



Planning Inspectorate
Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Connah's Quay Low Carbon Power Project

An Examining Authority report prepared with the support of the
Environmental Services Team

Planning Inspectorate Reference: EN010166

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1 INTRODUCTION

1.1 Background

- 1.1.1 Uniper UK Limited ('the applicant') has applied for a Development Consent Order (dDCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Connah's Quay Low Carbon Power Project ('the proposed development'). On behalf of the Secretary of State (SoS) for Housing, Communities and Local Government, an Examining Authority (ExA) has been appointed to conduct an examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant SoS as to the decision to be made on the application.
- 1.1.2 For applications submitted under the PA2008 regime, the relevant SoS is the Competent Authority (CA) for the purposes of The Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations'). The findings and conclusions on nature conservation issues reported by the ExA will assist the SoS in performing their duties under The Habitats Regulations.
- 1.1.3 This Report on the Implications for European sites (RIES) documents and signposts the information in relation to potential effects on European sites that was provided within the dDCO application and submitted during the examination by the applicant and interested parties (IPs), up to deadline 4 (D4) of the examination (31 March 2026). It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination Library published on the 'Find a National Infrastructure Project' website by following the link below:
- <https://national-infrastructure-consenting.planninginspectorate.gov.uk/EN010166>
- 1.1.4 For the purpose of this RIES, in line with The Habitats Regulations and relevant Government policy, the term 'European sites' includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term 'European site' for European sites as defined in The Habitats Regulations 2017 and 'European Marine Sites' defined in The Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. The 'UK National Site Network' refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under The Habitats Regulations.
- 1.1.5 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Bodies (ANCBs) - Natural Resources Wales (NRW) and Natural England (NE) - are consulted formally on Habitats Regulations matters. This

process may be relied on by the SoS for the purposes of regulation 63(3) of The Habitats Regulations.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the SoS.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the SoS and made available to the SoS along with this report. The RIES will not be revised following consultation.

1.2 Documents used to inform this RIES

1.2.1 The applicant's Habitats Regulations Assessment (HRA) Report ('the HRA Report') comprised the following documents:

- Report to Inform Habitats Regulations Assessment ('RIHRA') Rev 00 [APP-253], updated in change request [CR1-105] and at D4 [REP4-054]
- Curlew Mitigation Strategy Rev 00 ('CMS') [APP-254] updated at D4 [REP4-056]
- Notice of a proposed without prejudice HRA derogation in Wales ('the derogations case') [PDA-003], updated at D4 [REP4-078]
- Saltmarsh Creation Strategy Rev 00 [REP3-026]

1.2.2 The HRA Report concluded that adverse effects on the integrity (AEoI) of all European sites could be excluded. However, the applicant also provided a 'without prejudice' case on the derogations under The Habitats Regulations and proposals for compensatory measures. An overview of these matters and details of the relevant documents is provided in sections 3 and 4 of this RIES.

1.2.3 In addition to the HRA Report, the RIES refers to representations submitted to the examination by IPs, Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other examination documents as relevant. All documents can be found in the Examination Library.

1.3 Change requests

1.3.1 To date, the applicant has made the one change request [AS-005] [AS-006] dated 10 March 2026 and comprised of six proposed changes:

- **Proposed change 1:** Reduction of Land Acquisition Powers relating to overlap with the HyNet CO₂ Pipeline project.
- **Proposed change 2:** Alignment of the CO₂ Connection Corridor Landscape Plan with the HyNet CO₂ Pipeline Project for consistency.
- **Proposed change 3:** Land Designation Adjustment involving minor changes to seven areas of retained habitats within the Main

Development Area that will now be reclassified as a total of approximately 1.25 hectares (ha) permanent habitat loss.

- **Proposed change 4:** Reduction in Heat Recovery Steam Generator (HRSG) stack height from 150 meters (m) Above Ground Level (AGL) to 130m AGL, and CCP Absorber height from 150m AGL to 145m AGL. A decrease in the maximum stack height parameters from 150m, following engagement with relevant stakeholders including Airbus Operations Limited and updated design information relating to emissions.
- **Proposed change 5:** Relocation of contractors' facilities within the Main Development Area to the only location that satisfied the operation and access requirements of the existing Connah's Quay Power Station.
- **Proposed change 6:** Proposed hardstanding expansion at Connah's Quay North Jetty to provide the necessary flexibility for equipment deliveries during the construction phase. The existing off-loading area measures approximately 16m by 16m, providing 256m² of space. The proposal is to extend this area by roughly 1,800m², involving two extensions, one approximately 50m by 16m (800m²) and another 62.5m by 16m (1,000m²) increasing the total area to about 2,056m².

1.3.2 The proposed changes were accepted by the ExA on 7 April 2026 [PD-014].

HRA implications

1.3.3 Relevant HRA matters arising from this change request were included in section 3 of the applicant's change notification [AS-005].

1.3.4 Proposed changes 1, 2 and 3 do not have implications for the RIHRA or environmental assessments.

1.3.5 As a result of proposed change 4 there is a minor adjustment to the reported air quality figures, and the applicant submitted an updated RIHRA alongside the change application. No new significant effects are identified.

1.3.6 Proposed changes 5 and 6 do not impact the RIHRA as proposed change 5 involved relocating work areas within the existing built footprint of the power station. Additionally, proposed change 6 is a sufficient distance from European sites that no impact pathways exist, approximately 50m from River Dee & Bala Lake SAC and 130m from the Dee Estuary SAC, SPA and Ramsar site.

1.4 RIES questions

1.4.1 This RIES contains questions predominantly targeted at the applicant, NRW and NE which are drafted in **blue, bold text**.

1.4.2 The responses to the questions posed within the RIES and comments received on it will be of great value to the ExA in understanding IPs' positions on Habitats Regulations matters. It is stressed that responses to other matters

discussed in the RIES are equally welcomed. In responding to the questions, please refer to the ID number.

- 1.4.3 In responding to the questions in tables 2.1 to 2.7 and 3.1 to 3.7, please refer to the ID number in the first column. Comments on the RIES are timetabled for deadline 6 (D6) of the examination (29 May 2026).

1.5 HRA matters considered during the examination

- 1.5.1 The examination to date has focussed on the following matters:

- methodology applied to the screening stage of the HRA.
- the adequacy of the applicant's ornithology baseline data.
- the methodology applied to the assessment of atmospheric pollution.
- IPs disputed the applicant's conclusion in relation to AEoI on the qualifying features of the Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site and Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC arising from atmospheric pollution.
- 'without prejudice' compensatory measures for effects on Atlantic Salt Meadow qualifying feature of Aber Dyfrdwy/ Dee Estuary SAC.
- 'without prejudice' compensatory measures for effects on curlew qualifying feature of Aber Dyfrdwy/ Dee Estuary SPA and criterion of Aber Dyfrdwy/ Dee Estuary Ramsar site.
- the timing, location, feasibility, effectiveness and deliverability for all compensation/ mitigation measures to be in place and functional prior to impacts occurring.
- projects considered in the in-combination assessment.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The proposed development is not connected with or necessary to the management for nature conservation of any European site.
- 2.1.2 The applicant submitted a RIHRA [APP-253], which identifies the sites within the UK National Site Network that could be affected by the proposed development.
- 2.1.3 Section 5.2 of the RIHRA [APP-253] explains that the applicant scoped sites for consideration based on the impact pathway buffers set out in Table 5, guidance and professional judgement, and a search radius of 15 km from the construction and operation area (the source of operational air emissions).

Sites within the UK National Site Network (NSN)

- 2.1.4 The applicant's original RIHRA [APP-253] identified nine European sites within the UK National Site Network for inclusion within the assessment. These are listed in table 6 of the RIHRA and are as detailed in table 2.1 below. The applicant also identified a SSSI, however SSSIs are not covered by the Habitats Regulations and therefore will not be discussed further in this report.

Table 2.1: European sites in the UK NSN identified in the applicant's HRA Report [APP-253]

Name of European site	Distance from proposed development (km)
Aber Dyfrdwy/ Dee Estuary SAC	Within
Aber Dyfrdwy/ Dee Estuary SPA	Within
Aber Dyfrdwy/ Dee Estuary Ramsar site	Within
Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC	0.076
Deeside and Buckley Newt Sites SAC	1.5
Mynydd Helygain/ Halkyn Mountain SAC	3.6
Coedwigoedd Dyffryn Alun/ Alyn Valley Woods SAC	6.8
Mersey Estuary SPA	12.7
Mersey Estuary Ramsar site	12.7

- 2.1.5 The RIHRA [APP-253] included an appendix with the heading 'Appendix A – Location of Relevant Habitats Sites in Relation to the Proposed Development'

however the figure was omitted from the submission. The revised RIHRA submitted as part of the change request [CHR-105] included the figure depicting the location of European sites within 15km of the proposed development. Appendix B summaries the European sites and impact pathways and Appendix C lists the qualifying features of the European sites taken forward to screening for likely significant effects (LSE).

- 2.1.6 NRW agreed [REP3-061] that all relevant European sites and qualifying features/ criterion that could be affected by the project had been identified by the applicant, as far as this related to such sites and features located within Wales. NE did not explicitly confirm if they are content with the sites and qualifying features/ criterion assessed in the RIHRA.

RQ.1 [To NE] Other than the sites listed above, the ExA is not aware of any representations from IPs identifying any additional UK European sites for inclusion in the applicant's RIHRA. NE are requested to advise if they consider that additional sites or qualifying features could be affected by the proposed development.

- 2.1.7 Whilst the proposed development is located in Wales, European sites located within England have been identified for consideration within the assessment. Both NRW and NE submitted relevant representations and have taken part in the examination.
- 2.1.8 NE [REP2-022] recognise that the application site lies within Wales, and the majority of impacts will primarily affect designated sites within Wales. Given this, and to ensure confusion and duplication of effort is avoided, NE will defer to NRW's advice for those impacts primarily affecting Wales. NE will continue to provide advice where impacts may have a cross-border impact and affect statutorily designated sites within England.

Non-UK sites

- 2.1.9 The applicant has not identified any potential impacts on European sites in the European Economic Area (EEA) States.

2.2 Potential impact pathways

- 2.2.1 RIHRA [APP-253] tables 4, 5 and 6 describe the potential impacts from the proposed development, along with the potential geographical extent of effects.
- 2.2.2 The ExA [REP4-082] sought clarification on whether all qualifying features have been considered in the RIHRA. Subsequently, the applicant provided matrix tables at appendix G of an updated RIHRA [REP4-054]. The potential impact pathways for each site and quantifying feature are summarised in Annex 1 of this RIES.
- 2.2.3 The potential impact pathways assessed by the applicant include:
- Direct loss of/ damage to qualifying habitat;
 - Loss of Functionally Linked Land (FLL);
 - Noise and visual disturbance;

- Water quality;
- Water quantity, level and flow;
- Atmospheric pollution from exhaust emissions, dust deposition, operational traffic and stack emissions;
- Barriers to movement; and
- Introduction of Invasive Non-Native Species (INNS).

2.2.4 The RIHRA assessed the potential impacts during construction, operation and maintenance, and decommissioning. The applicant considered that all potential impacts during the decommissioning phase would be similar to, and potentially less than, those outlined in the construction phase [APP-253].

2.2.5 No additional impact pathways have been identified by IPs for inclusion within the assessment in the examination to date.

2.3 In-combination effects

2.3.1 Section 8 of the RIHRA [APP-253] detailed the applicant's approach to assessing in-combination effects. The projects included in the in-combination assessment were detailed in section 10.4 of the RIHRA [APP-253]. No figure is provided in the RIHRA to illustrate the location of the projects included in the in-combination assessment.

RQ.2 [To the applicant] please provide a figure showing the location of the projects included in the in-combination assessment.

2.3.2 Matters pertaining to in-combination were raised by ANCBs relating to both stage 1 and stage 2 assessments in the HRA and therefore are discussed here.

2.3.3 NE [RR-026] queried how the proposed development integrated with the Hynet North West project, where and how connections were secured and whether the CO₂ corridor had been assessed as part of the HRA. In addition, NE queried whether all potential projects had been included in the assessment.

2.3.4 NE also raised queries relating to the approach to in-combination assessment for FLL and aerial emissions and whether all interactions between projects including known pressures or areas of mitigation or compensation to ensure no harm to these areas.

2.3.5 The applicant [REP1-062] responded to explain where the RIHRA documents in-combination air quality effects and the loss of FLL. The applicant confirmed that the in-combination assessment includes the HyNet CO₂ pipeline project, it also confirms that the dDCO includes the CO₂ connection corridor to the HyNet CO₂ pipeline project and therefore this has been included in the assessments. In relation to areas of mitigation and compensation, the applicant confirmed that that it has not identified any impacts on known areas of mitigation or compensation.

- 2.3.6 The applicant also explained in ISH2 [REP1-059] that a meeting with NE had been held in December 2025 to discuss matters raised in relation to in-combination effects which focussed on the approach to undertaking an in-combination when an alone effect is identified.
- 2.3.7 In relation to the plans and projects considered in the in-combination assessment, the ExA [PD-012] (ExQ1.22.7) requested NRW, NE and Flintshire County Council (FCC) to confirm its agreement of the projects included in the in-combination assessment. NRW [REP3-062] identified the following projects that it deemed should be considered as part of the in-combination assessment, directing the applicant to seek further information from FCC:
- Knauf Rock Mineral Wool Facility (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)
- 2.3.8 NE [REP3-061] responded to note that the in-combination assessment did not include any projects on the English side of the border and therefore concluded that the in-combination assessment was not adequate.
- 2.3.9 FCC [REP3-060] set out that in its view, the applicant has assigned insufficient weight to the in-combination effects of air pollution. FCC also noted that the distance for projects to be included is set at 2km for loss of FLL. FCC set out that as a result of the definition of FLL being outside of the boundary of a designated site but critical to its function, this distance should include the whole of the Dee Estuary. It also noted that there are further strategic plans which have not been included in the in-combination assessment.
- 2.3.10 The applicant updated the RIHRA [REP4-054]. Recognising this, NE [REP4-090] noted that whilst in its view the air quality in-combination assessment 'improved slightly', further clarity is required on the ammonia assessment and the sources included. NRW [REP4-091] noted a reduction in the in-combination nitrogen deposition process contribution and no changes to the predicted saltmarsh area affected in-combination at the Dees Estuary SAC and maintained their key concerns on this matter. NRW also noted a reduction in the predicted in-combination nitrogen deposition process contribution to the Deeside and Buckley Newt Sites SAC but provides no view on this change. NRW note that the additional projects identified in its [REP3-062] have not been included in the RIHRA updates. NRW also requested the applicant consider whether further information is available now for the Enfinium Parc Adfer ERF Carbon Capture project which should be included in the in-combination assessment.
- 2.3.11 The applicant [REP4-081] responded to requests for the consideration of further projects in the in-combination assessment. It noted that ICT Paper Mill

and Padeswood Cement Works are listed in the air quality assessment as being included in the cumulative operation scenario. It noted Deeside Power Station is included in the baseline Air Pollution Information System (APIS) modelling. It notes that there is no information relating to future emissions for Knauf Rock Mineral Wool Facility at this stage. It also noted Arrow AD is of a small scale, and that it considers that impacts would be very localised.

RQ.3 [To the applicant] confirm if this statement means to say that the air quality impacts from these projects have been included in the in-combination assessment of the RIHRA?

RQ.4 [To the applicant] can the applicant include the Enfinium Parc Aadfer ERF Carbon Capture project in the in-combination assessment or provide a justification as to why it cannot be.

- 2.3.12 The applicant in response to FCC's concerns relating to the weight given to air quality impacts, noted that the TEMPRO model was used to inform the assessment on traffic-related air quality, this was then adjusted to take into account several significant developments.
- 2.3.13 In relation to FLL, the applicant [REP4-081], noted that for the area of FLL to the Dee Estuary SPA and Ramsar site due to be lost as a result of the proposed development, an AEol project alone (prior to mitigation) has been concluded. As such, in its view, an in-combination assessment is not required but has been done for completeness.
- 2.3.14 The applicant noted that for the air quality in-combination assessment, it had determined that projects located closer to the proposed development were most likely to result in in-combination effects. The English border is 5km from the proposed development and therefore English projects were not included.
- 2.3.15 The ExA notes from the above, a number of outstanding matters pertaining to the in-combination assessment. Therefore, requests FCC, NRW, NE and the applicant to respond to the following questions:

RQ.5 [To NE and NRW] provide its views on the applicant's explanation [REP4-081] in relation to the study area used for identifying projects for the in-combination assessment.

RQ.6 [To NE, NRW and FCC] respond to the applicant's response to ExQ1.22.7 [REP4-081] as to whether following the applicant's updates, it is now content with the projects included in the in-combination assessment. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.

RQ.7 [To the applicant] liaise directly with NE in relation to the clarity of, and sources included within, the ammonia assessment and provide commentary to the ExA.

RQ.8 [To FCC] confirm if, following the applicant's explanation of its methodology for in-combination air quality effects [REP4-081], it is now content with the assessment. If not, provide reasoning and clearly set

out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.

RQ.9 [To NE and NRW] in relation to loss of FLL, are you in agreement with the applicant that as a result of an AEOI being concluded from the project alone, that an in-combination assessment is not required.

2.4 The applicant's assessment

2.4.1 The applicant's conclusions in respect of screening are presented in section 9 of the RIHRA [APP-253].

Sites for which the applicant concluded no LSE on all qualifying features

2.4.2 The applicant [APP-253] concluded that the proposed development would not likely give rise to significant effects, either alone or in-combination with other projects or plans, on all qualifying features of the following European sites:

- Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC
- Mynydd Helygain/ Halkyn Mountain SAC
- Coedwigoedd Dyffryn Alun/ Alyn Valley Woods SAC
- Mersey Estuary SPA
- Mersey Estuary Ramsar site

RQ.10 [To NRW and NE] the applicant's conclusion of no LSE with respect to the sites above were not disputed by ANCB during the examination. Can NRW and NE confirm it agrees with this conclusion?

