation of scrapes and areas of permanent standing water. Retained habitats would also be brought into active long term management. These proposals will increase the species, habitat and structural diversity as well as increasing the extent of species rich grassland and wetland features available across the wider landscape. In addition to the habitat creation and enhancement proposals, species specific enhancements are proposed which include the installation of bat and bird boxes.
- A.4.4 Targeted management prescriptions and subsequent monitoring will be implemented at the Site to enhance the condition of habitats at the Site. Condition of habitats is to be monitored against the Statutory Condition Assessment Sheets to ensure that a standard approach for monitoring the success of the management prescriptions can be undertaken long term.
- A.4.5 The site selected at Gronant fields has good connectivity to the site via the Dee Estuary, whilst it is acknowledged that it is 28km from the Main Development Area, it is linked via the River Dee and along the predominantly

undeveloped estuarine riparian habitat. The connectivity provided by the Dee Estuary and its importance for bird assemblages was a key consideration when selecting the Gronant Fields site, and it is considered that this provides a higher level of connectivity than sites located in-land. Further to this, the coastline to the south of the Site is largely developed with the only large area of greenspace being south of Abergele with a continuation of urban habitat beyond this as far as Llandudno. As such it is considered that the proposals for Gronant fields would provide high quality stepping stone habitat for a range of bird species across the wider landscape.

- A.4.6 The habitat creation and enhancement measures proposed at Gronant Fields aim to mitigate the impacts of the Proposed Project on local biodiversity, but at a landscape scale. These measures are designed to provide suitable habitats for various species assemblages that may be affected by the development. While the measures may not directly benefit the same individual animals, they will contribute to nature recovery and species resilience by supporting species groups collectively.
- A.4.7 Further to this, the Gronant fields site delivers both 'direct' and 'indirect' NBB. Direct NBB would be the specific habitat area requirements as reported in the off-site NBB report, with indirect NBB being the FLL mitigation and curlew mitigation that is also proposed at Gronant fields.
- A.4.8 The NBB proposals at Gronant fields are secured by Requirement 18 of the **Draft DCO (EN010166.APP/3.1)**. The Applicant will engage with Flintshire County Council, Natural Resources Wales and Denbighshire County Council on habitat creation and enhancement proposals at Gronant fields and await feedback on the indicative landscape masterplan included within the **Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [REP5-048]** submitted at Deadline 4.

A.5 Other sites considered by the Applicant

Overview

- A.5.1 At the pre-application stage, the Applicant undertook a process of identifying areas of potential suitable land for delivery of off-site NBB requirements. Factors considered in identifying these sites were:
- proximity to the Order limits;
 - connectivity to the Order limits;
 - area of the site;
 - existing land use and habitats present; and
 - availability for purchase and opportunity for management.
- A.5.2 Following the identification of the potential sites, all identified land parcels were screened for their suitability for delivery of NBB requirements. A short list of sites was taken forward for further review through ecological walkovers and purchase of Cofnod local records data to verify desktop studies and confirm habitats present and their existing condition.

Sites Considered

A.5.3 Following the initial analysis of a long list of sites, the short listed sites considered by the Applicant were:

- Land at Kelsterton Farm (**Figure A-1**);
- Land north of Weighbridge Road (**Figure A-2**);
- Bagilt Fields (**Figure A-3**); and
- Gronant Fields (**Figure A-4**).

Land at Kelsterton Farm

A.5.4 Land at Kelsterton Farm is located approximately 250 m from the Main Development Area at its closest point, south of the A548. The grid reference for the approximate centre of the site is SJ 27306 70578.

A.5.5 Land at Kelsterton Farm is approximately 46.8 ha and comprises the following broad habitat types: grassland, cropland, hedgerows with lines of trees, standing water and woodland.

A.5.6 Following further discussions with the landowner the site was no longer available to the Applicant for purchase.

Land north of Weighbridge Road

A.5.7 Land north of Weighbridge Road is located approximately 1 km from the Main Development Area, north of the River Dee. The grid reference for the approximate centre of the site is SJ 29422 71948.

A.5.8 Land north of Weighbridge Road grassland and scattered blocks of mixed woodland/scrub restoration at the Broken Bank Tip former landfill site. There is plantation woodland, reedbed swamp pond habitat associated with the peripheral land adjacent to the A548

A.5.9 The majority of Land north of Weighbridge Road is located within an historic landfill and considering the off-site NBB requirements. There are also other uses of the site such as the Deeside Model Aircraft Club.

