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27/05/2026

Dear Sir/Madam,

PROPOSED CONNAH'S QUAY LOW CARBON POWER

PROJECT PLANNING INSPECTORATE REFERENCE: EN010166

INTERESTED PARTY REFERENCE NUMBER: [REDACTED]

RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 6

This letter comprises the following submission from NRW:

- Comments on the Examining Authority's Report on the Implications for European Sites (RIES) – see [Annex A](#)
- Responses to the Examining Authority's second round of questions – see [Annex B](#)
- Feedback on the RIES, Annex 1 – see [Annex C](#)
- Comments on the updated saltmarsh creation strategy - see [Annex D](#)
- Comments on the updated documents regarding definition of 'in perpetuity' for Habitats Regulations Assessment purposes – see [Annex E](#)

The comments provided in this submission comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008. In addition to being an interested party under the Planning Act 2008, NRW exercises functions under legislation as detailed in the cover letter of NRW's Deadline 1 Written Representations [REP1-073].

Our comments are made without prejudice to any further comments NRW may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by the Applicant, the Examining Authority or other interested parties.

Please do not hesitate to contact me at northplanning@cyfoethnaturiolcymru.gov.uk should you require further advice or information regarding these representations.

Yours faithfully,


**Cynghorydd Arbenigol Arweiniol - Cynllunio Datblygu / Lead Specialist Advisor -
Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales**

[CONTINUED]

ANNEX A – NRW COMMENTS ON THE EXAMINING AUTHORITY’S REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (RIES)

NRW has reviewed the Examining Authority’s Report on the Implications for European Sites (RIES) and provides the following responses to the questions addressed to us.

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.

We are satisfied that the Applicant’s explanation regarding the study area used for identifying projects to include in an in-combination assessment is acceptable.

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.

Annex D, Paragraphs 55 to 59 of our Deadline 5 submission [REP5-069] includes our response to the Applicant’s updates regarding this matter in REP4-081 and this is summarised below.

We note that there are three installations that the Applicant has not included in their in-combination assessment, as follows:

- Deeside Power
- Knauf Mineral Rock Wool Facility
- Arrow Bio Waste Recycling Facility

We have provided additional correspondence (via email dated 05/05/26) to the Applicant about the Deeside Power project, as follows.

Deeside Power Station currently retains an Environmental Permit for the ceased operations. It is expected that the site will be surrendering this permit as part of the current permit variation application. It is understood that Deeside Power Station ceased to operate with aerial emissions, as permitted, in 2018.

APIS (<https://www.apis.ac.uk/FAQ/what-emission-sources-are-expected-be-included-apis-background-concentration-and-deposition-values>) states that the background modelling includes “emissions from the National Atmospheric Emissions Inventory (NAEI) <https://naei.beis.gov.uk/data>.” As Deeside Power Station ceased to operate in 2018 it is expected that emissions for this installation are unlikely to form part of the current APIS background. We advised the Applicant that they may wish to review APIS and NAEI data to confirm this is the case.

Air Quality Assessments for both Knauf Mineral Rock Wool Facility and Arrow Bio Waste Recycling Facility either should be available publicly or have been supplied to the Applicant.

We therefore advise that the Applicant should include these installations in their in-combination assessment or provide satisfactory explanation for their exclusion.

We also recommend confirming with FCC, and any other relevant Local Planning Authorities within the study area, as to whether any other projects requiring planning permission should be considered for in-combination effects.

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.

We concur that where an adverse effect on site integrity (AEoI) has been concluded from the project alone that an in-combination assessment is not required for those impacts.

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?

We agree that the proposed development will have no Likely Significant Effect (LSE) on Halkyn Mountain SAC and Alyn Valley Woods SAC.

Regarding the River Dee and Bala Lake SAC, please refer to our response to RQ.31 below in relation to barge movements during the construction phase. We also note the Applicant's confirmation that the marine water quality impact pathway is to be taken to Appropriate Assessment in an updated RIHRA to be submitted at Deadline 6 (please see our response to RQ.28). Therefore, we are unable to agree that LSE for this site can be ruled out until the additional information has been submitted and reviewed.

NRW defers to Natural England (NE) for their advice regarding the Mersey Estuary SPA and Ramsar site, as these are located entirely within England.

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.

Please see Annex C of this letter.

RQ.19 Construction and decommissioning: [To NRW and NE] the ExA requests an update on progress on this matter.

We understand that there are no recorded otter breeding sites or resting places within 300m of the application site. We therefore consider the otter survey and assessment to be proportionate given the nature and location of the application site.

As per our response to ExQ1 7.6 [REP3-062], we concur that any potential impacts to otters such as noise or external lighting during construction and decommissioning can be effectively addressed within the proposed embedded noise and lighting mitigation measures to be secured and implemented via the DCO. We therefore confirm that we have no outstanding concerns regarding this matter.

We also advise that the proposal will not require a licence issued by NRW under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

RQ.28 Water quality: [To the applicant and NRW] the ExA requests an update on progress on this matter.

In an email to the Applicant (dated 06/05/26) relating to the associated Statement of Common Ground (SoCG) Items 3.15 and 3.16 we provided further advice regarding this matter. In summary, our position is that, as the apparent measures relied upon by the Applicant function to avoid or reduce an adverse effect on a European site, they should not be taken into account at the Habitats Regulations Assessment (HRA) screening stage. The details of the mitigation (either proposed or existing) should be provided and the information containing those details should be sufficiently comprehensive to enable the Statutory Nature Conservation Body to advise on the efficacy of the mitigation.