Sites for which the applicant concluded LSE on some or all qualifying features

2.4.3 The applicant concluded that the proposed development would likely give rise to significant effects, either alone or in-combination with other projects or plans, on one or more of the qualifying features of:

- Aber Dyfrdwy/ Dee Estuary SAC
- Aber Dyfrdwy/ Dee Estuary SPA
- Aber Dyfrdwy/ Dee Estuary Ramsar site
- Deeside and Buckley Newt Sites SAC

2.4.4 The qualifying features and LSE pathways screened in by the applicant are detailed in table 6 and table C-1 of the RIHRA [APP-253].

2.4.5 The qualifying features considered in the LSE assessment were disputed by IPs and questioned by the ExA during examination. See section 2.5 of this RIES for further details.

2.5 Examination matters

- 2.5.1 Matters raised to date, or those for which the ExA seeks clarity, in relation to LSEs screened out (or not considered) by the applicant are summarised in tables 2.1 to 2.7 below.
- 2.5.2 In addition to the points below, it was noted that the assessment of the impacts from the proposed development on the Dee Estuary SPA and Ramsar site are grouped with the Dee Estuary SAC. However, the potential impacts, including but not limited to loss of Atlantic salt meadows and atmospheric pollution on the qualifying features of the SPA and Ramsar site are unclear. The RIHRA [APP-253] does not describe the potential direct and indirect effects on the qualifying features of the Dee Estuary SPA and Ramsar site. ExQ1.9.22 [PD-012] sought clarification on the indirect effects. The applicant [REP4-054] updated the RIHRA, and while the ExA note that the impacts on the SAC are similar to those on the SPA and Ramsar site, the effects of indirect impacts on the SPA and Ramsar site are still unclear.
- 2.5.3 Additionally, not all qualifying features and criterion are mentioned within the RIHRA [APP-253], therefore it was not clear which have been assessed or not and why. This applied to all sites, at stages 1 and 2 of the HRA and with particular concern for the bird features of Dee Estuary SPA and Ramsar site which is explored further in table 2.2 below.
- 2.5.4 The ExA [REP4-082] sought clarification on which qualifying features and criterion for all sites have been assessed. The applicant [REP4-054] updated the RIHRA and provided matrix tables at appendix G. The RIES is based upon the information provided in these updated tables.

RQ.11 [To the applicant] the applicant is requested to clearly set out the indirect effects of the loss of Atlantic salt meadows and atmospheric pollution on the qualifying features of the Dee Estuary SPA and Ramsar site, where effects differ for the qualifying features and criterion this should be clearly set out.

RQ.12 [To the applicant] there are discrepancies between what is provided in appendix G [REP4-054] and what appears to be assessed in the RIHRA. The applicant is requested to provide clarification on the following impact pathways assessed in the HRA:

- **Assessment of impacts from noise and vibration on the river lamprey and sea lamprey qualifying features of the Dee Estuary SAC during operation of the proposed development.**
- **Likely significant effects from visual disturbance (lighting) on the bird qualifying features of Dee Estuary SPA and Ramsar site during operation of the proposed development.**
- **Likely significant effects from direct habitat loss on bird qualifying features of Dee Estuary SPA and Ramsar site during construction of the proposed development.**

- **Assessment of impacts from noise and vibration on the otter and fish qualifying features of the River Dee and Bala Lake SAC during all phases of the proposed development.**
- **Assessment of loss of FLL on otter qualifying feature of the River Dee and Bala Lake SAC during all phases of the proposed development.**

RQ.13 [To NRW and NE] review annex 1 of this RIES and appendix G of the RIHRA [REP4-054] and confirm its position in relation to each impact pathway on each designated site within the relevant column of annex 1 of this RIES. Where NRW and NE do not agree with the applicant's conclusions or any discrepancies are noted between appendix G and what is assessed in the RIHRA, please clearly set out your concerns and what amendments NRW/ NE would propose or specific information that would still be required.

Table 2.1: Direct habitat loss – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site			
2.1.1	Clearance of Atlantic salt meadow in the water connection corridor	<p>NRW [RR-027] requested clarification on whether clearance of Atlantic salt meadow within the water connection corridor is proposed.</p> <p>The applicant at ISH2 [REP1-066] provided verbal communication that there would be no loss of Atlantic salt meadow from the water connection works.</p> <p>NRW [REP1-073] noted and welcomed the applicant's response and requested formal written clarification.</p> <p>The applicant [REP1-062] updated its application documents to clarify that the RIHRA [APP-253] has not assessed any loss of saltmarsh within the water connection corridor, as there will be no saltmarsh removal in this area, it will be traversed on foot. The clearance of Atlantic salt meadow is associated with works in the surface water outfall area rather than the water connection corridor.</p> <p>This matter was agreed between the parties [REP3-029].</p>	N/A – matter resolved

Table 2.2: Functionally linked land – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site			
2.2.1	Ornithological surveys – species-specific consideration	<p>NE [RR-026] (NE01) stated that the detailed ornithological surveys undertaken by the applicant have identified significant numbers of the following qualifying species which will be affected by the project; Redshank, Shelduck, Teal, Pintail, Oystercatcher, Dunlin and Black-tailed godwit. NE noted that no further assessment of impacts has taken place within the RIHRA, despite mitigation being proposed in the wider documents. NE advised that a more robust species-specific evaluation must be undertaken at appropriate assessment. NE [RR-026] advised that a summary table is needed to draw out peak counts for each species and that these peaks are then used to calculate the proportion of the SPA population. Where the percentage is greater than 1%, NE advised this should be highlighted so that it can easily be ascertained which species are and are not required to be considered further in the assessment.</p> <p>The applicant [REP1-062] explained that individual species for which the SPA or Ramsar site were designated only need to be specifically discussed where impacts on those species differ, for the Dee Estuary</p>	<p>RQ.14 [To the applicant] provide a full list of qualifying ornithological features/ criterion of the Dee Estuary SPA and Ramsar site, the numbers present and clearly set out where species occur in significant numbers (are above the 1% threshold) and clear, evidenced justification for screening species in or out. Where a clear, evidenced justification cannot be provided, the ExA requests the RIHRA is updated to assess that qualifying feature/ criterion.</p> <p>RQ.15 [To the applicant] liaise directly with NRW and NE regarding its approach to applying the 1% criteria for FLL based on the data provided, which indicates that the area of FLL lost supports a range of other SPA waterbird species in significant</p>

	<p>SPA and Ramsar site this only applies to the curlew in relation to FLL.</p> <p>The ExA [PD-012] sought an update on NEs position on the species-specific consideration within ornithological surveys. NE [REP3-061] confirmed that on the basis of the information received to date, NE is not satisfied with the assessments undertaken. The data available from the adjacent and partially overlapping Wetland Bird Survey (WeBS) sectors indicates this area supports significant numbers of a range of waterbird species supported by the SPA. It is unclear how it has been concluded that curlew is the only species to require mitigation/ compensation for adverse impacts from the proposal.</p> <p>The ExA [PD-012; Q9.25] sought clarification of the qualifying ornithological features of the Dee Estuary SPA and Ramsar site considered under the loss of FLL pathway, this included; the number of birds present (absolute figure) and as a percentage of the citation count, and if relevant a percentage of a more recent count. The applicant [REP3-059] directed the ExA to data collected by the applicant in Annex F of Appendix 11-D: Ornithology Technical Appendix [APP-193].</p> <p>The ExA [REP4-082] sought clarification on whether all qualifying features have been considered in the RIHRA. The applicant stated that all qualifying features have been assessed and that, in agreement with NRW, the 1% criteria for FLL has been used, which is why only LSE on curlew is identified in relation to loss of FLL. The</p>	<p>numbers, and provide commentary to the ExA.</p> <p>RQ.16 [To NE] do NE consider the FLL lost to be FLL for redshank, wigeon and teal in addition to curlew? Can NE confirm the qualifying features of the Dee Estuary SPA and Ramsar site it considers should be assessed in relation to loss of FLL.</p>
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		<p>applicant agreed to make the position more explicit in an updated RIHRA at D4 including matrix tables.</p> <p>NE [REP4-072] stated that the available information from WeBS counts and the consultant's own data indicated that the area of FLL lost supports a range of other SPA waterbird species in significant numbers, not only curlew. NE also noted that high tide roost WeBS data shows the proposal site as a key roost location in 2019 for Redshank (1000 counts), Wigeon (300 counts), Teal (200 counts) and Curlew (120 counts).</p>	
Mersey Estuary SPA and Ramsar site			
2.2.2	Interchange of birds	<p>The RIHRA [APP-253] screens out a potential LSE from the loss of FLL pathway for the Mersey Estuary SPA and Ramsar site as it is 12.7km from the proposed development.</p> <p>NE [RR-026] (NE13) advised the applicant to consider whether there is potential for effects on the Mersey Estuary SPA and Ramsar site as a result of interchange of birds, as the site is located within the 20km initial search radius or to provide further justification to support its conclusion.</p> <p>The applicant [REP1-062] stated that it is very likely that birds from the various Liverpool City Region SPAs move between SPAs. However, by addressing the loss of FLL for the Dee Estuary SPA by ensuring no net loss of FLL the applicant argues it is addressing this.</p>	<p>RQ.17 [To NE] Are NE satisfied with the applicant's response to this matter? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>
Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			

<p>2.2.3</p>	<p>Construction and decommissioning Otter</p>	<p>NE [REP1-026] (NE52) raised concerns about the extent of the study area and loss of FLL, including resting or foraging habitat. FCC [RR-013] also raised concerns about the survey not being in accordance with parameters agreed with NRW. Referencing the ES Terrestrial and Aquatic Ecology chapter [APP-049] and use of appropriate buffer areas around ponds as feeding sites for otters in the spring, FCC asked for clarification and justification for deviation from surveying best practice.</p> <p>The applicant's response to NE [REP1-062] stated there will be no barriers to otter movement nor any fragmentation of territories. There is no evidence of otter holts or couches (resting places) within 300m of the order limits.</p> <p>NRW [RR-027] stated it was largely satisfied with the applicant's survey and assessment in respect to otter and provided no further comment.</p> <p>NE [REP3-051] defers to NRW on licencing issues and provides no further comment.</p>	<p>RQ.18 [To the applicant] the ExA requests a response to FCC's concerns.</p> <p>RQ.19 [To NRW and NE] the ExA requests an update on progress on this matter.</p>
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Table 2.3: Atmospheric pollution – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
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All European sites within applicant's ZOI			
<p>2.3.1</p>	<p>Construction, operation and decommissioning Atmospheric pollution – general comments</p>	<p>NE [RR-026] (NE35) provided a general comment on the assessment of atmospheric pollution on European sites and advised that further information is required on a number of outstanding concerns raised during previous statutory engagement, including:</p> <ul style="list-style-type: none"> • Clarity on the distance and screening thresholds for all sources (traffic and agricultural), both alone and in-combination. • An assessment of backup or auxiliary power provisions. • The correct application of critical loads and levels. • An assessment of impacts on supporting habitat. • An explanation for the use of the Emission Factor Toolkit (EFT), as it does not recommend projecting figures beyond 2030, and why emissions were assumed from 2034. <p>The applicant [REP1-062] directed NE to ES chapter 8 [APP-046]. Table 8-5 [APP-046] provides a response to each of NE's comments in relation to air quality.</p> <p>NE's SoCG [REP3-051] agreed that for the designated sites, the operational modelling framework appears broadly appropriate. However, NE [REP3-051] noted that traffic screening thresholds, treatment of agricultural sources, backup/ auxiliary plant modelling and post 2030 EFT assumptions do not appear to be evidenced in the documents provided.</p> <p>Following review of the documents submitted in response to the change request, including the updated RIHRA [CR1-105], NE</p>	<p>RQ.20 [To NE] can NE clearly set out specific actions that, in your view, the applicant should take to fully resolve outstanding concerns on this matter.</p>

		[REP4-090] considered that the updated information does not fully address the concerns previously raised.	
2.3.2	Construction/ decommissioning Exhaust emissions – study area	<p>NE [RR-026] (NE38) advised that it is unclear whether the study area for air quality impacts includes all roads where there would be a pollution change of >1% of the critical level or load, or which roads were screened in as having >500 annual average daily total (AADT).</p> <p>The applicant [REP1-062] explained that there are no European sites within 200m of the Affected Road Network (ARN) other than the Dee Estuary SAC, SPA and Ramsar site and the River Dee and Bala Lake SAC, which have been assessed in the RIHRA [APP-253].</p> <p>NE's SoCG [REP3-051] [REP4-072] stated that the relevant appendices do not appear to include construction traffic or dust modelling and do not distinguish English from Welsh units. As a result, NE [REP3-051] noted that it cannot assess construction impacts on any English units from the evidence provided and therefore maintains a holding position for English units until unit level mapping and construction deposition results are provided.</p>	RQ.21 [To the applicant] can the applicant signpost to, or provide, the relevant construction traffic and dust modelling including a unit-level breakdown of the results.
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site and Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			
2.3.3	Construction/ decommissioning Dust deposition – mitigation measures	<p>NE [RR-026] (NE49) advised that the impacts of dust deposition on European sites should be progressed to the appropriate assessment stage as relying on measures in the CEMP may infer that mitigation is required to avoid LSE.</p> <p>The applicant [REP1-062] explained that the measures proposed to control dust are standard embedded measures employed on construction sites and are already included in the proposed development irrespective of the presence of European sites and</p>	N/A – matter resolved.

		<p>therefore should be taken into account at the HRA screening stage.</p> <p>In response to ExQ1.6.11 [PD-012], NE [REP3-061] confirmed that they are satisfied that the measures to control dust are embedded in the proposed development and can be considered at the screening stage. NE [REP3-061] confirmed that it was content that the approach taken with regards to the Habitats Regulations is appropriate.</p>	
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site			
2.3.4	<p>Operation</p> <p>Stack emissions – ammonia</p>	<p>NE [RR-026] (NE41 and NE45) noted that ammonia is just below the critical level in the 1km square containing the identified receptor point ($2.6\mu\text{g}/\text{m}^3$) based on APIS data. Furthermore, it stated that as ammonia concentrations are spatially variable, it is likely that some locations within the relevant grid square contain a higher ammonium level than the critical level. Therefore, NE [RR-026] advised that given the uncertainty of the emissions levels, operational ammonia emissions should be addressed in the appropriate assessment.</p> <p>The applicant [REP1-062] considered it reasonable to assume that background concentrations of ammonia would be homogenous and even when allowing for localised spatial variation, ammonia concentrations are forecast to be below the critical level for the saltmarsh habitat alone or in-combination with other plans or projects.</p> <p>With regard to NE45, the applicant [REP1-062] stated that the annual mean ammonia concentration from the proposed development of $0.02\mu\text{g}/\text{m}^3$ is equivalent to 0.7% of the critical level value and when considered with the $2.6\mu\text{g}/\text{m}^3$ background (which is 13% below the critical level value) the additional 0.7%</p>	<p>RQ.22 [To the applicant] can the applicant signpost to or provide the relevant information setting out the ammonia baseline values and ammonia process contributions at OE receptors?</p> <p>RQ.23 [To the applicant] can the applicant provide information to explain how the reported in-combination Atlantic salt meadow area affected by the proposed development has been determined?</p>

		<p>would not present a risk to the critical level. The applicant [REP1-062] concluded that operational ammonia emissions would therefore not lead to LSE on the European sites.</p> <p>In response to NE41, the applicant [REP1-062] also highlighted that the background ammonia concentrations will be updated in the documentation due to be submitted with the change request, with the latest value from APIS being 1.9 µg/m³ for the same receptor.</p> <p>The updated RIHRA [CR1-105] provided in response to the change request concludes that the total ammonia concentrations would not exceed the critical level.</p> <p>NE [REP4-090] advised that the ammonia assessment remains close to the relevant thresholds and there is still some uncertainty around how background concentrations of ammonia have been represented.</p> <p>NE's SoCG [REP4-072] noted that the ammonia baseline values appear corrupted in ES appendix 8-A [REP2-007] and ammonia process contributions at the operational ecological (OE) receptors are not evidenced in ES appendix 8-D [REP2-009]. NE [REP4-072] also stated that the in-combination Atlantic salt meadow area appears not to have been evidenced. As a result, NE [REP4-072] considered that it cannot assess operational ammonia risk for English units from the information provided and this matter remains unresolved.</p>	
<p>2.3.5</p>	<p>Operation Stack emissions – ammonia in-combination</p>	<p>NE [RR-026] (NE41) advised that it is unclear what range of point sources for ammonia were considered in the in-combination assessment in the RIHRA [APP-253] or why the sources identified did not emit ammonia.</p>	<p>RQ.24 [To the applicant] Can the applicant explain the range of sources of ammonia emissions that were</p>