Bagilt Fields

A.5.10 Bagilt Fields are located 3.8 km from the Main Development Area, north-east of Maor Industrial Estate in Bedol, North Wales, as shown on Figure A-1. The grid reference for the approximate centre of the site is SJ 23523 74296.

A.5.11 Bagilt Fields are bound to the north and east by the Dee Estuary, to the west by the North Wales Mainline and to the south by an area of woodland.

A.5.12 The area of this site is 21.7 ha and comprises modified grassland habitat with lines of trees and ditch.

A.5.13 Following further discussions with the landowner, agreement was not reached on the availability of the land on a long term basis for the delivery and management of the required habitat creation.

Gronant Feids

A.5.14 The Gronant fields site is discussed further in Section A.4 and not repeated here.

Preferred Site

A.5.15 As noted above, further to landowner discussions, two of the short-listed sites were no longer available to Applicant for the delivery of Off-site NBB. The main reasons for the selection of the Gronant fields site over the Land north of Weighbridge Road are as follows:

- there is no direct public access or other recreational activities on site;
- the baseline habitats and species known to be within Gronant fields offer opportunities for enhancement whilst noting the limited requirement for woodland and scrub planting;
- the land is not identified to have potential contamination risks associated with the presence of an historic land fill site;
- the site offers opportunities for landscape scale biodiversity benefit at a scale proportionate to the off-site NBB requirements;
- the site offers opportunities to make wider habitat enhancements to compliment mitigation to be provided under the **Curlew Mitigation Strategy (EN010166/APP/6.13)**.

A.6 Consideration of the FCC Sites

A.6.1 Whilst the Applicant is satisfied that the land at Gronant Fields will deliver measurable benefits to biodiversity (Section 2), it will continue to engage with FCC on matters relating to NBB.

A.6.2 This section below presents a high level assessment of the three FCC Sites recently put forward by FCC on 9 March 2026. This section discusses the following elements for each of the FCC Sites:

- Location - to identify proximity to the site;
- Size/extent – to consider if it could deliver the off-site NBB requirements of the Proposed Development;
- Existing habitats (diversity and connectivity);
- Suitability for NBB requirements;
- Proportionality – to consider if the FCC Site is proportionate to the off-site NBB requirements; and
- Availability – whether the land is available and viable to be used for NBB.

A.6.3 The Applicant identifies that whilst FCC have questions on the suitability of the Gronant Fields site on the basis it is not adjacent or near to the Construction and Operation Area, none of the FCC Sites fall within the key study areas for species present within and around the Construction and Operation Area (summarised in Table 11-6 of **Chapter 11: Terrestrial Ecology and Ornithology [REP4-019]** of the ES).

- A.6.4 The section below presents a high level assessment of the FCC Sites detailed within the email correspondence dated 09 March 2026. Due to the lack of ecological survey data this high level appraisal focuses on the diversity of habitats present at baseline (as assessed via aerial imagery), the proximity and extent (ha) of the sites and ecological connectivity.
- A.6.5 As these prospective sites are located off-site, it is considered that their connectivity to the Construction and Operation Area carries significant weight relative to the assessed DECCA attributes. Furthermore, the potential of the FCC Sites to support species listed on the citations for the Dee estuary has also been considered.

Site 1 - 47.32 Acres Agricultural Land At Kilins Lane, Shotton, CH5 1RF

- A.6.6** Land for sale in 47.32 Acres Agricultural Land At Kilins Lane, Shotton, CH5 1RF, CH5

Location

- A.6.7 Site 1 is located 4 km to the south east of the Construction and Operation Area

Size / extent

- A.6.8 The total area of Site 1 is 19.14 ha (47.32 acres)

Habitats / diversity

- A.6.9 Available mapping and photography indicate Site 1 currently comprises grassland, scattered trees and hedgerows. There appears to be a low diversity of habitats at baseline but there would be opportunities to create new habitat and strengthen surrounding habitat.

Connectivity

- A.6.10 Connectivity to the application site is limited due to the town of Connah's Quay to the northwest and north, and Shotton and Higher Shotton to the northeast and east. Wepre Park provides connectivity north to south across the wider landscape via woodland habitat and Wepre Brooks riparian corridor. The A548 is considered to be a significant barrier to most species' movement, with the exception of bird species, from the Construction and Operation Area to any habitats located to the south of the Construction and Operation Area. The site is unlikely to support bird species listed on the citations for the Dee estuary which are a key consideration in site selection for off site compensation.