We welcome the Applicant's subsequent confirmation via email (dated 06/05/26) that they will update the RIHRA at Deadline 6 to carry through the water quality aspects to the Appropriate Assessment stage, as we have advised. Although we have not seen the updated RIHRA for Deadline 6, subject to this being addressed satisfactorily we expect that this matter could be considered resolved.

RQ.31 Water quantity (benthic habitats): [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.

We note the previous concerns raised by NE regarding impacts from barges grounding on intertidal sediments within the River Dee and Bala Lake SAC and that they did not consider sufficient assessment had taken place regarding this. NE are now deferring to NRW for further advice due to the location of such impacts.

We understand that the concern relates to an increase in the number of vessels accessing the site increasing from a small number to around 60 during construction, resulting in scour. Scour re-suspends sediment and can result in erosion and changes to infaunal

community structure. The RIHRA concludes that the impact would be small and temporary. However, we concur with the concerns raised by NE and advise that there is still a lack of evidence to support the Applicant's conclusions regarding this.

We therefore advise that the Applicant should provide a proportionate scour assessment covering the following points:

- Explanation of how the extent and depth of scour were determined:
 - Evidence that this assessment is informed by:
 - Vessel and barge operating conditions (e.g. size, draught, propulsion use, anchorage method).
 - Frequency and duration of barge access to the site.
 - Sediment characteristics at the grounding location (e.g. grain size, cohesion, mobility).
- Information on expected recovery times following scour events.
 - Description of natural infill processes and how these relate to local sediment dynamics and hydrodynamic conditions.
- Scour protection:
 - Clarification of whether scour protection measures are required.

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

We wish to clarify that there is no defined “conservation status” for a European site. Favourable Conservation Status (FCS) is assessed across an Annex II species or Annex I habitat's natural range, so cannot be applied at a site level. If features are in favourable condition at a site, it is likely they are making an appropriate contribution to FCS of the feature at the UK level. It is important to note that it is the designated features of a European site that are assessed as favourable or unfavourable, not the site itself. A feature cannot be in favourable condition, and thus cannot make an appropriate contribution to FCS, without meeting its conservation objectives.

Site level indicative condition assessments were produced in 2018 for features in Wales' European marine sites: marine SPAs and marine SACs, including the Dee Estuary SAC and SPA. Most of the assessments were updated in 2025. However, this did not include cross-border sites, such as the Dee Estuary SAC and SPA. NRW and NE plan to produce updated condition assessments by 2030 for cross-border sites.

The indicative condition assessments for all Dee Estuary SAC and SPA site features can be found on our website: “Natural Resources Wales / Indicative feature condition assessments for European marine sites (EMS)”¹. The indicative condition assessments for these sites were based on the information collated and interpreted by NRW specialists and represent NRW's opinion only.

In relation to the saltmarsh qualifying feature of the Dee Estuary SAC, both the “Atlantic salt meadows” and the “Salicornia and other annuals colonizing mud and sand” features were assessed as favourable with medium confidence in 2018. However, nitrogen

¹ <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/indicative-feature-condition-assessments-for-european-marine-sites-ems/?lang=en>

deposition (Ndep) was not a pressure assessed in 2018; this was also prior to the recent change in the Ndep critical loads for Atlantic salt meadows (from 20-30 KgN/ha/yr to 10-20 KgN/ha/yr).

Regarding the wintering curlew feature of the Dee Estuary SPA, the 2018 condition assessment concluded that the population on the Dee estuary was stable and was therefore given a favourable status with high confidence.

RQ.35 Loss of Atlantic salt meadow: [To NRW and NE] clarify if your concerns are 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.

We note that a 'worst case' permanent loss of 5 m² of saltmarsh has been confirmed by the Applicant (EN010166/APP/6.12) and a 650 m² temporary loss. The Applicant has explained that the extent of temporary loss may alter following a National Vegetation Classification survey planned this summer. However, we note that any change to the worst-case would likely be lower due to other habitats being present within the surface water outfall area. Therefore, this is not expected to increase the 'worst-case' scenario assessed and, on that basis, we would consider our concerns resolved.

RQ.37 Outfall scour: [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.

Annex D of our Deadline 5 submission [REP5-069] (para. 60) welcomed the Applicant's confirmation that the additional information supporting the Applicant's conclusion that the existing Surface Water Outfall is not contributing to an ongoing process of saltmarsh erosion, alongside comments by the Applicant that "it should therefore 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". Our concerns regarding this matter are therefore resolved.

RQ.38 Alignment with SMP: [To the applicant and NRW] the ExA requests an update on progress on this matter.

We consider this matter to be resolved as far as it relates to the scope of our remit regarding the Shoreline Management Plan (SMP). The proposed development lies within the North West England and North Wales SMP 22 Policy Unit - Flint Marsh to Chester Weir to Sealand Rifle Range (Inner Dee estuary, both banks): 11A 5.3. The policy states 'Hold the Line- Manage flood risk by maintaining existing defences to an adequate standard. Possible localised managed realignment for flood storage or habitat creation- by constructing secondary set-back embankment, depending on the outcome of further studies.'