		<p>The applicant [REP1-062] advised that the only source of ammonia within the grid square used for background ammonia is the A548 Weighbridge road.</p> <p>NE [REP4-090] advised that the ammonia sources included in the assessment remains unclear.</p>	<p>considered in the in-combination assessment?</p>
<p>Deeside and Buckley Newt Sites SAC</p>			
2.3.6	<p>Construction/ decommissioning Exhaust emissions – acid deposition</p>	<p>The applicant [APP-253] concluded that the increase in traffic emissions during construction of the proposed development would not result in LSE from increased nitrogen deposition and ammonia. However, the RIHRA [APP-253] did not provide a conclusion for potential increased acid deposition from exhaust emissions.</p> <p>In response to ExQ1.6.12 [REP3-059] the applicant explained that the contribution of acid deposition from the proposed development is imperceptible and will not contribute to any in-combination acid deposition effects. Therefore, the applicant [REP3-059] concluded that the proposed development would not lead to no LSE from acid deposition on the Deeside and Buckley Newt Sites SAC.</p>	<p>N/A – matter resolved.</p>
<p>Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC</p>			
2.3.7	<p>Construction, operation and decommissioning Exhaust and stack emissions – floating water plantain (<i>Luronium natans</i>)</p>	<p>Paragraph 7.2.56 of the RIHRA [APP-253] states that the only qualifying feature of the River Dee and Bala Lake SAC sensitive to air quality impacts is floating water plantain. The RIHRA [APP-253] concludes that there would be no LSE as floating water plantain is only found in the Bala Lake section of the SAC and beyond the Zol of the proposed development.</p> <p>NE [RR-026] NE36 and NE42) disagreed with the applicant's screening conclusion and argued that aerial pollutants must not compound the ability for this species to colonise new areas. NE</p>	<p>N/A – matter resolved.</p>

		<p>[RR-026] requested that the air quality assessment should consider expanding populations of floating water plantain.</p> <p>The applicant [REP1-062] explained that floating water plantain is confined to Bala Lake and the upper slow flowing sections of the River Dee, which are approximately 50 km from the stretch of River Dee likely to be affected by the proposed development. The applicant [REP1-062] considered that it is unrealistic to assume this species may spread from Bala Lake through the River Dee as the character of the environment between the upper and lower stretches of the River Dee are entirely different.</p> <p>In response to ExQ1.6.14 [PD-012], the applicant [REP3-059] reiterated their response to the relevant representations.</p> <p>NE [REP3-061] ExQ1.6.13) considered the applicant's justification acceptable and have also received information from NRW to further support the applicant's justification indicating that that floating water plantain is not found in the lower reaches of the River Dee.</p> <p>The SoCG [REP3-051] between NE and the applicant has also been updated to confirm this issue has been resolved.</p>	
<p>2.3.8</p>	<p>Construction/ decommissioning Exhaust emissions – critical levels</p>	<p>NE [RR-026] (NE36) advised that consideration of the ammonium and NOx critical levels for the floating vegetation of the River Dee and Bala Lake SAC are not evidenced in the RIHRA.</p> <p>The applicant [REP1-062] stated that clear reference to the ammonium and NOx critical levels for the floating vegetation is provided in paragraph 7.2.56 of the RIHRA [APP-253].</p> <p>The SoCG [REP3-051] between NE and the applicant indicates that NE are content with this signposting and this matter has been resolved.</p>	<p>N/A – matter resolved.</p>

<p>2.3.9</p>	<p>Construction/ decommissioning Exhaust emissions</p>	<p>The RIHRA [APP-253] concluded that the critical levels for ammonia and NOx would not be exceeded at the River Dee and Bala Lake SAC alone or in-combination.</p> <p>The ExA [PD-012] requested that NE provide comment on the conclusion in the RIHRA [APP-253] that the critical levels of ammonia and nitrogen would not be exceeded at River Dee and Bala Lake SAC from increased exhaust emissions during construction.</p> <p>In response to ExQ1.6.15 [PD-012], NE [REP4-090] noted that the updated RIHRA [CR1-105] submitted to accompany the change request does not materially alter the conclusions previously presented and is not yet in a position to confirm agreement with the applicant's conclusions.</p>	<p>RQ.25 [To NE] what further evidence is required for the applicant to justify their conclusion that the critical levels of ammonia and nitrogen would not be exceeded at River Dee and Bala Lake SAC from exhaust emissions during construction?</p>
<p>2.3.10</p>	<p>Operation Stack emissions – floating water plantain</p>	<p>NE [RR-026] (NE42) disagreed with the applicant's conclusions regarding operational atmospheric pollution from nitrogen deposition and ammonia on the River Dee and Bala Lake SAC. NE [RR-026] argued that the data presented in ES appendix 8D [APP-183] indicates that the critical load for nitrogen deposition and ammonia may be exceeded at this SAC from operational stack emissions.</p> <p>The applicant [REP1-062] referred to the RIHRA [APP-253] stating that paragraph 7.2.56 makes it clear that critical levels for ammonia and NOx would not be exceeded at this SAC alone or in-combination during both construction and operation.</p> <p>The ExA [PD-012] noted that paragraph 7.2.56 of the RIHRA does not explain why the critical levels would not be exceeded at this SAC during operation and requested the applicant signpost to the relevant information within their application documents.</p>	<p>N/A – matter resolved.</p>

		<p>In response to ExQ1.6.16 [PD-012], the applicant [REP3-059] directed the ExA to ES appendix 8-D [CR1-089], which has been updated following the change request, stating that the data presented in the relevant tables to show that nitrogen deposition and ammonia would not exceed the critical level for the SAC.</p> <p>The SoCG [REP3-051] between NE and the applicant confirmed that NE consider the likelihood of LSE on the SAC to be minimal and that this issue has now been resolved.</p>	
<p>Mersey Estuary SPA and Ramsar site</p>			
<p>2.3.11</p>	<p>Operation Stack emissions</p>	<p>The RIHRA [APP-253] concluded that no qualifying bird species of the Mersey Estuary SPA and Ramsar site are sensitive to air quality impacts on their habitats and air quality impacts are as likely to be positive as negative. For example, increasing prey abundance. However, paragraph 7.3.37 of the RIHRA [APP-253] stated that great crested grebe is potentially negatively affected by nitrogen deposition on saltmarsh habitat but major structural changes to the habitat would be required and as a result the applicant considered the upper nitrogen critical load of 20 kg N/ha/yr to be most appropriate for the assessment of this species rather than the lowest nitrogen critical load for saltmarsh (10 kg N/ha/yr).</p> <p>The applicant [APP-253] explained that for receptor OE6 in-combination nitrogen deposition is forecast to be 0.04 kg N/ha/yr, with a Predicted Environmental Concentration (PEC) of 17.3 kg N/ha/yr. The RIHRA [APP-253] concluded that as the PEC is below the 20 kg N/ha/yr critical load used for great crested grebe, there would be no LSEs from atmospheric pollution on the Mersey Estuary SPA and Ramsar site.</p>	<p>RQ.26 [To the applicant] can the applicant provide further justification to explain why it considers using higher critical level for the assessment of nitrogen deposition on the Mersey Estuary SPA and Ramsar site during operation to be appropriate.</p> <p>RQ.27 [To the applicant] can the applicant signpost to, or provide, information setting out the relevant screening criteria and data used for assessing acid deposition and ammonia on Mersey Estuary SPA and Ramsar site during operation.</p>

		<p>NE [RR-026] (NE43) argued that the consideration of the sensitivity of the bird species associated with the SPA and Ramsar site would be relevant within an appropriate assessment but not at the screening stage. NE [RR-026] also stated that the screening assessment should be based on the Process Contribution (PC) modelled at the receptor and referred to tables 33, 35, 36 and 38 in ES appendix 8-D [APP-183] that indicate these would be 0.1% for NO_x, 0.2% for ammonia, 0.4% for nitrogen deposition and 0.3% acid deposition from the project alone.</p> <p>The applicant [REP1-062] noted that there is no requirement by law that information about the sensitivity of the qualifying features of a European site should be excluded from consideration at the HRA screening stage of the HRA process.</p> <p>The SoCG [REP3-051] between the applicant and NE indicates this matter is still under discussion. NE [REP3-051] agreed that the operational stack contributions at the receptor are small. However, NE [REP3-051] stated that the screening assessment for the English units must be based on verifiable PCs and PECs for all relevant pollutants against lower-bound critical loads and levels. NE [REP3-051] also requested that the acid deposition and ammonia screening metrics are fully evidenced.</p>	
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Table 2.4: Noise and visual disturbance – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			
2.4.1	Construction or decommissioning Noise disturbance – otter	NE [RR-026] (NE53) did not agree with the applicant that otters can tolerate noisy environments. It stated that overnight staff could disturb commuting otter. Therefore, NE did not support the approach to rule out LSE. The applicant's response [REP1-062] stated that workers would not need to enter the Dee Estuary. It also stated that affected areas of the River Dee are in Wales, and NRW had not raised any potential impacts. NE's SoCG [REP3-051] confirmed that on noting this, that NE defer to NRW on this issue, and made no further comment. NRW [RR-027] was satisfied with the applicant's surveying and assessment as confirmed this in its response ExQ1.7.6 [REP3-062] and that given the embedded noise and lighting mitigation measures, it was satisfied with the applicant's conclusions.	N/A – issue resolved
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site			
2.4.2	Operation Noise disturbance – assessment approach	The RIHRA [APP-253] concluded that based on noise modelling, operational noise levels are not forecasted to exceed 60dB LAeq at any point within the Dee Estuary SAC, SPA or Ramsar site, even in the absence of acoustic fencing or any other form of mitigation.	N/A – matter resolved.

	<p>NE [RR-026] (NE16) stated that they do not advocate the use of thresholds, as birds' reaction to noise is site and species specific. NE [RR-026] requested that where there is a change of 3dB or more within baseline noise levels, an LSE should be identified and considered within the AA.</p> <p>The applicant [REP1-062] explained that the affected areas of the Dee Estuary SAC, SPA and Ramsar site are within Wales and NRW has agreed to the use of the 60dB threshold. The applicant concluded that as noise produced during operation of the proposed development would not exceed 60 dB (LAeq or LAm_{ax}) an appropriate assessment is not required.</p> <p>Following review, NE [REP3-059] agreed that noise modelling indicates that there will be no operational noise impacts on the English part of the Dee Estuary SAC, SPA and Ramsar site and were satisfied that this impact did not need to be considered further.</p> <p>In response to EXQ1.7.5 [PD-012], NRW [REP3-062] confirmed that they were also content with the applicant's assessment and agree with the conclusion that no LSE from noise disturbance effects would arise alone or in-combination with other plans or projects during operation.</p>	
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Table 2.5: Waterborne pollution – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site and Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			
2.5.1	<p>Construction and decommissioning</p> <p>Water quality from waterborne pollution with potential to impact qualifying fish species.</p>	<p>The RIHRA [APP-253] screened this pathway out as the applicant stated new infrastructure can be constructed to prevent pollution and ensure no adverse effects on any habitats site. Through compliance with other existing regulations, such as the CEMP, which will implement procedures to prevent discharge from works entering surface, groundwater, wetlands or coastal waters.</p> <p>NRW [RR-027] disagreed with the approach to take mitigation measures into account in screening and stated that no information has been provided to suggest control measures will avoid the effect in the first instance, the specific mechanisms for mitigation should therefore be made available for assessment.</p> <p>The applicant [REP1-062] stated that measures that are legally required can be considered during LSE as an integral part of design to comply with other legislation.</p> <p>NE [REP3-051] concurred with the approach to mitigation and deferred to NRW's advice as impacts would occur on Welsh side of Dee Estuary.</p> <p>The applicant [REP4-062] stated in NRW's SoCG that this matter was still under discussion with advice provided on progressing issue to AA.</p>	<p>RQ.28 [To the applicant and NRW] the ExA requests an update on progress on this matter.</p>

Table 2.6: Hydrological changes – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site			
2.6.1	<p>Construction and decommissioning</p> <p>Water quantity, level and flow impacting qualifying habitat and species (sea/ river lamprey, bullhead and otter)</p>	<p>The RIHRA [APP-253] concluded that this impact pathway could be screened out on the basis that the Site Improvement Plan for the Dee Estuary SAC, SPA and Ramsar site, does not identify change in water quantity, level and flow. NRW [RR-027] provided no commentary on this matter.</p> <p>NE [RR-026] (NE26) did not agree that this impact pathway could be screened out and requested details in change of use and potential changes to hydrological regime, flow and velocity, including water chemistry, impact on sedimentation and water temperature to support the assessment.</p> <p>The applicant [REP1-062] stated that with the Dee General Directions in place, no additional water supplies beyond existing consents and licensed volumes would be required. The existing licence and permitted discharge limits controlled via the existing environmental permit would be maintained. As such, the applicant is not changing the existing baseline, which has been deemed acceptable through the grant of the existing environmental permit.</p> <p>NE's SoCG [REP3-051] states that this matter is still under discussion.</p>	<p>RQ.29 [To the applicant and NE] the ExA requests an update on progress on this matter.</p>

Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site and Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			
2.6.2	Operation Water quantity, level and flow with potential to impact on qualifying fish	<p>The RIHRA [APP-253] screened this impact pathway out on the basis that it is proposing to maintain existing abstraction and discharging parameters.</p> <p>NE [RR-026] (NE55) did not agree that LSE could be screened out on this basis as qualifying fish species were identified as using the watercourses around the scheme including the areas of water abstraction. Further detail on the abstraction regime was requested. The applicant's response [REP-062] was the same as that for issue ID 2.6.1.</p>	RQ.30 [To NE] confirm your position on this matter? If this matter is not resolved, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.
Afon Dyfrdwy a Llyn Tegid/ River Dee and Bala Lake SAC			
2.6.3	Construction and decommissioning Water quantity, level and flow with potential to impact benthic habitats and coastal geomorphology	<p>The RIHRA [APP-253] screened out this impact pathway on the basis that whilst there is some temporary loss of benthic habitat, the impact is likely to be very limited in scale and duration.</p> <p>NE [RR-026] (NE27) stated that it did not consider sufficient assessment had taken place, however the applicant's SoCG with NE [REP3-051] stated that as any impacts from barges grounding on inter-tidal sediments will be on the Welsh side of the Dee Estuary, NE defer to NRW advice on this impact and have no further comment.</p> <p>NRW [RR-027] provided no commentary on this.</p>	RQx.31 [To NRW] confirm your position on this matter? If this matter is not resolved, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter

Table 2.7: Other remaining impact pathways – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site and Deeside and Buckley Newt Sites SAC			
2.7.1	<p>Construction, operation and decommissioning</p> <p>Introduction of INNS from multiple pathways</p>	<p>The RIHRA [APP-253] screened out this impact pathway with NE [RR-026] providing no comment on this issue.</p> <p>NRW [RR-027] (NRW17) disagreed with the applicant's approach, stating that the Marine INNS Outline Management Plan and Biosecurity Risk Assessment would not adequately reduce the risk of spread of INNS. The applicant [REP1-062] stated that a detailed assessment of marine INNS risks would inform an updated Marine INNS management plan. The outline INNS Management Plan [APP-209] has been updated with additional information with commitment for this to be secured with approval obtained in advance of works.</p> <p>NRW [REP2-023] confirmed it was satisfied that the updated Marine INNS Management Plan with commitment to submit a more detailed plan prior to formal submission of the final CEMP, adequately addresses its concerns relating to the risks posed by marine INNS with NRW [REP3-029] confirming the matter is resolved.</p> <p>FCC's local impact report [REP2-021] requested further information on the presence of INNS within the survey area and, where found, for species to be recorded and reflected in the ES and Net Benefit for Biodiversity (NBB) assessment. However, it</p>	<p>RQ.32 [To FCC] confirm whether your concerns relating to INNS are of relevance to the RIHRA and, if so, confirm whether these been addressed through the applicant's response to NRW [REP1-062]. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		was unclear if FCC had concerns on this matter in relation to the RIHRA.	
Mynydd Helygain/ Halkyn Mountain SAC and Deeside and Buckley Newt Sites SAC			
2.7.2	Construction, operation and decommissioning Introduction of Invasive Non-Native Species (INNS)	<p>NRW [RR-027] (NRW18) noted that this matter is proposed to be screened out but does not appear to have considered biosecurity risks from infectious diseases such as Chytrid. Since the works are within 2km of the Deeside and Buckley Newt Sites SAC, NRW advised that the HRA should consider such biosecurity risks.</p> <p>The applicant [REP-062] responded stating that both designated sites are separated from the works by major barriers, with no hydrological connections. As chytrid is spread primarily through contact with the waterborne zoospores, it is considered reasonable to screen out the INNS impact pathway.</p> <p>NRW's SoCG [REP3-029] confirmed that the matter has been agreed on the basis that an Invasive Species Management Plan (ISMP) survey would be updated before construction. If determined to be necessary, an Invasive Species Management Plan would be prepared to accompany the final CEMP(s) and would be agreed with relevant stakeholders.</p>	N/A – matter resolved

2.6 Summary of examination outcomes in relation to screening

- 2.6.1 The ExA's understanding of the applicant's and relevant ANCBs current positions in relation to LSEs is set out above.
- 2.6.2 To date in the examination, the matters identified in table 2.2 of this RIES in respect of disputed LSEs remain unresolved. The ExA seeks responses from the applicant and ANCB, where indicated, to provide clarity on the outstanding matters.

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for all of the European sites for which a LSE was identified by the applicant at the point of the DCO application were included within the RIHRA, table C-2 [APP-253].
- 3.1.2 In ExQ1 [PD-012], the ExA sought confirmation of the conservation status for the European sites carried forward to stage 2 appropriate assessment. The applicant [REP3-059] does not believe the conservation status is published.

RQ.33 [To NRW and NE] confirm the conservation status for all European sites taken to stage 2 of the HRA appropriate assessment.

3.2 The applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the applicant to determine if they could be subject to AEol from the proposed development, either alone or in combination, in chapter 10 of the RIHRA [APP-253].

Mitigation measures

- 3.2.2 The assessment of effects presented in sections 10.2 and 10.3 of the RIHRA [APP-253] set out where mitigation measures are required to avoid or minimise the effects from each impact pathway included in the assessment. Where mitigation measures are considered necessary, these have been described in the RIHRA. These were taken into account in the applicant's assessment of effects on integrity.