Suitability for off site compensation

- A.6.11 Whilst the site is in closer proximity to the Construction and Operation Area than Gronant fields, it has limited connectivity to the site due to urban barriers. Habitats on site are complementary to the habitats within the Construction and Operation Area but have limited potential to support species listed on the citations for the Dee estuary designated sites.
- A.6.12 A public footpath passes through the fields at the northern end of the site. Although habitat enhancement could improve public access to nature, the

associated disturbance, particularly from dog walkers, could make the site unsuitable for a range of protected and notable species, including ground nesting birds, amphibian species and reptile species.

Proportionality

A.6.13 The creation and enhancement of habitats across a 19 ha site is not considered to be proportionate to the off-site requirements to deliver NBB for the Proposed Development as it is essentially bigger than the 1.8 ha requirements identified in Section 2. Whilst the Applicant is proposing considerable additional habitat creation over and above the off-site NBB requirements at the Gronant fields site, this reflects the Applicant's existing ownership of the site. In combination the two sites would deliver significantly more ecological benefit than what is required by the Proposed Development.

Availability

A.6.14 Site 1 appears to be available for private purchase as it is listed for sale on the open property market.

Site 2 - Leeswood, Mold, Flintshire

A.6.15 Equestrian facility for sale in Leeswood, Mold, Flintshire, CH7

Location

A.6.16 Site 2 is located 11 km to the south of the Construction and Operation Area

Size / extent

A.6.17 The area of Site 2 is 59 ha across six lots (see **Table A-8**). The six lots run east to west and present opportunities to increase the extent of woodland cover.

Table A-8: Details of Individual Plots

Plot	Area
1	1.75 ha
2	4.41 ha
3	23.41 ha
4	9.91 ha
5	11.64 ha
6	9.88 ha

Habitats / diversity

A.6.18 Available mapping and photography indicate Site 2 currently comprises grassland, scattered trees, woodland and hedgerows. Key features of Site 2 include a Tributary of the River Terig and associated riparian habitat.

Connectivity

A.6.19 Connectivity to the application site is limited, as the surrounding landscape is predominantly arable and urban, with significant barriers including the A548 and the North Wales expressway. However, the site does provide good connectivity across the wider landscape through parcels of connected

woodland and the riparian corridor. The site is unlikely to support bird species listed on the citations for the Dee estuary, which are a key consideration in site selection for off site compensation.

Suitability for off site compensation

- A.6.20 Whilst the site is in close proximity to the Construction and Operation Area, it has limited connectivity due to urban barriers. Habitats on site are complementary to the habitats within the Construction and Operation Area but have limited potential to support species listed on the citations for the Dee estuary designated sites.
- A.6.21 Enhancement to the riparian habitat, alongside the enhancement of existing woodland or increasing woodland extent at the site would increase the value of the site for biodiversity.

Proportionality

- A.6.22 The creation and enhancement of habitats across a 59 ha site is not considered to be proportionate to the off site requirements to deliver NBB for the Proposed Development. Only Lots 1 and 2 have been considered further based on their size in relation the off-site NBB requirements.
- A.6.23 However, the enhancement of woodland at Lot 1 (1.74 ha) could be considered proportionate, albeit just shy of the NBB requirements. However, the enhancement of existing woodland and not increasing woodland extend would not satisfy the NBB requirement for the Proposed Project.
- A.6.24 Lot 2 (4.41 ha) provides suitable opportunities for woodland creation and grassland enhancement, and could support the other habitats required for NBB delivery with the exception of grassland habitats. Habitat enhancement at Lot 2 would also provide enhancement of the riparian zone.
- A.6.25 It is considered that the scale of habitat enhancement or creation across any other Lots alone or in combination is not considered proportionate to the scale of the off site NBB requirements.

Availability

- A.6.26 As of 1st April 2026, Site 2 has been sold, subject to contract. The land was originally listed on 2nd March 2026 and closed on 1st April 2026.

Site 3 - Holywell

Location

- A.6.27 Site 3 is located approximately 18 km to the west of the Construction and Operation Area.

Size / extent

- A.6.28 The total area of Site 3 is 14.65 ha.

Habitats / diversity

- A.6.29 Available mapping and photography indicate Site 3 currently comprises grassland.

Connectivity

- A.6.30 Poor connectivity to the Construction and Operation Area inland and habitats between the Construction and Operation Area and this site appear to be low ecological value with limited stepping stone habitat or large areas of complementary habitat. The site is unlikely to support bird species listed on the citations for the Dee estuary designated sites.