The policy therefore supports the localised management realignment proposed in the Saltmarsh Creation Strategy. The Applicant has provided information to show that the

managed realignment would not result in impacts to the wider channel morphology. The Saltmarsh Creation Strategy includes commitments for monitoring and adaptive management to detect and respond to any impacts on wider channel morphology/ adjacent salt marsh. We therefore have no further concerns regarding the SMP.

RQ.39 Adequacy of saltmarsh creation measure: [To NRW] the ExA requests an update on progress on this matter.

We wish to clarify that we have not agreed in principle [REP3-062] that both of the Applicant's proposed measures (extended duration of management and new saltmarsh creation area) could be effective in adequately addressing the permanent and temporary loss of Atlantic salt meadow, as is stated in the RIES. Our response to ExQ1 9.17 was in relation to the proposals for the managed retreat of Atlantic salt meadow (new saltmarsh creation area) only. We understand that only the new saltmarsh creation area has been proposed to address the impact of saltmarsh habitat loss and our latest comments on this proposed measure are contained in Annex D of this letter.

We have however raised concerns regarding extending use of the extant Conservation Areas Management Plan in addition to the new saltmarsh creation measure as mitigation for the Ndep impact from the proposals (saltmarsh habitat degradation). As advised in our Deadline 5 submission [REP5-069], the extant management agreement is already a legal requirement of the Section 36 consent for the existing power station and was established to serve a wider conservation purpose at the site. We welcome that this would be replaced by an updated version following decommissioning of the old power station, as an embedded design measure of the proposals. However, we do not consider use of the existing Connah's Quay Conservation Areas Management Plan to be appropriate to mitigate the potential impacts of saltmarsh loss or degradation. We also advise that any new management actions to be applied as mitigation within the Connah's Quay Conservation Areas Management Plan locations would have to demonstrate additionality to existing obligations.

RQ.44 [To NRW and NE] do NRW or NE have any additional comments in relation to the Hilde Orleans case law?

We have reviewed the relevant caselaw, and in particular, the decision in *Hilde Orleans*, which discusses Article 6(3). In that matter, the CJEU emphasised that an Appropriate Assessment must contain complete, precise and definitive conclusions which are capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site. Any positive effects arising from a future creation of a new habitat which are intending to compensate for the loss of habitat in the protected site, are difficult to predict with any degree of certainty and would only become apparent several years into the future. In that particular case, the benefits from the creation of new nature reserves were considered uncertain.

The judgement in *Hilde Orleans* reinforces the position which we have maintained throughout the examination, that it must be possible to conclude, beyond reasonable scientific doubt, that the proposed measures will be effective, to be determined at the

Appropriate Assessment stage. From our understanding, reasonable scientific doubt is likely to still remain at the point of the Appropriate Assessment, and, as such, it cannot be concluded with certainty that the proposed measures will amount to mitigation when following case law such as *Hilde Orleans*.

RQ.45 [To NRW] are NRWs 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.

Please see Annex C of our Deadline 5 submission [REP5-069] for our comments on the updated Curlew Mitigation Strategy (CMS), including the remaining actions to resolve our outstanding concerns.

We are also awaiting further existing data from the Applicant, as follows:

1. Survey data from the Deeside Naturalists' Society for the years 2022 to 2025 (Jan to Dec) covering (1) the 2 development fields and (2) compartments 1 and 2. The data shall differentiate spatially between birds observed on the development fields and the compartments.
2. Ornithological survey data from Uniper for the same years and same areas as in 1 above. It is understood that, as part of the ongoing management plan from previous developments, Uniper employed an ornithologist to survey the development area (or parts of it). Any survey data for birds within the development fields and/or compartments 1 and 2 should be provided.

Until this data has been received and we have had the opportunity to review, we are unable to conclude whether the land at the application site is functionally linked for any other species features.

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 AEol on the Dee Estuary SAC, SPA and Ramsar site?

The Appendix 8-D: Air Quality Operational Assessment report indicates that acid deposition Process Contribution (PC) at the defined Traffic Ecological receptors for the Dee Estuary SAC/SPA/Ramsar site (TE8a, TE8b and TE8c) for the proposal alone is less than 1% of the acid critical load and the Predicted Environmental Concentration (PEC) is less than the critical load. Table D7 indicates that acid deposition PC at TE8a is greater than 1% of the critical load (2.3%), however the PEC is less than the critical load.

Due to the temporary nature of the emission and the acid deposition is predicted not to exceed the acid critical load for the Dee Estuary SAC, SPA and Ramsar site, we agree that the proposal would not result in an Adverse Effect on Integrity (AEol) on the above sites due to acid deposition from construction exhaust emissions.

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?

In respect of further habitat improvements to either mitigate or compensate for the atmospheric Ndep emissions impact to the Annex I saltmarsh habitat, we have identified three locations within the Dee estuary for further appraisal as to their suitability for saltmarsh enhancement measures, subject to feasibility and third-party landowner/manager agreement. We shared outline details of these sites with the Applicant via email on 24/02/26. However, we have not received any further correspondence from the Applicant regarding this.

Further to this, paragraph 10, Annex A of our Deadline 5 submission [REP5-069] referenced ongoing work that we have commissioned to investigate the placement of 'polders' in the Dee estuary following a recent case study of these being implemented in the Severn Estuary SAC at Rhymney Great Wharf, to help create new areas of intertidal habitat. The Applicant subsequently asked for details about the likely costings of such works, which we supplied via email on 27/04/26. We have not received any further correspondence regarding this since then.