Sites for which the applicant concluded no AEol

- 3.2.3 The applicant concluded that the proposed development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.
- 3.2.4 Despite this conclusion, due to a lack of agreement with NRW and NE over the justification for this conclusion, the ExA requested a 'without prejudice' derogation case and information on proposed compensatory measures for the following sites, features and impact pathways:
- Dee Estuary SAC – Atlantic salt meadow – Direct loss of/ damage to qualifying habitat and air quality (nitrogen deposition) impact
 - Dee Estuary SPA and Ramsar site – Curlew – Loss of FLL
- 3.2.5 This RIES provides an overview of the derogations and compensatory measures in sections 4 and 5.
- 3.2.6 The applicant's conclusions in respect of the Dee Estuary SAC, SPA and Ramsar site were disputed by IPs and questioned by the ExA during the course of the examination. See section 3.3 of this RIES for further details.

3.3 Examination matters

- 3.3.1 Matters raised in the examination to date, or for which the ExA seeks clarity, in relation to AEoIs are summarised in tables 3.1 to 3.4 below.

Table 3.1: Direct habitat loss – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Afon Dyfrdwy a Llyn Tegid/ River Dee & Bala Lake SAC			
3.1.1	Direct habitat loss	<p>The applicant [RR-062] noted that no works are proposed in River Dee and Bala Lake SAC, therefore direct habitat loss associated with the site are not assessed in the RIHRA [APP-253].</p> <p>NE [REP3-051] agree that there will be no impacts to River Dee and Bala Lake SAC from this impact.</p>	N/A – matter resolved.
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site			
3.1.2	<p>Construction, operation and decommissioning</p> <p>Loss of Atlantic salt meadow - area temporarily and permanently lost</p>	<p>NRW [RR-027] noted discrepancies in the quoted area of Atlantic salt meadow lost due to the construction of the proposed surface water outfall, referenced in the RIHRA [APP-253] and ES, and requested further clarification.</p> <p>NE [RR-026] also requested justification on the area of Atlantic salt meadow lost during construction of the new surface water outfall, including the dimensions of structures created/ refurbished.</p> <p>NE [REP1-066] at ISH2 further clarified that the amount of Atlantic salt meadow permanently lost (5m²) is only set out the derogations case [PDA-003] not the RIHRA [APP-253].</p> <p>The applicant [REP1-066] acknowledged that the RIHRA [APP-253] only states that the permanent loss of Atlantic salt meadow will be very small but confirmed that the</p>	<p>RQ.34 [To the applicant]</p> <p>a) clarify the location and amount of the outfall pipe likely to be buried and where the above ground locations would be.</p> <p>b) Update the RIHRA to include the results of the GWSR.</p> <p>RQ.35 [To NRW and NE] clarify if your concerns are</p>

		<p>permanent loss of Atlantic salt meadow is 5m² and the temporary loss of Atlantic salt meadow is 650m² and that these areas have been assessed in the RIHRA.</p> <p>NRW [REP2-023] noted the applicants' comments and acknowledged that that permanent losses would be much smaller than 650m² as the works corridor would be restored and most of the outfall pipe can be buried. NRW sought clarification on the location and amount of pipe likely to be buried and where it would be located above the ground.</p> <p>The applicant [REP3-051] stated that the area of 650m² for temporary losses was a worst-case assumption that the surface water outfall area was assumed to be Atlantic salt meadow, however the Geomorphological Walkover Survey Report (GWSR) [REP2-020] shows that the area behind the existing headwall comprises woodland, scrub and a path. Therefore, the area of temporary loss will be less than 650m² and will be confirmed following the completion of a National Vegetation Classification Survey in this area between June and August 2026.</p>	<p>resolved. If not provide reasoning and clearly set out specific actions that, in your view, the applicant should take to fully resolve outstanding concerns on this matter.</p>
3.1.3	Mitigation vs compensation - managed retreat of Atlantic salt meadow and extended duration of management	<p>The applicant [APP-253] proposes to enable managed retreat of the embankment between the power station and Dee Estuary SAC, SPA and Ramsar site to create approximately 1,300m² for natural migration inland of Atlantic salt meadow and to extend the duration of the management of 26ha of Atlantic salt meadow within the existing Connah's Quay Conservation Areas (CQCA) that is currently managed by the applicant. The applicant considers this would 'offset' the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations and considers it as mitigation for HRA purposes.</p>	N/A

		<p>NRW [RR-027] welcomed the need to address the impacts but stated it was unclear why the extended duration of management proposal was classed as mitigation rather than compensation as it will not prevent potential loss or damage to the habitat directly affected. NRW acknowledged that the managed retreat of Atlantic salt meadow could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness being certain and that the mitigation measures will be in place before the commencement of the associated effects on the affected site. However, NRW stated it is not currently clear whether this would be the case and advised that, if the measures are to be considered as mitigation, the new proposed saltmarsh site should be satisfactorily created and demonstrated to be functioning for its intended purpose in advance of the main works commencing. NRW also noted that the proposed area of new saltmarsh would be located outside of the SAC and therefore not benefit from the standard of statutory protection.</p> <p>NE [RR-026] advised that the proposals to address the direct loss of qualifying Atlantic salt meadow must be regarded as compensatory measures and the HRA must engage in the derogation stage.</p> <p>Noting the views of the ANCBs and its own interpretation, the ExA [PD-006] requested that without prejudice, supporting documentation to apply for a derogation under the Habitats Regulations be submitted.</p> <p>The applicant, in response [PDA-003] submitted a notice of a proposed without prejudice HRA derogation in Wales.</p> <p>At ISH2 [REP1-066] the applicant reaffirmed its position that the managed retreat of defences is mitigation rather than</p>	
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		<p>compensation because it is not creating a net new area of saltmarsh but is restoring natural coastal processes to allow preservation of an area of existing saltmarsh that would otherwise be lost to sea level rise, thus ensuring no net loss.</p> <p>The applicant [REP1-062] reiterated its position and clarified that they could create the retreat in advance of the loss of Atlantic salt meadow, though not necessarily in advance of all the main works commencing and provided the managed retreat area is delivered and functioning prior to the loss of saltmarsh due to construction of the outfall, this will meet the legal requirements.</p> <p>NRW [REP1-073] reaffirmed that based on the submitted information, reasonable scientific doubt remains and NRW are not able to assure the ExA that the retreat of Atlantic salt meadow could be deemed as mitigation at this stage, in line with case law.</p> <p>FCC [REP2-021] raised concerns that the extension of the CQCA management would not constitute additionality, given existing management commitments in the Dee Estuary SSSI, SAC, SPA and Ramsar site. The applicant [REP3-058] noted FCC, NRW and NE's comments and explained that even if the extended duration of management measure was disregarded, the managed retreat of Atlantic salt meadow alone would be sufficient to mitigate the loss of Atlantic salt meadow.</p> <p>NE [REP3-051] maintained the position that the managed retreat of Atlantic salt meadow constitutes compensation but recognise that the decision as to how the legislation should be applied lies with the CA, and as this impact will be on the Welsh side of the Dee Estuary, NE defer to NRW.</p>	
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<p>3.1.4</p>	<p>Managed retreat of Atlantic salt meadow – adequacy of measure and Saltmarsh Creation Strategy (SCS)</p>	<p>NE [RR-026] was not satisfied with the compensation/mitigation proposals for direct loss of qualifying saltmarsh and therefore cannot comment on their efficacy. NE stated that it is unknown if this measure is feasible at this stage.</p> <p>NRW [RR-027] [REP1-072] advised that there should be a firm commitment (secured by DCO requirement) for a saltmarsh mitigation and monitoring plan, as per the curlew mitigation and monitoring plan to be secured by Requirement 11, whereby the restoration timescales, targets and monitoring proposals are set out in more detail. NRW also advised a scarce plant survey in the areas of temporary and permanent loss of Atlantic salt meadow should be undertaken and further details relating to the saltmarsh soils or turves to be temporarily stored during construction and the reinstatement methods applied should be submitted.</p> <p>NRW [REP1-072] [REP1-073] welcomed the applicant's proposed investigations to ensure that the ground levels of the managed realignment area are suitable for saltmarsh creation and stated that if the realignment site is confirmed to be too elevated to facilitate natural inundation of the tide, it will need to be demonstrated that the levels can be satisfactorily altered to accommodate this. NRW advised that further information should be submitted to allow consideration of the effectiveness of this measure.</p> <p>The applicant [REP1-062] agreed to undertake a scarce plant survey in June/ July 2026 and committed to providing a SCS at deadline 3 (D3), secured through a new requirement in the dDCO. NRW [REP4-062] confirmed that the applicant has addressed its concerns in relation to scarce plant surveys.</p>	<p>RQ.36 [To applicant] liaise directly with NRW in relation to its concerns raised in [REP4-091] and provide commentary to the ExA.</p>
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		<p>NRW [REP2-023] agreed that allowing natural regeneration and colonisation of Atlantic salt meadow within the areas of temporary loss, is a more appropriate restoration method than planting.</p> <p>FCC [REP2-021] agreed that if Atlantic salt meadow should establish and becomes functionally linked to the SAC, SPA and Ramsar site, then no AEOI is likely to occur. However, FCC raised concerns over the lack of detail regarding the creation of the saltmarsh, and the level of certainty of conditions and works required as to whether the saltmarsh will establish and whether the further investigations will show it is unviable in this location. As well as concerns regarding onward monitoring and management commitments for the created Atlantic salt marsh.</p> <p>NE [REP3-051] and NRW [REP3-029] welcomed the commitment to prepare a SCS.</p> <p>The ExA [PD-012] (ExQ1.9.17) sought clarification from NRW regarding the efficacy, feasibility, deliverability and ecologically effectivity of the managed retreat of Atlantic salt meadow by the applicant to alleviate the scale of potential harm. NE [REP3-061] (ExQ1.9.17) defer to NRW as the direct loss of saltmarsh will be entirely within Wales. NRW [REP3-062] (ExQ1.9.17) deferred response until it had reviewed the applicant's D3 submission. In principle, NRW considered that the applicant's proposed measures, if secured and delivered satisfactorily, could be effective in adequately addressing the temporary loss of Atlantic salt meadow. It noted that the area to be created would be greater than the combined area of permanent and temporary habitat loss, and furthermore, the temporary loss of Atlantic</p>	
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		<p>salt meadow would likely recover as the adjacent saltmarsh will provide a seed source.</p> <p>ExQ1.9.19 [PR-012] asked the applicant to provide a SMS and a SCS by D4 and to clarify how these would interact/ relate to each other. The applicant [REP3-059] explained that the SCS and SMS are entirely separate and distinct. The SCS enables managed realignment of Atlantic salt meadow and provides indicative details of the creation, monitoring, adaptive management and the creation of a saltmarsh steering group. The dDCO requires a Saltmarsh Implementation and Monitoring Plan (SIMP) to be submitted before works commence in relation to the temporary loss of saltmarsh and in accordance with the SCS. The applicant [REP3-026] submitted a SCS at D3 detailing the actions required to manage the retreat of Atlantic salt meadow, secured via Requirement 22 of the dDCO, requiring drafting and agreement of a SIMP prior to commencement of works and in general accordance with the SCS.</p> <p>The applicant [REP3-058] in response to FCC's concerns stated that the active monitoring period for saltmarsh defined in the Outline Landscape and Ecology Management Plan (oLEMP) [APP-250] will be updated at D4 to reflect the monitoring outlined in section 5.4 the SCS [REP3-026]. The applicant confirmed that the initial five-year period would confirm efficacy and the requirement for any remedial work.</p> <p>The applicant [REP3-058] reaffirmed its position that although Atlantic salt meadow takes time to develop, the managed retreat would minimise erosion of the existing habitat and has a high-level of confidence it would establish as the Atlantic salt meadow in front of the retreat area.</p>	
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		<p>NRW [REP4-091] consider that the proposed SCS 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. NRW requested clarification on whether the Saltmarsh Method Statement (SMS) is the same as the SIMP, or a different document, and the role of each. NRW sought clarification on the timeline around the production of the detailed plans, and whether there is a dDCO requirement for this to be finalised before construction. NRW provided advice on surveys and requested further design factors are included in the SCS.</p>	
<p>3.1.5</p>	<p>Construction/ decommissioning Loss of Atlantic salt meadow – surface water outfall scour, erosion and pipe burial</p>	<p>NE [RR-026] do not agree that potential scour and erosion from discharge associated with the surface water outfalls have been adequately assessed in the RIHRA. NE requested justification on the amount of Atlantic salt meadow affected during construction of the new surface water outfall by scouring effect of the discharge of water and potential scour due to tidal flows around the structures. NE also acknowledged that the initial loss of Atlantic salt meadow would be reduced in the short-term by the burial of sections of the pipe. However, raised concerns that this may not equally lead to the short-term restoration of the Atlantic salt meadow.</p> <p>NRW [REP1-073] noted that no information regarding the discharge volumes of the surface water outfall were submitted as part of the application and stated that this information is needed to fully understand any potential scour impact on Atlantic salt meadow habitat.</p> <p>The applicant [REP1-062] stated that the assessment does not include scour losses because as detailed in paragraph</p>	<p>RQ.37 [To NRW] are NRW's concerns resolved by the applicant's response to D3 [REP4-081]? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		<p>10.2.2 of the RIHRA [APP-253], no scour losses are expected. The applicant clarified that the erosion assessment was qualitative and made by a coastal process specialist, as modelling was not considered necessary. The applicant explained that the erosion conclusion is based on the fact that velocities are not high enough to cause scour erosion around the new outfall.</p> <p>The applicant [REP2-019] reaffirmed its position and stated that a walkover survey (GWSR) [REP2-020] was undertaken on the 23 January 2026 and validated the position, that scour erosion associated with the proposed surface water outfall would not occur.</p> <p>NRW [REP2-023] stated that there would be a lag period between burial of the pipe and natural regeneration of Atlantic salt meadow and advised that clarification should be provided as to the location and amount of pipe which is likely to be buried and where it would be located above the ground.</p> <p>NE [REP3-051] noted that NRW have raised potential for scour impacts [REP1-073] as any impacts from this will be within the Welsh side of the Dee Estuary SAC, NE defer to NRW's advice on this issue.</p> <p>NRW [REP3-062] acknowledged that the GWSR [REP2-020] concludes that additional discharge from the surface water outfall will not result in additional erosion/ scour of the channel and the dominant cause of erosion in the drainage basin is tidal ingress. However, NRW noted that adjacent to the outfall structure there is evidence of scour from a combination of outfall discharge and tidal ingress resulting in a vortex and an area of erosion. NRW advise that an assessment of scour for the new surface water outfall should</p>	
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		<p>be undertaken. NRW also note that Atlantic salt meadow extends across the discharge channel and advise that the applicant should confirm if they intend to clear this channel and, if so, whether this has been accounted for within the RIHRA.</p> <p>The applicant [REP4-081] responded to NRW clarifying that there has been recent bank erosion 7m downstream from the existing surface water outfall that is unrelated to any discharge from it. The erosion is associated with drainage of the tidally flooded saltmarsh draining back into the creek through a shallow depression in the saltmarsh surface therefore the existing surface water outfall is not contributing to an ongoing process of saltmarsh erosion. The applicant explained that on this basis it should be possible for the proposed surface water outfall to be designed such that any future risk of saltmarsh erosion is reduced to an acceptable level. The applicant also clarified that it is not proposing to remove the saltmarsh extended across the discharge channel for the existing surface water outfall, any intervention for this area would be undertaken as part of the Conservation Areas Management Plan agreed with the relevant parties.</p>	
<p>3.1.6</p>	<p>Extended duration of management – alignment with shoreline management plan</p>	<p>The ExA at ISH2 [REP1-066] queried whether there are existing policies in place via the North West and North Wales Coastal Group's shoreline management plan and asked the applicant to confirm there would be no double counting. The applicant [REP1-066] acknowledged the need to avoid double counting and explained that the area in question is not currently proposed for managed realignment as part of the shoreline management plan. The applicant's proposals</p>	<p>RQ.38 [To the applicant and NRW] the ExA requests an update on progress on this matter.</p>

		<p>are to pull the line back and this level of detail is not set out in the shoreline management plan.</p> <p>NRW [REP1-072] noted that while the shoreline management plan policy at this location is to hold the line, there is potential for squeeze of this habitat and localised managed realignment for habitat creation may be required, which could impact on channel morphology downstream. NRW advised the applicant to consider any potential impacts to the estuary from its managed realignment proposals, including flood risk to transport and other infrastructure and the environmental impacts of any potential changes to estuarine morphology. NRW pointed the applicant to one of their guidance documents 'Marine and coastal physical processes assessments'.</p> <p>The ExA [PD-012] ExQ14.2 sought clarification from the applicant on how its managed realignment proposals align with the shoreline management plan.</p> <p>NRW [REP3-062] in ExQ1 reaffirmed its view that further consideration of channel morphology impacts downstream are needed and pointed the applicant to its comments on the adequacy of the proposed managed retreat of Atlantic salt meadow measure (set out in row 3.1.4 above).</p> <p>The applicant [REP3-026] reaffirmed that the proposals in the saltmarsh creation strategy do not duplicate anything proposed in the shoreline management plan.</p>	
3.1.7	Extended duration of management - adequacy of measure	<p>NE [RR-026] stated that there is insufficient information regarding the management of the CQCA. NE have concerns that as the Dee Estuary is also a SSSI, the landowners are already legally obligated (under the Wildlife and Countryside Act 1981) to maintain the area in favourable condition,</p>	<p>RQ.39 [To NRW] the ExA requests an update on progress on this matter.</p>