Proportionality

- A.6.31 The creation and enhancement of habitats across a 14.65 ha site is not considered to be proportionate to the off-site requirements to deliver NBB for the Proposed Development being over seven times larger than the 1.8 ha requirements identified in Section 2.

Suitability for off site compensation

- A.6.32 The site is small and isolated in a landscape dominated by pasture farmland. The site offers limited opportunities and has been discounted from further assessment.

Availability

- A.6.33 Site 3 appears to be available for private purchase as it is listed for sale on the open property market.

A.7 Summary of appraisal


- A.7.1 This appraisal has outlined the off-site NBB requirements of the Proposed Development, demonstrates how the Applicant has considered alternative off-site locations to Gronant fields and has reviewed the suitability of the FCC Sites for NBB.
- A.7.2 This appraisal identifies that Site 2, which is no longer available, did provide suitable opportunities for the delivery of proportionate habitat creation if sold as individual lots. The Applicant considers that the habitat enhancement opportunities presented at Gronant fields would provide a greater NBB than the provision of the extent of habitat creation required to deliver NBB (1.8 ha) at either of the remaining FCC Sites. Whilst it is acknowledged that the FCC Sites could be used to deliver NBB within Flintshire, the FCC Sites are not considered to have connectivity to the Order limits and are therefore not as suitable as Gronant fields.

Annex A: Figures



PROJECT
 Connah's Quay Low Carbon Power

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LEGEND
 Site Boundary

NOTES
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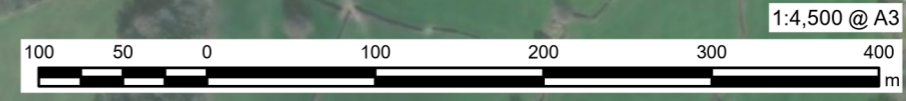
ISSUE PURPOSE
 Applicant's Response to Deadline 4 Submissions

DATE
 April 2026

PROJECT NUMBER
 60768754

FIGURE TITLE
 Land at Kelsterton Farm Location

FIGURE NUMBER
 Figure A1



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LEGEND

- Site Boundary
- Area Not Included in the Site Boundary

NOTES

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 Applicant's Response to Deadline 4 Submissions

DATE
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PROJECT NUMBER
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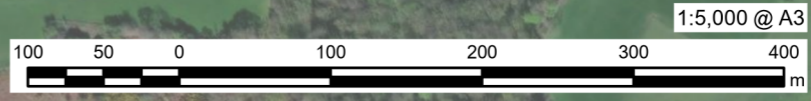
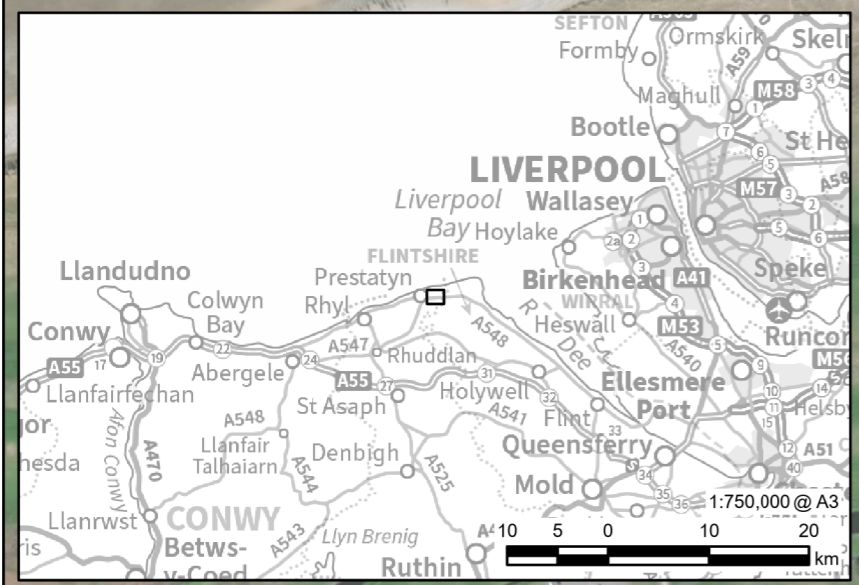
FIGURE TITLE
 Land North of Weighbridge Road Location

FIGURE NUMBER
 Figure A2

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