On 01/05/26 the Applicant submitted a technical note to us regarding potential funding of saltmarsh management measures within the Dee estuary. We subsequently provided our comments on this to the Applicant on 12/05/26, as follows:

"If it could be demonstrated that the proposed management would be additional to everyday or planned management by the landowner/manager under any statutory duties, we consider that funding appropriate management activities could be a feasible option to consider further. However, more detail would be needed about the management activities proposed, their extent/location and whether this would target appropriate saltmarsh species."

"The proposed funding appears to be too low, for example there are options for saltmarsh management under the countryside stewardship scheme in England which have higher payments than that proposed (see: £724 per hectare (ha) per year in "CCT3: Manage coastal saltmarsh and its vegetation" - GOV.UK). However, it is difficult to fully advise on the appropriateness of any proposed funding without more information about the type of management proposed. The cost of the management would depend on what is being undertaken and may depend on whether the landowner already has the equipment and staff to undertake the management duties or whether there are any capital costs. As an approximation for mowing, for example, costs could be based on the area that needs management, staff costs, and mowing equipment costs. We therefore advise that the actual cost of onsite management for a specific action should be investigated, for example, mowing or grazing with "no fence" livestock collars. However, this would also need to be discussed and agreed with the relevant landowner/manager, unless it was part of a wider project with them."

The Applicant has since responded to our feedback on 18/05/26 and has updated their calculation based on a £724 per hectare value which increases the contribution. We advise that the rate of inflation over the 30-year management period would have to be addressed to ensure management actions continue to be financially viable over this timescale.

Plans showing potential areas to receive saltmarsh management enhancement via the additional funding have also been provided, by the Applicant on 20/05/26, totalling approximately 20ha; all areas are within the Dee Estuary SAC. Specific management actions and locations are yet to be identified. We advise that a schedule for timings for actions should be provided, allowing for management actions to be spread throughout the 30-year period, however an element of flexibility relating to actions and should be factored in to include for contingency plans.

We consider that appropriate enhancement measures could include:

- Mowing coarse grasses to enable greater plant diversity
- Support for cattle grazing such as 'no-fence collars' and infrastructure such as stock handling pens.

Additionality to existing management obligations would need to be established for all management actions and specific locations where perhaps management may be part of the normal management practices. We welcome the Applicant's confirmation that such actions "would be additional to everyday or planned management by the landowner/manager under any statutory duties, the legal agreement will require these funds to be used to address any additional management burden."

We advise that appropriate measures could be formalised within a Nitrogen Management Plan to be produced by the Applicant and secured with a Section 106 Agreement to mitigate the Ndep impacts on the Atlantic salt meadows within the Dee Estuary SAC. The following elements should be included in such a plan:

- Timings of management schedules for a thirty-year period
- Outline of the management units and associated actions
- Details of any monitoring/ adaptive management
- Recording and reporting the management undertaken

The Applicant should provide justification for the type and quantity of management measures to be completed under additional funding and how this will maintain the integrity of the European sites network to the satisfaction of the Competent Authority.

RQ.52 [to NRW] can NRW provide details of the additional mitigation measures it is seeking?

Please refer to our response to RQ.51 above in respect of additional measures that NRW consider could be acceptable to either mitigate or compensate for the atmospheric Ndep emissions impact to the Annex I saltmarsh habitat.

However, please note that our advice is based on the following information limitations:

- We note that further in-combination effects assessment is likely to be required to inform the HRA process (see RQ.6 above), which could alter the predicted extent of saltmarsh to be affected in-combination with other projects.
- The EPR application is currently being determined and includes a detailed review of the submitted air quality information. Again, any further updates to air quality information following this process could affect the outcome of our advice regarding quantifying mitigation/compensation measures that we consider acceptable.
- Compensation/mitigation for nitrogen deposition and habitat degradation is novel, and we have not found any previous cases which could be used as a reference point in this situation.

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.

In our Deadline 4 response [REP4-091, Annex A] we noted that the Applicant's predicted in-combination nitrogen deposition process contribution had reduced from 2.1% of the critical load to 1.8% at this site as a result of the changes made to the emission source parameters.

We are satisfied that a Section 106 Agreement between the Applicant and Flintshire County Council is an appropriate method of securing the proposed financial contribution towards the mitigation measures to control any increase in nitrophilous species, such as bramble, nettles and cleavers. We have received draft copies of the additional site management mitigation proposals to be secured by Section 106 Agreement and provided feedback to the Applicant about this on 27/02/26 and 08/05/26. While we are mostly satisfied with the adequacy of the mitigation measures, we are unable to fully confirm this at Deadline 6 as we have not yet received feedback from the Applicant regarding our remaining comments dated 08/05/26, as follows:

- It may be beneficial to reduce the time between surveys to 5 years at least initially to identify any sudden increases in nitrogen-demanding species outcompeting woodland species. We would suggest Phase 1 surveys in year 1, 5 and 10, and then if there is no major increase in species such as nettle, cleavers or bramble, then increase the frequency to 10-yearly intervals.
- In addition to the Phase 1 surveys, we advise monitoring of N-demanding species at the same time (e.g. bramble, cleavers and nettle); Phase 1 surveys will probably not show much change, but monitoring the frequency and cover of these three species might help target mitigation management.
- It is also worth considering the potential for grazing of the woodland by cattle (perhaps with collars) to control bramble if it suddenly increases in cover, potentially due to elevated N levels.
- Three ponds should be cleared per annum based on FCC's annual GCN surveillance measures. We advise that you liaise with FCC's ecologist for further information regarding this.