		<p>extending the duration of statutory duties, therefore, does not constitute additional mitigation and cannot be considered within the HRA process.</p> <p>The applicant noted NE's comments [REP1-062].</p> <p>The applicant [REP1-062] stated that since the proposed development involves continuing existing management, already agreed with NRW through the existing CQCA, there is a high level of confidence that it would be feasible.</p> <p>NRW [RR-027] welcomed that an updated Conservation Areas Management Plan would be prepared and submitted to FCC and NRW for approval prior to the commencement of operation of the proposed development.</p> <p>The ExA [PD-012] (ExQ1.9.17) sought clarification from NRW regarding the efficacy, feasibility, deliverability and ecologically effectivity of extended management of Atlantic salt meadow within the existing CQCA to alleviate the scale of potential harm.</p> <p>NE [REP3-061] (ExQ1.9.17) defer to NRW as the direct loss of saltmarsh will be entirely within Wales.</p> <p>NRW [REP3-062] agreed in principle, that both of the applicant's proposed measures, if secured and delivered satisfactorily, could be effective in adequately addressing the temporary loss of Atlantic salt meadow but will provide further comment following review of the Saltmarsh Creation Strategy submitted at deadline 3.</p> <p>FCC [REP2-021] raised concerns that the extended duration of management would not constitute additionality given the existing management commitments and requested further clarification.</p>	
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		The applicant noted FCC's comments [REP3-058] and explained that even if this measure was disregarded, the managed retreat of Atlantic salt meadow alone would be sufficient to mitigate the loss of Atlantic salt meadow.	
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Table 3.2: Functionally Linked Land – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site			
3.2.1	Ornithological surveys – scope and extent	NE [RR-026] (NE01) stated that the RIHRA only relies on one year of bird surveys as evidence, which is not sufficient. NE advised that detailed surveys for two years should be provided. NE also advised that all detailed bird surveys, should include records of birds in flight, especially if the application has potential to affect bird flight lines. NE expect to see commentary of birds landing and taking off within and in the vicinity of the development site, which is of significance for passage qualifying species. NE [RR-026] (NE11) also stated that to understand if Gronant Fields is effectively mitigating the loss at the development site, it must be ascertained how the land is being utilised by all qualifying bird species and assemblages to provide a baseline population. NE stated that species and quantities must continue to be accommodated alongside the additional displaced birds. NE noted that WeBS data should be sufficient for initially informing baseline usage,	<p>RQ.40 [To NE] can NE confirm if it is requesting 2 years of ornithological surveys for the whole of the proposed development site or certain areas of concern?</p> <p>RQ.41 [To the applicant] liaise directly with NRW and NE in relation to the scope and extent of ornithological surveys and provide commentary to the ExA.</p>

	<p>assuming that data exists for all months of interest, otherwise, detailed bird surveys will be required.</p> <p>NRW [RR-027] advised that historic data held by the applicant and Deeside Naturalists' Society (DNS) should be referred to as these may show greater range of months when significant numbers of curlew and possibly other qualifying species occur within the affected FLL as well as longer-term trends in the species using the FLL. NRW noted that this may be important when determining the effectiveness of management measures in the proposed offsetting land.</p> <p>RSPB [REP1-075] advised that further information is needed to assess the effects on birds to better understand the number and frequency of Curlew usage and other designated bird species that may be affected by the FLL loss. RSPB recommended that the applicant presents historic data including that held by DNS to help bridge the gap by revealing a greater range of months when significant numbers of Curlew, and possibly other qualifying bird species, that occur within the affected fields.</p> <p>The applicant [REP1-062] considered that the combined data sets used between 2013 and 2024 are more than adequate to characterise the ornithological baseline. Detailed surveys covering a 12-month period (2023-2024) have been undertaken by the applicant and used to inform the RIHRA, alongside third-party data including ornithological data from Aspect Ecology (2022-2023), monthly wetland bird data collected by the DNS (2013-2023) and WeBS data from the British Trust for Ornithology (2018-2023). The applicant confirmed it has sought existing data from the WeBS and will continue to</p>	
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		<p>work with NRW, RSPB and the DNS to gather historic data on the use of Gronant Fields. The applicant also noted that the approach to ornithological surveys was discussed with NRW, who raised no concerns in their RR [RR-027].</p> <p>The ExA [PD-012] sought an update on NRW and NEs position on the scope and extend of ornithological surveys. NE [REP3-061] reaffirmed that it is not satisfied with the assessments undertaken and clarified that its comments relate to the validity of the data, primarily as the qualifying features are mobile species and any impacts on the Welsh side of the Dee Estuary could affect the site condition as a whole. NE are unclear as to how the applicant has concluded that curlew is the only species to require mitigation/ compensation for adverse impacts from the proposed development. NE acknowledge that other data sources are available and that if the applicant demonstrated that this is transferable and can be directly compared to their own survey data it could be used in lieu of another year's survey effort. However, NE also consider that the data presented lacked spatial detail on where birds were observed and uses survey areas that do not match the proposed development footprint (and are inconsistently defined), therefore NE advised that the data cannot be meaningfully compared with other counts or used to draw robust conclusions about bird use of the site.</p> <p>The applicant [REP4-056] submitted an updated CMS which includes the results of ongoing surveys at Gronant Fields.</p> <p>The applicant [REP-081] responded to NRW clarifying that they are not undertaking any further surveys of land within</p>	
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		<p>the order limits and have received existing data from DNS and will provide an update at deadline 5.</p> <p>NE [REP4-072] reaffirmed that at least two season's worth of surveys is required to understand the specific use of the area impacted by the proposed development. NE stated that there is a need to understand the number and spatial distribution of the birds within the proposed site itself with accompanying maps to show this and stated that the WeBS data only shows relative importance/ use of these overall sectors. NE reaffirmed that there are significant issues with the comparability, timing and extend of the survey data presented by the applicant for the proposed development site and Gronant Fields.</p>	
3.2.2	CMS – initial site selection	<p>NE [RR-026] (NE02) advised that given the distance of Gronant Fields from the FLL to be lost, the strong preference would be to replace the FLL with similar areas much closer to the impact so that it continues to sustain curlews in this part of the Dee Estuary SPA and Ramsar site. NE [RR-026] (NE06) do not support the approach to identify areas for replacement of FLL (areas greater than 2ha within 2km of the proposed development), as it does not consider areas of smaller FLL which may in-combination support more than 1% of the designated site population. NE [RR-026] (NE07) also advised that the approach to identify areas for replacement of FLL should be informed by site specific information.</p> <p>The applicant [REP1-062] explained that this appears to be a misunderstanding, its approach to identify areas for replacement of FLL were not based on a particular type of habitat or a particular size of land parcel but solely on the results of the bird surveys undertaken. The 2ha 'sieving</p>	<p>RQ.42 [To NE] are NE satisfied with the applicant's response on this matter [REP1-062]? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		<p>threshold' was used for the selection of other proposed development sites for 'in combination' assessment on the basis that many Dee Estuary SPA bird species (including curlew) prefer large open areas of farmland, grassland or wetland and smaller parcels (less than 2ha) are likely to be less attractive and support few birds. The applicant's approach to identify areas for replacement of FLL was informed by site specific information where available. The applicant noted that NRW [RR-027] has not expressed any disagreement on this matter.</p> <p>NE [REP4-072] welcomed the additional information on site selection for Gronant Fields and concurred that as an impact to the Dee Estuary SPA and Ramsar site has been identified alone, consideration of in-combination impacts is not required.</p>	
<p>3.2.3</p>	<p>CMS – sites considered</p>	<p>NE [RR-026] (NE10) are not satisfied that comparative ecological information between Bagillt Fields and Gronant Fields has been considered as only size and locations are detailed. NE advised the applicant to obtain information on existing bird use, habitat suitability for curlew during all life and behavioural stages, destination details such as features, condition, conservation objectives and existing pressures, to ascertain which site would be more preferential.</p> <p>The applicant [REP1-062] explained that the rationale for taking forward Gronant Fields includes the land being capable of flooding in winter and allows for the creation of hollows, channels, foot drains or scrapes; no direct public access so negligible disturbance from recreation; the land consists of individual field parcels over 3ha in size, with limited intervening boundary vegetation; the fields have</p>	<p>RQ.43 [To NE] Can NE confirm if this matter is resolved? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		<p>stockproof boundaries and are suitable for grazing and the land is not identified within the shoreline management plan for managed retreat. The applicant acknowledged the distance between Gronant Fields and the order limits, but stressed that Gronant Fields offered the best opportunity for ensuring no net loss in curlew foraging and roosting opportunities. The applicant also stated that it is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding Curlew and other SPA species.</p> <p>RSPB [REP1-075] raised concerns about the distance of Gronant Fields from the FLL lost, stating that wintering curlew are highly site faithful, frequenting the same site year after year, and do not readily adopt new feeding areas some distance away. RSPB considered that coastal fields closer to the proposed development deserve further consideration, including Bagillt Fields and Greenfield, which are already utilised by wintering waders and could be screened to minimise disturbance from the Wales Coast Path.</p> <p>The applicant [REP2-019] explained that in considering alternative sites it became apparent that the Thurstaston and Greenfield sites were unavailable and therefore excluded.</p> <p>The ExA [PD-012] sought clarity on NEs position on the suitability of Gronant Fields.</p> <p>NE [REP3-062] explained they are aware that the applicant has purchased Gronant Fields, and are satisfied the site has been secured, however emphasised that it has not yet been convincingly shown that Gronant Fields will function as effective replacement habitat given its</p>	
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		<p>distance from the proposal site, and the limited evidence base which lacks sufficient survey data and capacity analysis.</p> <p>NE [REP4-072] welcomed the additional information on site selection for Gronant Fields.</p>	
3.2.4	CMS - Gronant Fields mitigation vs compensation	<p>NE [RR-026] (NE02) advised the CMS at Gronant Fields must be regarded as compensatory measures under the HRA framework. Stating that the proposal to establish new habitat within the boundary of a European designated site, as a means of offsetting predicted losses to SAC or SPA habitat cannot be viewed as mitigation. NE stated that mitigation is usually close to the affected site, this site is over 20km away and deems there is unsatisfactory ornithological evidence that displaced curlews will utilise this.</p> <p>NRW [RR-027] as with the managed retreat of Atlantic salt meadow (discussed in row 3.1.1 above) that this measure would appear to represent compensation.</p> <p>RSPB [REP1-075] agreed with concerns raised by NRW [RR-027] and NE [RR-026] and regarded the measure to use Gronant Fields to address loss of FLL as compensation.</p> <p>At ISH2 [REP1-066] the applicant reaffirmed its view that the measures comprised mitigation rather than compensation. Its justification being that as the measure provides alternative FLL for curlew so that there is no net loss in foraging and roosting opportunities and therefore there would be no AEoI as there would not be a reduction in the curlew populations. The applicant [REP1-062] reaffirmed its position and stated that seven DCO</p>	<p>RQ.44 [To NRW and NE] do NRW or NE have any additional comments in relation to the Hilde Orleans case law?</p>

	<p>applications have HRAs that present measures to address the loss of FLL for SPA birds as mitigation rather than compensation within the legal definition of the Habitats Regulations.</p> <p>Noting the views of the ANCBs and its own interpretation, the ExA [PD-006] requested that without prejudice, supporting documentation to apply for a derogation under the HRA Regulation 2017 be submitted.</p> <p>The applicant [PDA-003] submitted a notice of a proposed without prejudice HRA derogation in Wales.</p> <p>NRW [REP1-073] reiterated its views as above. NRW consider that reasonable scientific doubt remains over the satisfactory implementation of the replacement curlew habitat proposals. Therefore, they are not able to assure the ExA that the proposals could be deemed as mitigation measures at this stage and hence they should be considered as compensatory measures. NRW requested that further information should be submitted to allow consideration of the effectiveness of the proposals.</p> <p>NE [REP3-061] maintain that this approach should be considered compensation under the Habitats Regulations, given Gronant Fields is located within the Dee Estuary SPA and Ramsar site, noting the final decision is that of the SoS's as the CA.</p> <p>NRW [REP3-062] identified that whilst the Gronant Fields site is located within the Dee Estuary SPA and Ramsar site, the FLL affected sits outside of the boundary. NE [REP3-062] (Q9.27) noted that, following the Briel's case and subsequent case law, proposed replacement land that sits within a European site boundary should usually be considered compensatory, acknowledging, that each be</p>	
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		<p>considered on its own facts. Noting factual differences between the Briel's case and this DCO, NRW concluded that any proposed measures will be subject to the certainty of their implementation and effectiveness being beyond reasonable scientific doubt such that there is no AEol.</p> <p>The ExA [REP4-082] sought clarification on this matter. The applicant reaffirmed their position.</p> <p>NRW [REP4-062] the parties continue to discuss the CMS and management of Gronant Fields.</p> <p>The applicant provided legal document to clarify position on why it believes this measure to be mitigation not compensation [REP4-086].</p>	
3.2.5	Gronant Fields – adequacy of measure	<p>NE [RR-026] (NE12) do not agree with the conclusions of the HRA at this stage and do not have the assurances that compensation/ mitigation is feasible at this stage, as measures are high-level and lack details. NE [RR-026] (NE03) sought clarity on how the replacement of FLL will support an equivalent number of birds to those displaced and whether the Dee Estuary SPA would become significantly less attractive to a significant proportion of the SPA curlew population if that FLL was lost, and how this would affect their overall distribution within the SPA.</p> <p>The applicant [REP1-062] stated that the objective of the measure is set out in the CMS and is to provide an optimal foraging resource for curlew and support an increased number of individuals that includes an equivalent number to those displaced, by providing conditions that would support high densities of curlew invertebrate prey found in field vegetation and the soil surface.</p>	<p>RQ.45 [To NRW] are NRW concerns resolved by the updated CMS [REP4-056]? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

	<p>NRW [RR-027] stated that, in principle, the proposals outlined in the CMS could enable Gronant Fields to be managed appropriately to encourage and support curlew feeding and roosting, offsetting the impact of the proposed development on this feature. NRW [REP1-073] stated that reasonable scientific doubt remains over the satisfactory implementation of the replacement curlew habitat proposals and requested further clarifications and details on the CMS.</p> <p>The ExA [PD-012] (ExQ1.9.3 and ExQ1.9.27) sought an update on NRW and NEs position on the efficacy, feasibility, deliverability and ecologically effectivity of the replacement FLL at Gronant Fields by the applicant to alleviate the scale of potential harm. NE [REP3-061] stated that the applicant's proposal only takes account of curlew so by this definition alone it cannot alleviate the scale of the potential harm to the SPA, as other relevant qualifying bird species have not been properly assessed from the outset. NE acknowledged that the applicant has purchased Gronant Fields and are satisfied the site has been secured. However, NE stated it has not yet been convincingly shown that Gronant Fields will function as effective replacement habitat given its distance from the proposal site, and the limited evidence base which lacks sufficient survey data and capacity analysis.</p> <p>NRW [REP3-062] stated that until appropriate baseline data is presented, NRW is unable to advise if the proposed measures will be ecologically effective to alleviate the scale of potential harm to the Dee Estuary SPA and Ramsar site. NRW stated that it is unable to comment on the feasibility and deliverability of the</p>	
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		<p>applicant's proposed measures until an updated CMS has been submitted and agreed. NRW confirmed it is satisfied that Gronant Fields does not fall within the existing management and condition obligations of the Dee Estuary/ Aber Dyfrdwy SPA and Ramsar site and could be suitable for mitigation/ compensation.</p> <p>The applicant [REP3-059] is of the opinion that Gronant Fields is of considerable size and is not currently being used by curlew therefore there is sufficient scope for the site to accommodate increased populations of curlew. The applicant is continuing to undertake ornithological surveys at Gronant Fields which are due to be completed in April 2026, to understand the current usage of the site by qualifying bird species of the SPA and Ramsar site.</p> <p>The applicant [REP4-081] states that the updated CMS [REP4-056] addresses NRW's comments.</p>	
3.2.6	<p>CMS and curlew mitigation and monitoring plan (CMMP)</p>	<p>NE [RR-026] (NE12) advised that the proposed CMMP be produced as soon as possible.</p> <p>DNS [RR-009] supported the compensatory habitat for curlews at Gronant Fields and CMS but questioned whether the applicant could use shallow scrapes instead of foot drains in the low points of the fields and recommended that earthwork surveys are carried out to assess the current availability of invertebrate prey for curlew.</p> <p>NRW [REP1-073] requested several further clarifications and details on the CMS and advised the applicant to consider whether the CMS and curlew mitigation and monitoring plan could be developed into a Gronant Fields Environmental Management Plan, which could be either</p>	<p>RQ.46 [To the applicant] the ExA requests an update on progress on this matter.</p>

		<p>separate to or part of the overarching updated Conservation Areas Management Plan, approved through a section 106 agreement or similar mechanism. As the replacement curlew habitat site is within the Dee Estuary SPA and Ramsar site, the management plan may need to be regularised through a section 106 management agreement to ensure NRW's future participation as a key stakeholder in management decisions for the life of the programme. NRW [REP1-073] noted, in relation to future monitoring, that the site has historically been difficult to survey accurately as there is a busy road along the southern boundary and lack of close vantage points. NRW therefore recommended that consideration is given to the provision of new bird hides and/ or screens, and safe access, provided that these would not disturb roosting and feeding birds using the site. NRW also advised that the applicant engage with local interested parties and expert practitioners in coastal habitat management for birds who have historically been familiar with the area, and establish a steering group for the curlew offsetting site's future management.</p> <p>RSPB [REP1-075] made several observations on the CMS such as considering permanent management, increasing the length of monitoring and increasing the number of monthly visits. RSPB also highlighted, in the event that the application is consented, its preference to be involved in discussion on the delivery and monitoring of necessary mitigation, compensation and enhancement measures.</p>	
3.2.7	Gronant fields - potential conflict of conservation objectives	NE [RR-026] (NE04) sought further assurances that Gronant Fields does not currently act as supporting habitat for any other SPA features which might then be adversely	<p>RQ.47 [To the applicant] The ExA requests</p>