- GCN monitoring should be included to inform whether management of the ponds is being effective and to demonstrate no detriment to the maintenance of GCN Favourable Conservation Status and No Adverse Effect on Site Integrity for the GCN feature of the site.

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.

Except for barge movements (please see our response to RQ.58 below), we are satisfied with the Applicant's approach and conclusion for noise disturbance on the qualifying features of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site during construction.

We have previously advised the use of the TIDE Waterbird Disturbance Mitigation Toolkit to assess the impact of noise disturbance on the qualifying features of the Dee Estuary SPA and Ramsar site.

Noise modelling results produced by the Applicant confirmed that with acoustic fencing, at no point in any habitats site would noise levels exceed 60 dB during 'site enabling works', 'main civils works', and 'plant installation works'.

For works where noise levels will exceed 60dB even with the use of acoustic fencing (water connection works and surface water outfall works), the Applicant has committed to completing these works outside the sensitive period of the Dee Estuary SPA (September to March).

The Applicant also states that at no point within the Dee Estuary / Aber Dyfrdwy SPA / Ramsar site are L_{max} noise levels during construction forecast to exceed the baseline levels measured by the Applicant and as stated in the TIDE toolkit.

Low noise level effects are defined as noise which is unlikely to cause a response in birds; noises less than 55dB are included in this category along with noise between 55-72dB in some highly disturbed areas e.g. industrial or urban, may feature a low level of disturbance provided noise was regular to allow habituation. This would apply in this case.

We also note that additional measures to minimise noise are planned and will be finalised at the detailed design stage.

Therefore, with use of the proposed mitigation measures, we agree with the conclusion of no likely significant noise disturbance effects would arise alone or in-combination with other plans or projects.

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.

We note the previous concerns raised by NE regarding increased barge movements during construction on the qualifying features of the Dee Estuary SPA and Ramsar site, and that NE are now deferring to NRW for further advice due to the location of such impacts.

We understand that the concern relates to an intensification of barge movements during construction and the Applicant's statement that there would be no "meaningful difference" to background noise conditions. We concur with the concerns raised by NE and their advice for the Applicant to provide further clarity regarding the meaning of the phrase no "meaningful difference" as well as information on barge movement numbers, which should include.

- 1) Details on the number / percentage increase of vessels planned to be used.
- 2) Details on the timing and route of vessel movement through the SPA.
- 3) Clarification on whether the noise modelling and contour maps include noise from vessel loading/unloading and vessel movement.

RQ.59 [to NRW] are NRW satisfied with the applicant's approach and conclusions in regard to 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.

We are satisfied with the Applicant's approach and conclusions regarding lighting.

We are satisfied that there will be no direct lighting of the Dee Estuary SPA and Ramsar site, and with the existing bund and 250m gap, disturbance to qualifying features associated with the Dee Estuary SPA and Ramsar site will be minimal and therefore AEol can be ruled out for lighting during operation.

ANNEX B – NRW RESPONSES TO THE EXAMINING AUTHORITY’S SECOND ROUND OF QUESTIONS (ExQ2)

Please find below NRW’s responses (right hand column) to the Examining Authority’s second round of questions (ExQ2):

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
6. Air Quality			
ExQ2 6.1	The applicant NRW	<p>Nitrogen and ammonia deposition</p> <p>In the applicant’s reply to ExQ1 6.9 it is noted that it is proposed to realign the flood defences to allow saltmarsh to be created to compensate for the potential nitrogen and ammonia deposition at the Dee Estuary SAC/SPA/Ramsar site and the Deeside & Buckley Newts SAC. What is the assessment of this benefit of new saltmarsh versus the proposed increased in deposition of nitrogen and ammonia deposits over the wider sites? It is noted that the extent of saltmarsh creation is assessed against the proposed footprint of habitat loss from the construction works for the outfall, but given its provision to offset the nitrogen and ammonia deposition also, where is the measure of this effectiveness? Also this proposal appears to conflict slightly with the later statement in ExQ1 6.18 where it is stated that, firstly the saltmarsh is not being created but allowing natural processes to prevail and reinstate saltmarsh; and that secondly the saltmarsh creation is not behind undertake to address air quality impacts. Please can this be clarified and</p>	<p>We note the reference to the Deeside and Buckley Newt Sites SAC in the ExA’s question in relation to the proposed realignment of flood defences to compensate for potential nitrogen and ammonia deposition. However, we understand that the Applicant only proposes this to offset the predicted nitrogen deposition impacts on the Dee Estuary SAC/SPA/Ramsar site, not the Deeside and Buckley Newt Sites SAC. The final bullet point of the Applicant’s response to ExQ1 6.9 [REP3-059] refers to the separate proposed measures for the Deeside and Buckley Newt Sites SAC (referred to in the response as by its SSSI name: “Connah’s Quay Ponds and Woodlands”).</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
		also advise if it's the Applicant's wish for the newly reinstated saltmarsh to be considered to address multiple impacts.	
9. Terrestrial and aquatic ecology			
ExQ2 9.1	The applicant NRW	<p>Gronant fields site ([REP5-032] Ref: 6.13.4)</p> <p>Noting the existing survey records for the bird species at the Gronant fields site, what impact is the intention to dedicate the site to relocation of species from the Connah's Quay site likely to have on the existing species use, and how will the planned works to develop the Gronant files site and make it more attractive to the displaced species impact these existing species.</p> <p>Please update with the continued appropriate evidence of the existing use of the Gronant field sites by other species, in particular scheduled species and what are the likely impacts on these existing species of the planned relocation of additional species to the site.</p> <p>Please verify if the Gronant fields site is already behaving as functionally linked land or not.</p> <p>If works are required to the Gronant fields site to make it suitable for the use of Curlew as proposed in the Curlew Management Strategy, will this work require separate permissions, how will these be</p>	<p>Please refer to Annex C of our Deadline 5 response [REP5-069] for our recent comments on the proposed use of the Gronant Fields site, including further clarification on how the CMS considers other qualifying bird species of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site.</p> <p>Gronant Fields are not functionally linked land, they are already part of the Dee Estuary SPA and Ramsar site.</p> <p>We shared WeBS data for the Gronant Fields site with the Applicant on 13/05/26, following their request for this information. Data is available from October 2015 to March 2026. However, data was not recorded between October 2017 and March 2022. There is therefore a data gap of five years, with six years of data available in total. Field counts are separated into sub-compartments, field parcels 93 to 108 being those applicable to the Applicant's Gronant Fields site.</p> <p>We consider that these data, once analysed by the Applicant, in combination with their own data, may be used to inform responses to the ExA's questions about existing bird use of the site and functional linkage.</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
		<p>secured and what are the risks that they may not proceed if the proposed development application is successful but the proposed works to the Gronant fields site cannot be achieved?</p>	<p>From a preliminary investigation of the WeBS data, we have identified that curlew have been found in eight of the field parcels, evenly spread across the site. Abundance is often relatively low, therefore there appears to be a good opportunity to enhance the land for curlew. Other notified bird species recorded within the site include, but are not limited to, mallard, oystercatcher, redshank, black-tailed godwit, and lapwing.</p> <p>We would expect the future management options to accommodate these and other notified bird species, by suitable habitat management in areas not dedicated to curlew. Whilst we accept that the primary driver for the management of this land is the loss of FLL for curlew, as the land is already designated for a range of other nationally and internationally important bird species, including those mentioned above, the curlew monitoring and management plan should also consider these species.</p> <p>With regard to separate permissions in addition to the DCO and associated requirements, in previous similar cases we have found it useful to regularise relevant Wildlife and Countryside Act permissions with a Section 16 management agreement, as this avoids the need for any additional Section 28 permissions that may occur on an ad hoc basis. We have previously advised for this approach to be considered in this case.</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
11. Water environment and flood risk			
ExQ2 11.1	The applicant NRW	<p>Surface water collection, discharge, and protection of the environment ([CR1-022] Ref: 6.2.5.3.40 & [REP4-038] Ref: 5.3 OSWDS)</p> <p>In the applicant's reply to ExQ1 11.3 it is advised that "There are no open watercourses located on the Main Development Area. The nearest downstream watercourses are located beyond the north-east boundary, within the adjacent Dee Estuary / Aber Dyfrdwy SAC, which is within an area of saltmarsh". Old Rockcliffe brook appears to cross the main development area and Oakenholt brook appears to in close proximity also to the north of the main development area. It is understood that these brooks may not be open channel watercourses and possibly culverted through the site, but the given the area is already disturbed by these features would it not be possible to divert surface water collection from the proposed development and connect or discharge to these watercourses rather than constructing a new headwall within the estuary. What is the capacity of these brooks to receive additional flows, and if culverted what would be the impact of increasing the culvert sizes as opposed to constructing the proposed outfall within the estuary?</p>	<p>We note that the watercourses identified are classed as "ordinary watercourses" under the Flood and Water Management Act 2010. Therefore, we advise consultation with the relevant Lead Local Flood Authority for information regarding their capacity to receive additional flows and the impact of increasing culvert sizes.</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
ExQ2 11.2	<p>The applicant</p> <p>NRW</p>	<p>Flood risk ([CR1-032]</p> <p>What is the risk of multi-variate coastal overtopping from the combined action of high tides, surge, waves including wind waves, swell waves and long period waves at the site; and does this present a different flood risk scenario to the extreme water level assessment presented?</p> <p>Given the exposed coastal nature of the proposed development, what is the risk of overtopping and breach of the flood defences and does this exacerbate the flood risk scenario?</p>	<p>Whilst the extreme sea level values used in the modelling work include surge profiles for the high tides, waves are not included. A multiple-variable scenario accounting for waves would produce a different scenario.</p> <p>We advised the authors of the FCA/hydraulic model (email dated 03/10/2024) – <i>“For Coastal and Estuarine sites, NRW will require assessment of wave overtopping. It is up to the developer to justify why an assessment isn’t required and should be appropriately documented if this is the case.”</i> We then went on to advise (response on 17/10/2024) that <i>“....It’s unlikely that wave overtopping is a significant risk at the site and that overtopping risk (and associated breach) from still water level is likely to be the dominant risk...”</i>.</p> <p>As the defences are not owned/maintained by NRW (or another Flood Risk Management authority) an undefended scenario was assessed as part of the modelling works to inform the FCA. It was agreed that a breach scenario would not be required because the defence does not afford complete protection to the site.</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
		<p>It is noted in the applicant's reply to ExQ1 that a range of climate change scenarios has been considered but with regards to the assessing credible maximum scenarios for nationally significant infrastructure projects as set out in government guidance, can the applicant confirm that the full range of scenarios has been considered, specifically including the H++ sea level rise assessment for critical national infrastructure.</p>	<p>The consequences of flooding associated with breaches in linear/complete defences would usually be considered as being severe.</p> <p>We consider that the Applicant is best placed to advise on this. We previously advised the Applicant that they should approach the determining body to ascertain which climate change allowance scenarios should be considered.</p>
ExQ2 11.3	The applicant NRW	<p>Foul water services ([CR1-020] Ref: 6.2.4.2.50 & [CR1-32] 6.2.13..3.10)</p> <p>Why is the part of the existing foul water treatment at the site "sub-optimal" and being collected and taken away for disposal and can the applicant advise how this will not be the same situation for the proposed development?</p>	<p>We note that this question relates to the Applicant's existing foul water disposal and hence consider them to be best placed to advise about this, along with how this would relate to the proposed development.</p> <p>With regards to permitting foul water discharge from the proposed installation, due to the tidal regime and time limits on discharge, a combined foul and process water discharge has previously been deemed acceptable for this site, and this same arrangement will be determined as part of the new EPR application.</p>