	<p>affected by the mitigation for curlew. Stating that if it does, there is a direct impact on the SPA and that location would be unsuitable to address concerns. NE stated that there should be very clear standards set as to what the conservation baseline is for Gronant Fields and what added value any mitigation would deliver over and above that present. NE [RR-026] (NE05) also stated that if Gronant Fields is already being used by curlews, any mitigation should go above and beyond their normal habitat management to account for the reduction in supporting functional habitat elsewhere.</p> <p>The applicant [REP1-062] (NE04 and NE05) stated that it is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding curlew and other SPA species. The applicant confirmed that surveys already undertaken and detailed in the CMS [APP-254] identify that Gronant Fields does not currently support curlew or any other SPA species.</p> <p>RSPB [REP1-075] stated that further assessment of the impacts of the CMS on existing nature conservation interest, would be required once the ecological baseline is established.</p> <p>The applicant explained that there are a number of practical interventions set out in the CMS [APP-254] that will deliver the required mitigation and are beyond the current conservation management conditions expected in the SPA, such as creating foot drains and controlling water levels, along with implementing a sensitive grazing regime. RSPB [REP1-075] raised similar concerns that some habitat creation and enhancements could be at odds with</p>	<p>clarification on the following matters:</p> <p>a) When will the completed survey results at Gronant Fields be submitted to the ExA? The ExA requests that the survey results are supplied to NRW, NE, RSPB and any other IP who would like sight of them ahead of submission into the examination to expedite the ExA getting views from those parties.</p> <p>b) An explanation on why Gronant Fields is not included in the red line boundary.</p> <p>c) What the nature of the proposed works at Gronant Fields are and if these constitute development. If the works do constitute development, would they require a HRA?</p> <p>d) Would the works at Gronant Fields impact the Dee Estuary SAC, SPA or</p>
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		<p>other conservation objectives for example tree planting, woodland/ scrub creation and hedge planting associated with the NBB strategy which could potentially conflict with the habitat requirements of curlew which require open vistas to avoid/ detect predators. The creation of woodland, hedges and scrub would potentially provide cover for predators.</p> <p>The applicant [REP3-029] (NRW10) is undertaking further work to address the proposals set out within the NBB strategy and acknowledged the potential conflicts between off-site NBB compensation, the CMS and FLL. The applicant stated that proposals will be developed throughout detailed design collaboratively with ornithological experts and through consultation with NRW, the LPA and other relevant stakeholders.</p> <p>NRW [REP4-082] confirmed that Gronant Fields is within the Dee Estuary SAC, SPA and Ramsar site but is not currently FLL.</p>	<p>Ramsar site, how will this be considered?</p> <p>e) Can the applicant explain if there are any conflicts in the measures provided for curlew and measures set out in the NBB strategy. Where conflicts exist the ExA requests an explanation of the measures taken to address these and where these are secured in the relevant action plans and the dDCO.</p>
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Table 3.3: Atmospheric pollution – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SAC, SPA and Ramsar site			
3.3.1	Construction/ decommissioning Exhaust emissions – acid deposition	<p>The applicant [APP-253] concluded that increase in traffic emissions during construction of the proposed development would have potential for LSE in regard to increased nitrogen deposition. However, ammonia from traffic emissions was not predicted to exceed the relevant critical level and no LSE was concluded. The RIHRA [APP-253] did not provide a conclusion for potential increased acid deposition from exhaust emissions.</p> <p>In response to ExQ1.6.12 [PD-012], the applicant [REP3-059] explained that as the level of acid deposition is directly linked to nitrogen deposition there is potential LSE from acid deposition on the Dee Estuary SAC, SPA and Ramsar site as a result of increased traffic emissions during construction. However, the applicant concluded [REP3-059] that in line with the justification set out in paragraph 10.2.25 of the RIHRA [APP-253] in relation to nitrogen deposition, there would not be AEoI of the Dee Estuary SAC, SPA and Ramsar site from acid deposition during construction.</p>	<p>RQ.48 [to NE and NRW] are you satisfied that acid deposition from increased exhaust emissions during construction of the proposed development would not result in AEoI on the Dee Estuary SAC, SPA and Ramsar site?</p>
3.3.2	Operation Stack emissions – mitigation or compensation measures	<p>The screening assessment in section 7.3 of the RIHRA [APP-253] concluded that the critical load for nitrogen deposition of the Dee Estuary SAC, SPA and Ramsar site would be exceeded by total nitrogen deposition rates from</p>	<p>RQ.49 [to the applicant] can the applicant set out whether the changes to predicted nitrogen deposition process contribution from the</p>

		<p>stack emissions during operation of the proposed development.</p> <p>Isopleth mapping used to inform the appropriate assessment stage in the RIHRA [APP-253], identified that approximately 245 ha of Atlantic salt meadow would be subject to nitrogen deposition above 1% of the critical load due to the proposed development alone and approximately 445 ha of Atlantic salt meadow would be subject to in-combination nitrogen deposition above 1% of the critical load.</p> <p>RIHRA, paragraph 10.3.6 [APP-253] explained that whilst the area of Atlantic salt meadow is large (approximately 10-17% of the 2,566.3ha of Atlantic salt meadow in the Dee Estuary SAC, SPA and Ramsar site) the nitrogen impact from the proposed development is relatively small (a maximum 0.25 kgN/ha/yr) and the assessment has used the lower critical load for the most sensitive type of Atlantic salt meadow habitat. The RIHRA [APP-253] outlined that the potential botanical effects due to the increased nitrogen deposition on the Atlantic salt meadow would be a shift in species richness away from less nitrogen tolerant species and towards more common nitrogen tolerant species.</p> <p>The applicant [APP-253] proposed to mitigate the effects from atmospheric pollution on the Dee Estuary SAC, SPA and Ramsar site by extending the duration of positive management of the habitats, including Atlantic salt meadow, within the approximately 26 ha Connah's Quay conservation areas for the lifetime of the proposed development. The proposed development would also include managed retreat of the existing embankment between the existing Connah's Quay Power Station and Dee Estuary SAC, SPA and</p>	<p>proposed development alone and in-combination with other projects, as a result of the changes to stack height and HRSG FEED 1 volume flow, would alter the area of Atlantic salt meadow predicted to be affected by nitrogen deposition during operation. If the area of Atlantic salt meadow affected is not predicted to change, please explain why?</p>
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		<p>Ramsar site to create an approximately 1,300 m² area of retreat to allow natural migration inland of Atlantic salt meadow. The RIHRA [APP-253] concluded that the positive effects of these mitigation measures would offset the botanical effects from the predicted operational nitrogen deposition on the Dee Estuary SAC, SPA and Ramsar site.</p> <p>In its RR, NE [RR-026] (NE47) queried whether any justification has been provided to explain why the measures proposed are mitigation and not compensation as the proposals would not prevent potential loss/ damage to the habitat directly affected by nitrogen deposition. As a result, NE [RR-026] concluded that insufficient evidence has been provided to justify that the proposed development would not result in AEol.</p> <p>NRW [RR-027] [REP1-072] were also unclear whether the proposed measures should be considered mitigation or compensation.</p> <p>In response to whether the measures proposed constitute mitigation or compensation, the applicant [REP1-062] set out that the managed retreat to allow natural migration of Atlantic salt meadow should be considered mitigation as it would reduce the long term losses of Atlantic salt meadow in the Dee Estuary from coastal squeeze and ensure no net loss of Atlantic salt meadow by enabling the existing area to expand landwards. The applicant [REP1-062] also noted that comments regarding the classification of extending the management of the Connah's Quay conservation areas as mitigation are being considered.</p> <p>The ExA [PD-012] noted that the RIHRA [APP-253] relies on the same measures to offset the ecological effect of nitrogen deposition during operation as well as to manage for the</p>	
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		<p>loss of Atlantic salt meadow during construction (eg extending the duration of management of the Atlantic salt meadow within the existing Connah's Quay conservation areas that are managed by the applicant and allowing natural coastal processes to resume south of the existing power station to substantially delay the rate of coastal squeeze). As set out in box 3.1.3 above, the ExA considered these measures to constitute compensation in relation to the direct loss of habitat impact pathway and as a result, the ExA [PD-012] (ExQ1.6.18) requested that the applicant provide, on a without prejudice basis, a derogations case, without prejudice DCO schedules and without prejudice compensation Implementation and Monitoring Plan(s) regarding the atmospheric pollution impact pathway on the Dee Estuary SAC, SPA and Ramsar site.</p> <p>NRW [REP2-072] also requested that atmospheric pollution impacts on the Dee Estuary SAC, SPA and Ramsar site are considered within an updated derogations case.</p> <p>In response to ExQ1.6.18 [PD-012], the applicant [REP3-059] explained that they had not identified the area of managed retreat as compensation for atmospheric pollution for the following reasons:</p> <ul style="list-style-type: none"> • The applicant [REP3-059] did not consider the managed retreat area as 'compensation' for any impacts. The applicant stated that it is not 'creating' new saltmarsh but is removing an artificial barrier and allowing natural coastal processes to resume in an area of existing saltmarsh. • The applicant [REP3-059] proposed the managed retreat as mitigation for the direct loss of habitat to 	
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		<p>the new surface water outfall. The applicant [REP3-059] clarified that impacts on air quality is not driving the requirement for managed retreat.</p> <ul style="list-style-type: none"> • The applicant [REP3-059] explained that managed retreat would enable a larger area of Atlantic salt marsh to persist and incidentally offset negative air quality impacts “<i>that may or may not</i>” arise. <p>Notwithstanding the above, the applicant committed to providing an updated derogations case [PDA-003] at D4 to take into account atmospheric pollution.</p> <p>NRW [REP3-062] and NE [REP3-061] welcomed the inclusion of air quality impacts within the derogations case [PDA-003].</p> <p>The applicant provided an updated derogations case [REP4-078] that considers atmospheric pollution on the Dee Estuary SAC, SPA and Ramsar site during operation of the proposed development. The updated derogations case [REP4-078] provided a description of the potential AEol, alternatives considered, IROPI case and the necessary compensation measures and relevant monitoring.</p> <p>NE [REP4-072] noted that it maintains its position that the measures described to address permanent loss of Atlantic salt meadow constitute compensation under the Habitats Regulations. NE [REP4-072] deferred this impact to NRW’s advice as the impact will be on the Welsh side of the Dee Estuary.</p> <p>NRW [REP4-091] maintained their concerns regarding nitrogen deposition on the Atlantic salt meadow habitat. NRW [REP4-091] noted that changes have been made to various emission source parameters, including alterations to</p>	
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		<p>stack heights and the HRSG FEED 1 volume flow (m³/s), which have resulted in minor changes to predicted levels but do not alter the conclusions of the assessment.</p> <p>In reference to the updated RIHRA [CR1-105], NRW [REP4-091] stated that both the predicted individual and in-combination nitrogen deposition process contribution decreased following the change request; however, the applicant has not made any changes to the predicted area of Atlantic salt meadow affected.</p> <p>The SoCG between the applicant and NRW [REP4-062] indicates that this matter is unresolved.</p>	
3.3.3	<p>Operation Stack emissions – Connah's Quay conservation areas</p>	<p>NRW [RR-027] queried whether the continuation of the management agreement for the 26 ha of currently managed land at the Connah's Quay conservation areas following decommissioning of the old power station is bespoke new mitigation for atmospheric pollution. NRW [RR-027] explained that the extant management agreement is a legal requirement of the Section 36 consent for the existing Connah's Quay Power Station and was established to serve a wider conservation purpose at the site. NRW [RR-027] clarified that this agreement would be replaced by an updated version following decommissioning of the old power station in any case and NRW would expect this regardless of the identified atmospheric pollution impact to the Atlantic salt meadow.</p> <p>The applicant [REP1-062] [REP3-029] acknowledged that NRW welcomed updates to the Connah's Quay conservation areas management plan. However, the applicant has not provided further comment on the concerns raised by NRW in regard to whether the continued management of the conservation areas following</p>	<p>RQ.50 [to the applicant] can the applicant explain why it considers the continued management of the Connah's Quay conservation areas following decommissioning of the old power station to be new mitigation for the impacts on the Dee Estuary SAC, SPA and Ramsar site from atmospheric pollution during operation of the proposed development?</p>

		<p>decommissioning of the old power station is new mitigation for atmospheric pollution.</p> <p>NRW [REP4-091] are generally content with the current management measures within the extant Connah’s Quay conservation areas management plan. NRW [REP4-091] expect a new conservation areas management plan to be implemented for the life of the proposed development that would encompass the existing conservation management compartments, and any new compartments associated with the proposed development. NRW [REP4-091] welcomed the applicant’s confirmation that the 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.</p> <p>No update is provided at D4 to determine whether the updated conservation areas management plan constitutes mitigation or compensation.</p>	
<p>3.3.4</p>	<p>Operation Stack emissions – adequacy of managed retreat</p>	<p>NRW [RR-027] considered the proposed managed realignment of 1,300m² of land to be inadequate for mitigating the effects of nitrogen deposition on the species composition of at least 245 ha of affected Atlantic salt meadow (445 ha in-combination effect).</p> <p>The applicant [REP1-062] explained that an area of 1,300m² is considered adequate in its view for mitigating effects of nitrogen deposition on the species composition of 245 ha of Atlantic salt meadow as although the area is large, the applicant deems botanical effects would be small.</p> <p>The applicant [REP1-062] also outlined that the botanical effects may not arise in practice due to other factors such as</p>	<p>RQ.51 [to NRW and the applicant] can NRW and the applicant provide an update on the discussions with NRW regarding further habitat improvements to contribute to additional mitigation? and can the applicant explain how these measures would be secured?</p>

		<p>existing management, existing high background nitrogen deposition rates and tidal inundation limiting the ability of more competitive species to increase in abundance.</p> <p>The applicant [REP1-062] noted that it is willing to give consideration to other habitat improvements, identified by NRW, required to Atlantic salt meadow in the Dee Estuary to which the applicant could contribute as additional mitigation. The applicant [REP1-062] also referred to discussions with NRW regarding a monitoring project, “<i>co-locating ecological saltmarsh condition monitoring with air quality monitoring (concentration and deposition)</i>” to better understand the actual impacts from atmospheric nitrogen from the proposed development and surrounding Deeside industry on the Dee Estuary SAC.</p> <p>NRW [REP2-023] maintained that they do not consider the current proposed mitigation/ compensation measures to be adequate in avoiding or reducing the impact of increased nitrogen deposition and advised that additional mitigation measures are required.</p> <p>The updated RIHRA [REP4-054] set out that the proposed area of Atlantic salt meadow to be created from managed retreat has been increased to an area of 1,300m². However, no information regarding additional mitigation measures or monitoring requirements have been set out at D4.</p> <p>NRW [REP4-091] noted that the managed retreat is only 0.32% of the area which would be affected by increased nitrogen deposition from the proposed development. As a result, NRW [REP4-091] maintained their position that the proposed managed retreat is inadequate for mitigating the effects of nitrogen deposition.</p>	<p>RQ.52 [to NRW] can NRW provide details of the additional mitigation measures it is seeking?</p> <p>RQ.53 [to the applicant] can the applicant provide an update on the discussions with NRW regarding the monitoring project raised in [REP1-062] and how the results of the monitoring would inform the management of the Atlantic salt meadow realignment?</p>
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<p>3.3.5</p>	<p>Operation Stack emissions – Impacts to created Atlantic salt meadow</p>	<p>NRW [RR-027] queried whether the newly created area of Atlantic salt meadow would suffer from similar air quality impacts as predicted to the habitat elsewhere in the Dee Estuary SAC, SPA and Ramsar site.</p> <p>The applicant [REP1-062] stated that even though the proposed 1,300m² area of Atlantic salt meadow would be subject to nitrogen deposition, it would enable an entire area of the habitat to persist that would otherwise be lost to coastal squeeze.</p> <p>As outlined in box 3.3.4 above, the applicant [REP1-062] would also give consideration to other habitat improvements to Atlantic salt meadow in the Dee Estuary identified by NRW as well as an ecological and air quality monitoring project.</p> <p>No information regarding additional mitigation measures or monitoring requirements have been set out at D4. However, the area of managed retreat has been increased to 1,300m² in the updated RIHRA [REP4-054].</p> <p>NRW [REP4-091] stated that the area of managed retreat would receive the same increased deposition rates and maintained their concerns regarding air quality impacts on newly created Atlantic salt meadow.</p>	<p>N/A</p>
<p>3.3.6</p>	<p>Operation Stack emissions - mitigation/ compensation for English section of the Dee Estuary SAC, SPA and Ramsar site</p>	<p>NE [RR-026] (NE47) requested further clarity regarding whether the proposed measures would address any impacts on the English section of the Dee Estuary SAC, SPA and Ramsar site.</p> <p>In response to ExQ1.6.19 [PD-012], the applicant [REP3-059] explained that the European sites have been treated as a whole and while the proposed mitigation measures are</p>	<p>N/A – matter resolved.</p>