Question Reference	Respondent:	Examining Authority Question:	NRW Response:
14. Physical processes			
ExQ2 14.1	The applicant NRW	<p>Shoreline management</p> <p>It is noted that the proposal to realign the defences to south of the proposed development within the C&IEA is contrary to the preferred policy within the shoreline management plan. What implication does this have for other stakeholders and signatories to the shoreline management plan, what is the risk that the rate of inundation of the set back site will accelerate as is common where managed realignment activity takes place and what does this mean for rates of coastal erosion adjacent to the site of the proposed managed realignment?</p>	Please refer to our response to RQ.38 in Annex A above in relation to our remit regarding the SMP.

ANNEX C – NRW FEEDBACK ON THE RIES, ANNEX 1

NRW has reviewed and edited the ExA's RIES Annex I tables where applicable and our feedback on these is presented below.

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

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 AEol cannot be excluded

X = LSE or AEol 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 AEol (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	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ²	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	N ³	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?

² Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

³ The capacity of the outfall and intake structures and the rate of discharge into the estuary would be the same design as the existing power station. Therefore, there would be no change (associated with scour and erosion) to the riverbed as water is discharged into the estuary. The only outstanding issue with water flow is the impact of the barges during construction resulting in scour. Please refer to Annex A, RQ.31 for our comments regarding this.

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	✓	n/a	n/a	X	n/a	N	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?
	<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	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ⁴	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	N ⁵	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?

⁴ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

⁵ The capacity of the outfall and intake structures and the rate of discharge into the estuary would be the same design as the existing power station. Therefore, there would be no change (associated with scour and erosion) to the riverbed as water is discharged into the estuary. The only outstanding issue with water flow is the impact of the barges during construction resulting in scour. Please refer to Annex A, RQ.31 for our comments regarding this.

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
	• Vegetated sea cliffs of the Atlantic and Baltic Coasts	Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y ⁶	?
	• Embryonic shifting dunes	Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> "white dunes"	Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y ⁷	?
	• Fixed coastal dunes with herbaceous vegetation "grey dunes"									
	• Humid dune slacks									
	• Sea lamprey	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
• River lamprey	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y ⁸	?	

⁶ Please note that the "Estuaries" feature has a critical load of 10 kgN/ha/yr. However, this applies to the saltmarsh component of the feature. Therefore, for areas of "Estuaries" with Atlantic salt meadow we disagree with the Applicant's opinion of no AEol. However, this is covered in the assessment of Atlantic salt meadows feature.

⁷ Note for context: While we agree that the introduction of INNS in relation to construction and decommissioning is unlikely to cause AEol on the mudflat and sandflats, saltmarsh and estuaries features, this is based on the understanding that the Applicant will produce a full biosecurity risk assessment as part of the construction and decommissioning works, particularly in relation to increased vessel movements.

⁸ Not listed as a pathway in Appendix G of the RIHRA.

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
		Noise and visual disturbance	X	n/a	X	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ⁹	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y ¹⁰	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y ¹¹	?
		Barriers to movement	X	n/a	X	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?
	• Petalwort	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

⁹ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA. These receptors could potentially be affected by poor water quality *if* at AA the Applicant cannot conclude no AEol.

¹⁰ Listed as hydrological changes in Appendix G of the RIHRA.

¹¹ All three impact pathways of atmospheric pollution are listed as one in Appendix G of the RIHRA.

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
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?

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 AEol (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Dee Estuary SPA	Wintering bird species: <ul style="list-style-type: none"> • curlew • bar-tailed godwit • pintail • teal • dunlin • knot • oystercatcher • black-tailed godwit • grey plover • shelduck • redshank 	Direct loss of/ damage to qualifying habitat	?	?	?	n/a	n/a	n/a	Y ¹²	?
		Loss of FLL	✓	✓	✓	X	X	X	N	N
		Noise and visual disturbance	✓	?	✓	X	n/a	X	N ¹³	?
		Water quality	X	X	X	n/a	n/a	n/a	N ¹⁴	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?

¹² We do not believe that there would be any direct loss of SPA qualifying habitat as the salt marsh feature falls within the Dee Estuary SAC and Ramsar site.

¹³ This relates to concerns around increased vessel movements (see Annex A, RQ.58). While we do not foresee this as likely to have an AEol we have advised that some more information is provided (see Annex A, RQ.58) to confirm this before we can finalise agreement.