		<p>located in Wales they would offset air quality impacts across the entire Dee Estuary SAC, SPA and Ramsar site.</p> <p>NE [REP4-072] stated that as this impact would be limited to the Welsh side of the Dee Estuary, it defers to NRW's advice on the assessment of atmospheric pollution of the Dee Estuary SAC, SPA and Ramsar site.</p> <p>The SoCG between NE and the applicant [REP4-072] indicated that this matter has been resolved.</p>	
<p>Deeside and Buckley Newt Sites SAC</p>			
<p>3.3.7</p>	<p>Operation Mitigation measures – implementation of financial contribution</p>	<p>The RIHRA [APP-253] concluded that the critical load for nitrogen deposition and critical level for ammonia for the oakwoods habitat qualifying feature of the Deeside and Buckley Newt Sites SAC would be exceeded by total ammonia concentrations and nitrogen deposition rates during operation of the proposed development.</p> <p>The RIHRA [APP-253] explained that mitigation in the form of further process improvements and changes to the stack height would not reduce nitrogen deposition to below 1 % of the critical load for oakwoods habitat and limiting operational hours are not commercially viable. As such, the RIHRA [APP-253] concluded that the most appropriate and proportionate way to mitigate the effects on the SAC is to make a financial provision to the site managers of the Deeside and Buckley Newt Sites SAC to address any increase in woodland management burden that may arise due to operation of the proposed development.</p> <p>NRW [RR-027] agreed that there does not appear to be a feasible mechanism to reduce atmospheric pollution further within the scope of the project's design. However, NRW [RR-027] requested further details regarding the financial</p>	<p>RQ.54 [to FCC] are FCC in a position to provide an in-principal letter of support for securing the relevant nitrogen deposition mitigation through a section 106 agreement? If not, please explain what further information FCC require?</p>

		<p>provision to ensure it can be secured and implemented effectively.</p> <p>The applicant [REP1-062] noted that the financial contribution is being discussed with FCC and will be secured in a section 106 agreement and signed prior to the end of examination. At ISH2, the applicant [REP1-066] stated that a draft document had been shared with FCC.</p> <p>The ExA [PD-012] (ExQ1.6.24) requested that the applicant explain why a Section 106 agreement was chosen as the most appropriate method to secure this mitigation. The ExA [PD-012] (ExQ1.6.25 and ExQ1.6.26) also requested that NRW and FCC confirm whether they are content with the approach to securing the mitigation.</p> <p>The applicant [REP3-059] considered that a section 106 agreement was an appropriate mechanism for securing the financial contribution as it satisfies the relevant tests in the policy (including National Policy Statement for Energy (NPS EN-1) and is fairly and reasonably related in scale and kind to the proposed development. The applicant [REP3-059] also explained that a section 106 agreement was used to secure the payment of monies for agreements entered into for the Longfield Solar Farm and the Sizewell C Project.</p> <p>NRW [REP3-062] (Q1.6.25) confirmed that that a section 106 agreement is an appropriate method for securing the relevant mitigation and have commented on a draft a copy of the additional site management measures proposed to be secured a section 106 agreement.</p> <p>In response to ExQ1.6.26 [PD-012], FCC [REP3-060] noted that from a legal standpoint, the relevant mitigation can be secured through a section 106 agreement and confirmed that FCC has received a draft section 106 agreement to</p>	
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		<p>review. FCC [REP3-060] advised that they await formal discussion with the applicant before providing an in-principal letter of support for securing the mitigation through a section 106 agreement.</p> <p>The applicant [REP4-062] stated that a costed draft management agreement with FCC to deliver the necessary nitrogen deposition mitigation has been produced and will be shared with NRW.</p> <p>At D4, the applicant submitted a draft Deed of Development Consent Obligations [REP4-088] into examination to secure the relevant nitrogen deposition mitigation.</p>	
<p>3.3.8</p>	<p>Operation Mitigation measures – ammonia</p>	<p>NRW [REP1-073] advised that the proposed mitigation for nitrogen deposition does not address the potential impacts from ammonia on the Deeside and Newt Sites SAC. However, NRW [REP1-073] also stated that the sensitive lower plant features of the oakwoods habitat have already been lost and a critical level of 3µg/m³ (for protection of higher plants, including forest ground flora) may be appropriate for assessing ammonia impacts to the SAC rather than 1µg/m³ if the site had a diverse and important bryophyte/ lichen component.</p> <p>The ExA [PD-012] requested that the applicant confirm whether the mitigation proposed for nitrogen deposition on the SAC is also proposed as mitigation for the botanical effects associated with increased ammonia.</p> <p>The applicant [REP3-059] explained that, as noted by NRW [REP1-073], the appropriate ammonia critical level would be 3µg/m³ rather than 1µg/m³ and as a result ammonia emissions during operation of the proposed development are not expected to exceed the higher critical level. The</p>	<p>N/A – matter resolved.</p>

		<p>applicant [REP3-059] advised that any ammonia at the SAC is as a source of nitrogen and is captured through consideration of nitrogen deposition and the proposed mitigation. Therefore, the applicant [REP3-059] confirmed that no mitigation measures are required for ammonia emissions on the SAC.</p> <p>NRW [REP4-091] confirmed that it is satisfied that the higher critical level of 3µg/m³ is appropriate and consider the applicant's conclusions regarding ammonia at the Deeside and Buckley Newt Sites SAC to be acceptable.</p>	
3.3.9	<p>Operation Financial contribution – mitigation or compensation</p>	<p>NRW [RR-027] advised that the proposed financial provision for the management of Deeside and Buckley Newt Sites SAC appears to be compensation rather than mitigation as it would not avoid or reduce any harmful effects on the SAC.</p> <p>The applicant [REP1-062] noted that the potential effects on the SAC from operation of the proposed development would not be the increase in nitrogen deposition but the resulting botanical changes. The applicant [REP1-062] explained that the proposed financial provision would either counteract the small increase in management burden or render the site more resilient to nitrogen deposition. The applicant [REP1-062] concluded that the proposed financial provision would avoid or reduce the harmful botanical effects on the SAC (as opposed to the impact) and therefore should be considered mitigation.</p> <p>In response to ExQ1.6.23 [PD-012], NRW [REP3-062] confirmed that it was content that the proposed financial contribution measures to reduce the impact of increased nitrogen deposition on the oakwoods habitat constitutes mitigation rather than compensation.</p>	N/A – matter resolved.

<p>3.3.10</p>	<p>Operation Mitigation measures – stack height</p>	<p>The applicant's change request [AS-005] [AS-006] proposes to decrease the maximum stack height parameters from 150m.</p> <p>The ExA [PD-012] requested that the applicant explain whether the lowering of the stack height has potential to increase ammonia and/ or nitrogen deposition rates and alter the mitigation that is required to avoid an AEoI of the Deeside and Buckley Newt Sites SAC.</p> <p>The applicant [REP3-059] stated that the proposed lowering of the stack height and other associated changes to the site layout for all FEED options would not materially change the magnitude of the reported impacts on ammonia concentrations and nitrogen deposition rates.</p> <p>The applicant [REP3-059] explained that depending on the FEED option, lowering the CCP stack height and other associated changes to the site layout has the potential to slightly reduce the nitrogen deposition and ammonia at Deeside and Buckley Newt Sites SAC. The applicant [REP3-059] also explained that as the proposed development would be able to meet the Best Available Techniques Associated Emission Levels (BAT AELs) for emissions of NOx without the requirement for Selective Catalytic Reduction (SCR) when operating unabated and emitting via the HRSG stacks the only source of ammonia emissions would be removed as a result reducing the magnitude of reported impacts of ammonia and nitrogen deposition.</p>	<p>RQ.55 [to NRW] taking into account updates to the RIHRA [REP4-054] as a result of the changes made to the emission source parameters, are NRW satisfied that the measures proposed to mitigate nitrogen deposition effects on the Deeside and Buckley Newt Sites SAC are adequate? If not, please explain what further information is required.</p>
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Table 3.4: Noise and visual disturbance – Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation / question
Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site			
3.4.1	<p>Construction/ decommissioning Noise disturbance – assessment approach</p>	<p>NE [RR-026] (NE17) disagreed with the applicant's approach taken relating to the assessment of noise and requested greater clarity to demonstrate which works will cause an impact. NE also requested further assessment of the:</p> <ul style="list-style-type: none"> • water connection works • compound 1 enabling works • compound 2 enabling works • main development area shrouded piling <p>The applicant [REP1-062] clarified that the assessment utilises a 60dB disturbance threshold that was agreed with NRW and since all affected areas are located in Wales considered that appropriate.</p> <p>The applicant [REP1-062] confirmed that provided the proposed 3m acoustic fence is implemented as mitigation the site enabling works, main civil works and plant installation works would all have a noise level below 60dB LAeq/ Lamax.</p>	<p>RQ.56 [to NRW] are NRW satisfied with the applicant's approach and conclusions in regard to the assessment of noise disturbance to the qualifying features of the Dee Estuary SPA and Ramsar site during construction of the proposed development? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		<p>The applicant [REP1-062] set out that as the water connection works and proposed surface outfall are located within the SPA, acoustic fencing would not be possible. However, these works would be subject to seasonal restriction to mitigate potential LSE and avoid AEoI of the European sites [REP1-062].</p> <p>The applicant [REP1-062] also stated that for the compound 1 enabling works, compound 2 enabling works, main development area plant installation, main development area enabling works and main development area shrouded piling noise levels in the SPA would exceed 60dB even with mitigation. The applicant [REP1-062] noted that this is the worst case scenario with the noise levels being modelled with the plant on the boundary of the SPA. The applicant [REP1-062] explained that any exceedance of the noise thresholds would be for only short periods, over a small area of the SPA and the noise levels would not be out of character with existing baseline noise levels. The applicant [REP1-062] added that any short term disturbance would not lead to changes in distribution of species and no other projects have been identified as resulting in noise impacts in the affected locations at the same time as the proposed development. As a result, the applicant [REP1-062] concluded that 'significant disturbance' as defined by the Agreement on the Conservation of African-</p>	
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		<p>Eurasian Migratory Waterbirds 2016 would not arise.</p> <p>In its RR, NRW [RR-027] agreed with the use of an acoustic barrier and construction control measures to ensure construction noise would remain below the 60dB threshold. NRW [RR-027] were also content with the proposed implementation of seasonal restrictions on works taking place beyond the acoustic barrier.</p> <p>In the SoCG between NE and the applicant, NE [REP3-059] agreed that the noise modelling indicates that there would be no noise impacts on the English part of the Dee Estuary SAC, SPA and Ramsar site and were satisfied that this impact did not need to be considered further.</p> <p>NRW have not provided any additional comments in light of the additional information provided by the applicant [REP1-062] at deadline 1 in response to NE17. The SoCG between the applicant and NRW [REP3-029] also indicates that this matter is still under discussion.</p>	
<p>3.4.3</p>	<p>Construction/ decommissioning Noise disturbance – barge movements</p>	<p>Paragraph 10.2.112 of the RIHRA [APP-253] stated that there would be an intensification of barge movements during construction but there would be no “<i>meaningful difference</i>” to background noise conditions.</p> <p>NE [RR-026] (NE14) requested further information to support this conclusion, including</p>	<p>RQ.57 [to the applicant] can the applicant clarify the meaning of “meaningful difference” and explain why, with reference to estimated barge movements during</p>

		<p>information to determine the scale of change and the potential response of birds to barge passage.</p> <p>The applicant [REP1-062] noted that during surveys for the proposed development very few wetland bird species were recorded at Connah's Quay North. The applicant referred to data reported in ES appendix 11-D [APP-193]. The applicant [REP1-062] concluded that due to the small use of the area by SPA birds and existing shipping passing Connah's Quay North there would not be significant disturbance from the increased barge movements.</p> <p>NE [REP3-051] advised the applicant to provide further clarity regarding the meaning of the phrase no "<i>meaningful difference</i>" as well as information on barge movement numbers. NE [REP3-051] noted that the potential disturbance impacts from increase barge movements would be confined to Wales and deferred to NRW on this impact.</p>	<p>construction, the intensification of barge movements would not lead to AEol of the Dee Estuary SPA and Ramsar site?</p> <p>RQ.58 [to NRW] are NRW content with the applicant's conclusions regarding the assessment of noise and visual disturbance from increased barge movements during construction on the qualifying features of the Dee Estuary SPA and Ramsar site? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>
3.4.5	<p>Operation Visual disturbance – appropriate assessment</p>	<p>NE [RR-026] (NE18) advised that any residual impacts from the lighting strategy should be addressed in the appropriate assessment.</p>	<p>RQ.59 [to NRW] are NRW satisfied with the applicant's approach and conclusions in regard to</p>

		<p>The applicant [REP1-062] explained that residual lighting is addressed in the appropriate assessment of the RIHRA [APP-253] and no residual impacts from lighting are expected.</p> <p>The applicant [REP1-062] also confirmed that the areas of Dee Estuary SPA and Ramsar site affected by lighting impacts are located in Wales. On this basis, NE [REP3-059] deferred to NRW for advice on this issue.</p>	<p>the assessment of lighting on the qualifying features of the Dee Estuary SPA and Ramsar site during operation of the proposed development? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>
3.4.6	<p>Construction, operation and decommissioning</p> <p>Noise and visual disturbance – general comments mitigation</p>	<p>Deeside Naturalist Society [RR-009] raised a number of concerns regarding the adequacy of the mitigation proposed. RSPB [RR-036] also requested further clarity on the mitigation measures proposed for disturbance during construction and operation.</p> <p>The applicant [REP1-039] explained that the noise mitigation has been modelled to be effective at reducing noise levels below the 60dB disturbance threshold used in the RIHRA [APP-253]. The applicant [REP1-039] [REP1-039] noted that this threshold is considered to be an appropriate threshold to not disturb SPA birds and has been agreed with NRW.</p> <p>The applicant [REP1-039] stated that a height of 3m is standard for acoustic fences based upon the main source of noise from construction plant</p>	<p>RQ. 60 [to the Deeside Naturalist Society and RSPB] are you content that your concerns regarding the noise and visual disturbance assessment have been addressed by the applicant? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p>

		<p>and for other noise sources (for example, piles) shrouds on the piles would be used as mitigation. The applicant [REP1-039] confirmed that noise mitigation would be provided in accordance with the controls set out in the Framework CEMP [APP-246].</p> <p>The applicant [REP1-037] confirmed that the acoustic fencing would be installed between April and September and no clearance works or site establishment works within the Main Development Area and C&IEA would occur between October and March in the absence of the acoustic fencing. Seasonal restrictions would also be in place for any works beyond the acoustic fence. These measures are set out in the Framework CEMP [APP-246] and secured through requirement 4 of the dDCO [APP-019].</p> <p>The applicant [REP1-037] clarified that the acoustic fencing and seasonal restrictions would also address visual impacts as well as noise.</p> <p>The RIHRA [APP-253] concludes that operation of proposed development would not result in significant noise and visual disturbance effects on the Dee Estuary SPA and Ramsar site. The applicant [REP1-037] stated that in line with requirement 12 of the dDCO [APP-19] a noise monitoring scheme would be put in place during operation to ensure the proposed development complies with the limits on noise set out within the Design Principles Document [APP-264].</p>	
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3.4 Summary of examination outcomes in relation to adverse effects on integrity

- 3.4.1 To date in the examination, the matters identified in tables 3.1 to 3.4 of this RIES in respect of disputed AEols remain unresolved. The ExA seeks responses from the applicant and ANCBs, where indicated, to provide clarity on the outstanding matters.
- 3.4.2 The ExA's understanding of the applicant's and the ANCB's current positions in relation to AEols is set out in tables A1.1 to A1.9 of annex 1 of this RIES.

4 DEROGATIONS FROM THE REGULATIONS

4.1 Overview

4.1.1 Noting the views of the ANCBs and its own interpretation, the ExA [PD-006] requested that without prejudice supporting documentation to apply for a derogation under the HRA Regulation 2017 be submitted.

4.1.2 The applicant [PDA-003] considers that AEoI can be excluded but submitted a notice of a proposed 'without prejudice' HRA derogation in Wales, which relates to the following sites and features:

- Aber Dyfrdwy/ Dee Estuary SAC – Atlantic salt meadow (1330)
- Aber Dyfrdwy/ Dee Estuary SPA and Ramsar site – Curlew (A160)

4.1.3 An updated derogations case was submitted at D4 [REP4-078].

4.2 Alternative solutions

4.2.1 The applicant provided its 'no alternative solutions' case in section 4 [PDA-003] and updated it to include alternative considerations specific to the nitrogen deposition on Atlantic salt meadow at D4 [REP4-078].

4.2.2 Objectives of the proposed development are summarised in paragraph 4.1.1 and project wide alternative considerations are set out in table 4-1 including alternative technologies, a do-nothing and do-minimum scenario and reasons for discounting these alternatives.

4.2.3 Alternative sites are considered in paragraphs 4.1.3 to 4.1.14 including consideration of land ownership, grid connection and connection to the HyNet CO₂ pipeline.

4.2.4 Alternative site locations for the low carbon power abated generating station within the applicant's land holding at Connah's Quay were considered in the context of availability as well as technical and financial viability and environmental constraints in paragraphs 4.1.15 – 4.1.18 and table 4-2. The location of these alternative sites are shown in figure 6.2 of [CR1-044].

4.2.5 Alternative designs to the temporary and permanent loss of FLL are considered in paragraphs 4.1.19 and 4.1.22 and tables 4-3 and 4-4.

4.2.6 Consideration of alternative runoff destinations specific to the discharge of surface water from the main development area during operation of the proposed development and permanent loss of Atlantic salt meadow are considered in paragraphs 4.1.23 to 4.1.25 and table 4-5.

Examination

4.2.7 Related to the HRA but not specifically relating to the applicant's assessment, ExQ1.9.20 [PD-012] requested further explanation that the alternative runoff destinations that have been considered, specifically the factors preventing the

applicant from making changes to the sluice structure or constructing a new headwall structure.

- 4.2.8 The ExA at ISH2 [REP1-066] requested confirmation as to why the outfall is required to be located in the Dee Estuary SAC, SPA and Ramsar site and why it could not be at another discharge point within the proposed development site boundary. The applicant explained that the rationale is set out in the derogations case along with consideration of alternative outfall locations.
- 4.2.9 NRW [REP-023] welcomed the draft Outline Surface Drainage Strategy [REP1-022] and the applicant's continuing investigations into opportunities to split the surface water discharges across two or three of the pipes located within the main development area (the W2 outfall, the Oakenholt Brook Culvert and the Old Rockcliffe Brook Culvert) to avoid permanent and temporary loss of saltmarsh. NRW noted that has not been a solution identified at this point.
- 4.2.10 The applicant [REP3-051] [REP3-059] clarified that, as detailed within the Outline Surface Drainage Strategy [REP2-012], a new outfall to any of the adjacent watercourses would require the construction of a new headwall structure and a new length of pipe (approximately 30m) within the Dee Estuary SAC, SPA and Ramsar site, which would likely result in equivalent or greater impacts on the designated features. Introducing new flows into this location could influence the water levels across the Connah's Quay Nature Reserve making the existing control structures redundant without further intervention. Whilst it is a lower priority on the discharge hierarchy, the disposal of surface water runoff to existing piped surface water drainage systems would avoid any disturbance entirely. However, a significant attenuation volume would likely be required, which may not be achievable within the proposed site layout. During the detailed design process, modelling to assess the viability of splitting the surface water discharge across the existing piped surface water systems will be undertaken.
- 4.2.11 As of DL4, no comments have been received from any IP on this matter.

4.3 IROPI case

- 4.3.1 The applicant provided its IROPI case in section 5 [PDA-003] [REP4-078].
- 4.3.2 Imperative reasons are set out in paragraphs 5.1.1 to 5.1.10.
- 4.3.3 Public interest benefits are set out in paragraphs 5.1.11 to 5.1.12 and summarised as follows:
- The national need to provide low carbon energy.
 - The urgent need for carbon capture and storage technologies.
 - The ability of the proposed development to connect to the HyNet cluster and enable of decarbonisation.
 - The ability for the proposed development to make use of the existing electricity grid, natural gas supply and water supply infrastructure at the

existing Connah's Quay Power Station, as well as minimising the need for third party land and drawing upon the existing skilled workforce.

- Employment opportunities and Gross Value Added to the national economy during construction.
- The Proposed Development would achieve a Net Benefit for Biodiversity

4.3.4 Paragraphs 5.1.13 to 5.1.17 [REP4-078] sets out the applicant's case for how the benefits outweigh and override the harm that would be caused to the European sites.

4.3.5 As of D4 the IROPI case has not been discussed at examination, and no comments have been received from any IPs on this matter.

4.4 Compensatory measures

4.4.1 The details of the compensatory measures proposed by the applicant are provided in section 6 of the 'without prejudice' derogations case [PDA-003].

Compensatory measure for 1330 Atlantic salt meadow

4.4.2 On a without prejudice basis, the applicant is proposing to enable managed retreat of the embankment between the existing Connah's Quay power station and the Dee Estuary SAC, SPA and Ramsar site to allow natural regeneration and colonisation of 1,300m² of Atlantic salt meadow. This would enable a net increase in the amount of Atlantic salt meadow that is more than double that being lost due to the proposed development (approximately 650m²), and more than 200 times greater than that being lost permanently (approximately 5m²). Sheet 2 of appendix A of the oLEMP [APP-250] denotes the location of the compensation area.

4.4.3 Paragraph 6.5.1 of the derogations case [APP-003] states that the creation of the managed retreat area would occur prior to the construction of the proposed surface water outfall. Paragraph 6.6.1 states that the presence of an existing area of Atlantic salt meadow immediately seawards of the managed retreat area provides high confidence that this habitat will establish in the managed retreat area. Section 6.8 explains that the land is already in the applicant's ownership and the applicant would be responsible for implementing the compensatory measure.

Paragraph 6.9.1 explains that the applicant will prepare a SCS supported by a new requirement within the dDCO. Monitoring will be undertaken by a suitably qualified botanist with experience of Atlantic salt meadow every six months for the first five years following managed retreat to track the establishment. Established monitoring will take place every five years throughout the lifetime of the proposed development, or for 80 years, whichever is the sooner. Paragraph 6.9.2 states that the criteria for successful establishment of Atlantic salt meadow will be discussed with NRW and used as the basis for monitoring.

Compensatory measure for A160 curlew

- 4.4.4 On a without prejudice basis, the applicant is proposing to deliver 25ha of FLL at Gronant Fields at Prestatyn which is approximately 21.2km from the proposed development and located within the Dee Estuary SPA and Ramsar site. Paragraph 6.1.8 [PDA-003] explains that the objective will be to improve the habitats suitable for curlew, and thus the numbers of curlew that can be supported, by delivering wet features such as scrapes, ditches, and shallow pools, to provide feeding areas as well as roosting areas during high tide. The location is provided in appendix A of the CMS [APP-254].
- 4.4.5 Paragraph 6.4.2 of the derogations case [APP-003] sets out the current status and condition of Gronant Fields. Paragraph 6.5.2 explains this compensation measure is secured through Requirement 12 of the dDCO and that prior to the commencement of construction works or site clearance works, the habitat creation will be established, and a CMMP (Requirement 11 of the dDCO) will be approved by the relevant planning authority, in consultation with NRW. Paragraph 6.5.3 explains that the applicant deems that the habitat will be functional and able to support curlew within the first 12 months and optimal conditions are likely to take between 3-5 years. Section 6.8 explains that the land is already in the applicant's ownership and the applicant would be responsible for implementing the compensatory measure.
- 4.4.6 Paragraph 6.9.3 sets out that monitoring will be undertaken by a suitably qualified ornithologist. Success criteria will be agreed with NRW through the development of the CMMP and will be used as the basis for monitoring. Once the site is confirmed to be supporting adequate curlew populations on a sufficiently regular basis, monitoring will occur every five years throughout the lifetime of the proposed development or for 80 years, whichever is sooner.
- 4.4.7 Full details of the habitat enhancement are set out in the CMS, including the baseline in section 2, the site selection process in section 3 and the management and monitoring plan in section 4.

Examination

- 4.4.8 Matters for which the ExA seeks clarity in relation to compensatory measures are outlined below. As the applicant concludes no AEoI and has submitted the derogations case 'without prejudice' some of these matters are also set out in tables 3.1 to 3.3 above in relation to assessment and conclusions of AEoI.
- 4.4.9 The following documents provided updates on information directly relating to compensation measures during the examination:
- Applicant's legal submission on Mitigation vs Compensation [REP4-086]
 - An updated Curlew Mitigation Strategy (CMS) [REP4-056] to include results from ongoing ornithological surveys of Gronant Fields.
 - Updated derogations case [REP4-078] to include atmospheric pollution, upon which the compensation measure for direct loss of Atlantic salt meadow is also relied upon.

- A Saltmarsh Creation Strategy (SCS) [REP3-026]
- 4.4.10 As set out in table 3.3 (ID 3.3.2) above, ExQ1.6.18 [PD-012] asked NRW and NE whether it considered the managed realignment relied upon for the loss of Atlantic salt meadow would also offset the ecological effect of nitrogen deposition during operation on the Dee Estuary SAC, SPA and Ramsar site. The ExA stated that they consider these measures to constitute compensation and requested the applicant to provide a 'without prejudice' derogations case. NRW [REP3-062] and NE [REP3-061] welcomed the inclusion of consideration of air quality impacts into an updated derogations case. The applicant [REP3-059] reaffirmed its position that it considered the managed realignment mitigation not compensation, however agreed to update the derogations case at D4. The applicant provided an updated derogations case [REP4-078] that considers atmospheric pollution on the Dee Estuary SAC, SPA and Ramsar site during operation of the proposed development.
- 4.4.11 Despite the submission of a without prejudice compensation case, a number of matters remain in the examination as outlined below:
- The efficacy, feasibility, deliverability and ecological efficacy of the managed retreat of Atlantic salt meadow by the applicant to alleviate the scale of potential harm, set out in table 3.1 (ID 3.1.7) above.
 - The relationship between, the role of, and the timeline of production for the SCS, SMS and SIMP, as set out in table 3.1 (ID 3.1.4) above.
 - The efficacy, feasibility, deliverability and ecological efficacy of the replacement FLL at Gronant Fields by the applicant to alleviate the scale of potential harm, as set out in table 3.2 (ID 3.2.5) above.
 - Evidence of existing use of Gronant Fields by other species, set out in table 3.2 (ID 3.2.5) above.
- 4.4.12 The ExA requests a revised without prejudice derogations case and updated dDCO for the compensatory measures is submitted, details of which are set out in the questions below.

RQ.61 The ExA requests that two separate and independent outline Implementation and Monitoring Plan (IMP) documents are submitted for Atlantic salt meadow and curlew. The ExA notes that there is a section on Saltmarsh Implementation and Monitoring Plan (SIMP) within the SCS but requests this is set out as a separate document with further information. The ExA also notes that a CMMP is currently proposed and requests this is set out as a separate outline Curlew Implementation and Monitoring Plan (CIMP) with further information.

RQ.62 The ExA requests that the SIMP and CIMP are both updated with the information from the SCS [REP3-026] and CMS [REP4-056] for Atlantic salt meadow and curlew respectively, but should both include the following further information:

- a) Detail on how the proposed compensatory measures would provide optimal conditions
- b) Details on why the sites are ecologically suitable for the proposed compensation
- c) Implementation timetables and programmes
- d) Details as to any consents, licences, and approvals needed for implementation
- e) Ongoing management and maintenance of the compensation measures and sites
- f) Details of access and biosecurity of the compensation sites
- g) Further detail on the methodology for baseline and post-implementation monitoring of the compensatory measures. For example, for curlew this should include details of regular monitoring of curlew populations and their productivity
- h) Details of the success criteria, including thresholds for determining compensation success and the trigger thresholds for adaptive management measures
- i) Details of the annual reporting process to the Secretary of State and environmental data sharing.

RQ.63 The ExA requests submission of an updated dDCO [REP4-004] with the following amendments:

- a) A compensation schedule within the dDCO with part 1 on Atlantic salt meadow and part 2 on curlew.
- b) Both parts of the compensation schedule (for Atlantic salt meadow and curlew respectively) must include more detail than what has currently been provided [REP4-004], including, but not limited to:
 - i. A requirement for a compensation steering group to be formed, and for a plan of works for the group to be submitted to and approved by the Secretary of State
 - ii. The key sections and details required within the final IMPs
 - iii. Data-sharing including how monitoring and reporting data will be made publicly available and submitted to the relevant Local Environmental Records Centre(s)
 - iv. The process by which the final IMPs will be approved
 - v. The reporting process to the Secretary of State and adaptive management process.
- c) Requirements within the compensation schedule of the revised dDCO should provide that the Secretary of State (as the competent authority), in consultation with the relevant ANCB, is responsible for approving the final IMPs and monitoring reports.

5 CONCLUDING REMARKS

- 5.0.1 This RIES is based on information submitted throughout the examination by the applicants and IPs, up to DL4 (31 March 2026), in relation to potential effects on European sites. It should be read in conjunction with the examination documents referred to throughout.
- 5.0.2 The RIES has identified gaps in the ExA's understanding of IPs' positions on Habitats Regulations and comments on the RIES will be of great value to the ExA in order to support a robust and thorough recommendation to the SoS. In particular, the ExA seeks:
- Responses to the questions identified in sections 1 to 5 of this RIES (in particular tables 2.1 to 2.7 and 3.1 to 3.4).
 - Confirmation whether the ExA's understanding of screening and adverse effects conclusions at point of RIES publication is correct.
- 5.0.3 Comments on the RIES must be submitted for D6 of the examination (29 May 2026).

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

5.0.4 The tables in this annex summarise the ExA's understanding of the applicant's screening exercise and assessment of effects on integrity, and agreement with the relevant ANCBs at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

D = Decommissioning

✓ = LSE or AEoI cannot be excluded

X = LSE or AEoI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1.1: Dee Estuary SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Dee Estuary SAC	<ul style="list-style-type: none"> Atlantic salt meadows 	Direct loss of/ damage to qualifying habitat	✓	✓	✓	X	X	X	N	N
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?
	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonizing mud and sand • Estuaries • Annual vegetation of drift lines 	Direct loss of/ damage to qualifying habitat	X	X	X	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic Coasts • Embryonic shifting dunes • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> "white dunes" • Fixed coastal dunes with herbaceous vegetation "grey dunes" • Humid dune slacks 	Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?
	<ul style="list-style-type: none"> • Sea lamprey 	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with		
			C	O	D	C	O	D	NRW	NE	
• River lamprey	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?	?	
	Noise and visual disturbance	X	n/a	X	n/a	n/a	n/a	n/a	?	?	
	Water quality	X	X	X	n/a	n/a	n/a	n/a	?	?	
	Water quantity, level and flow	X	X	X	n/a	n/a	n/a	n/a	?	?	
	Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	n/a	?	?	
	Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	n/a	?	?	
	Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	n/a	?	?	
	Barriers to movement	X	n/a	X	n/a	n/a	n/a	n/a	?	?	
	Introduction of INNS	X	n/a	X	n/a	n/a	n/a	n/a	?	?	
	• Petalwort	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?

Table A1.2: Dee Estuary SPA

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Dee Estuary SPA	Wintering bird species: • curlew • bar-tailed godwit • pintail • teal • dunlin • knot • oystercatcher • black-tailed godwit • grey plover • shelduck	Direct loss of/ damage to qualifying habitat	?	?	?	n/a	n/a	n/a	?	?
		Loss of FLL	✓	✓	✓	X	X	X	N	N
		Noise and visual disturbance	✓	?	✓	X	n/a	X	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	<ul style="list-style-type: none"> redshank Waterbird assemblage	Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N	N
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?
	Breeding bird species: <ul style="list-style-type: none"> little tern common tern Passage bird species: <ul style="list-style-type: none"> sandwich tern 	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	✓	?	✓	X	X	X	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?

Table A1.3: Dee Estuary Ramsar site

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Dee Estuary Ramsar site	Ramsar criterion 1 - extensive intertidal mud and sand flats (20 km by 9 km) with large expanses of saltmarsh towards the head of the estuary: • Atlantic salt meadows	Direct loss of/ damage to qualifying habitat	✓	✓	✓	X	X	X	N	N
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N	N
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?
	Ramsar criterion 1 - extensive intertidal mud and sand flats (20 km by 9 km) with large expanses of saltmarsh towards the head of the estuary:	Direct loss of/ damage to qualifying habitat	X	X	X	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
Water quality		X	X	X	n/a	n/a	n/a	?	?	

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonizing mud and sand • Estuaries • Annual vegetation of drift lines • Vegetated sea cliffs of the Atlantic and Baltic Coasts • Embryonic shifting dunes • Shifting dunes along the shoreline with 	Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?	
	Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	?	?	
	Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?	
	Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N	N	
	Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?	
	Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?	

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	Ammophila arenaria "white dunes" • Fixed coastal dunes with herbaceous vegetation "grey dunes" • Humid dune slacks									
	Ramsar criterion 2 – supports breeding colonies of the vulnerable natterjack toad.	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
Loss of FLL		X	X	X	n/a	n/a	n/a	?	?	
Noise and visual disturbance		X	X	X	n/a	n/a	n/a	?	?	
Water quality		X	X	X	n/a	n/a	n/a	?	?	
Water quantity, level and flow		X	X	X	n/a	n/a	n/a	?	?	

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?
		Ramsar criterion 5 – assemblages of international importance	Direct loss of/ damage to qualifying habitat	?	?	?	n/a	n/a	n/a	?
	Loss of FLL	✓	✓	✓	X	X	X	N	N	

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	Ramsar criterion 6 – species/populations occurring at levels of international importance: <ul style="list-style-type: none"> • redshank • teal • shelduck • oystercatcher • curlew • pintail • grey plover • knot • dunlin • black-tailed godwit • bar-tailed godwit 	Noise and visual disturbance	✓	?	✓	X	X	X	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N	N
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	?	?

Table A1.4: River Dee and Bala Lake SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
River Dee and Bala Lake SAC	Watercourses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation Floating water-plantain Bullhead	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Atlantic salmon Sea lamprey River lamprey	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	?	?	?	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	X	n/a	X	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Otter	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	?	n/a	?	n/a	n/a	n/a	?	?
		Noise and visual disturbance	?	?	?	n/a	n/a	n/a	?	?
		Water quality	X	X	X	n/a	n/a	n/a	?	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Barriers to movement	X	n/a	X	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Table A1.5: Deeside and Buckley Newt Sites SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Deeside and Buckley Newt Sites SAC	Old sessile oak woods with Ilex and Blechnum in the British Isles	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Great crested newt	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution –	X	n/a	X	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		exhaust emissions								
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Table A1.6: Mersey Estuary SPA

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Mersey Estuary SPA	Non-breeding birds: <ul style="list-style-type: none"> • shelduck • teal • pintail • golden plover • dunlin • black-tailed godwit • redshank 	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	Waterbird assemblage	Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	X	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Table A1.7: Mersey Estuary Ramsar site

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Mersey Estuary Ramsar site	Ramsar criterion 5 – assemblages of international importance	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Ramsar criterion 6 – species/ populations occurring at levels of international importance: <ul style="list-style-type: none">• shelduck• black tailed godwit• redshank	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution –	n/a	n/a	n/a	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
	<ul style="list-style-type: none"> • teal • pintail • dunlin 	exhaust emissions								
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	X	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Table A1.8: Halkyn Mountain SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Halkyn Mountain SAC	Calaminarian grasslands Dry heathland	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Calcareous grassland	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Molina meadows	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Great crested newt	Water quality	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?

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Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?

Table A1.9: Alyn Valley Woods SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Alyn Valley Woods SAC	Tilio-Acerion forests of slopes, screes and ravines	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	?	?
	Calcareous grassland Alluvial alder woodland	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	?	?

Designated site	Qualifying features screened in	Impact Pathway	Potential for LSE			Applicants conclusion on AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	?	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	?	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	?	?