¹⁴ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

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
	Waterbird assemblage	Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N ¹⁵	N
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y ¹⁶	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?
	Breeding bird species: • little tern • common tern	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Passage bird species: • sandwich tern	Noise and visual disturbance	✓	?	✓	X	X	X	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ¹⁷	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?

¹⁵ Please note that for "Limosa limosa islandica (Iceland - breeding)" and "Numenius arquata (Europe - breeding)" species, APIS defines these as potentially N-sensitive due to potential negative impacts on the species' broad habitat. A critical load of 10 kgN/ha/yr is defined for the broad habitat of Littoral sediment; however, this applies to the saltmarsh component of the feature.

¹⁶ We do not foresee any risk to flight paths of qualifying bird features using the designated site. Based on known roost and feeding locations of wintering waders and wildfowl and breeding terns, flight paths between roost sites and feeding sites will not include the development area.

¹⁷ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

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	Y	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?

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 AEoI (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: <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	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ¹⁸	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	N ¹⁹	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?

¹⁸ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

¹⁹ The capacity of the outfall and intake structures and the rate of discharge into the estuary would be the same design as the existing power station. Therefore, there would be no change (associated with scour and erosion) to the riverbed as water is discharged into the estuary. The only outstanding issue with water flow is the impact of the barges during construction resulting in scour. Please refer to Annex A, RQ.31 for our comments regarding this.

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	✓	n/a	n/a	X	n/a	N	N
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?
	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: <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals 	Direct loss of/ damage to qualifying habitat	X	X	X	n/a	n/a	n/a	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ²⁰	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	N ²¹	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	Y	?

²⁰ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA.

²¹ The capacity of the outfall and intake structures and the rate of discharge into the estuary would be the same design as the existing power station. Therefore, there would be no change (associated with scour and erosion) to the riverbed as water is discharged into the estuary. The only outstanding issue with water flow is the impact of the barges during construction resulting in scour. Please refer to Annex A, RQ.31 for our comments regarding this.

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"> colonizing mud and sand • Estuaries 	Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
	<ul style="list-style-type: none"> • Annual vegetation of drift lines • Vegetated sea cliffs of the Atlantic and Baltic Coasts 	Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	N ²²	N
	<ul style="list-style-type: none"> • Embryonic shifting dunes 	Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	<ul style="list-style-type: none"> • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> "white dunes" • Fixed coastal dunes with herbaceous vegetation "grey dunes" • Humid dune slacks 	Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?

²² Please note that the "Estuaries" feature has a critical load of 10 kgN/ha/yr. However, this applies to the saltmarsh component of the feature. Therefore, for areas of "Estuaries" with Atlantic salt meadow we disagree with Applicant's opinion of no AEol. However, this is covered in the assessment of Atlantic salt meadows feature.

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
	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	Y	?
		Loss of FLL	X	X	X	n/a	n/a	n/a	Y	?
		Noise and visual disturbance	X	X	X	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?

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 5 – assemblages of international importance	Direct loss of/ damage to qualifying habitat	?	?	?	n/a	n/a	n/a	N ²³	?
		Loss of FLL	✓	✓	✓	X	X	X	N	N
	Ramsar criterion 6 – species/populations occurring at levels of international importance:	Noise and visual disturbance	✓	?	✓	X	X	X	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ²⁴	?
	<ul style="list-style-type: none"> • redshank • teal • shelduck • oystercatcher • curlew • pintail • grey plover • knot • dunlin • black-tailed godwit • bar-tailed godwit 	Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	✓	n/a	✓	X	n/a	X	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		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	Y	?

²³ This relates to the loss of qualifying Atlantic salt meadows feature of the site as a supporting habitat for the ornithological features.

²⁴ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA. These receptors could potentially be affected by poor water quality *if* at AA the Applicant cannot conclude no AEol.

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
		Introduction of INNS	X	n/a	X	n/a	n/a	n/a	Y	?

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 AEol (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	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

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
	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	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y ²⁵	?
		Noise and visual disturbance	?	?	?	n/a	n/a	n/a	Y ²⁶	?
		Water quality	X	X	X	n/a	n/a	n/a	N ²⁷	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y	?
		Barriers to movement	X	n/a	X	n/a	n/a	n/a	Y	?
	Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?	
	Otter	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
Loss of FLL		?	n/a	?	n/a	n/a	n/a	Y	?	

²⁵ Not listed as a pathway in Appendix G of the RIHRA.

²⁶ We agree with the conclusions of the RIHRA regarding this feature and impact pathway.

²⁷ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA. These receptors could potentially be affected by poor water quality *if* at AA the Applicant cannot conclude no AEol.

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
		Noise and visual disturbance	X	X	X	n/a	n/a	n/a	Y	?
		Water quality	X	X	X	n/a	n/a	n/a	N ²⁸	?
		Water quantity, level and flow	X	X	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	n/a	n/a	Y	?
		Barriers to movement	X	n/a	X	n/a	n/a	n/a	Y	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

²⁸ Note for context: The Applicant screened this out in the RIHRA, NRW disagreed. The Applicant has now committed to screen it in for AA in their RIHRA. This receptor could potentially be affected by poor water quality *if* at AA the Applicant cannot conclude no AEol.

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 AEol (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	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Great crested newt	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?

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	Y	?
		Atmospheric pollution – operational traffic and stack emissions	n/a	✓	n/a	n/a	X	n/a	Y	?
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

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 ²⁹	NE	
Mersey Estuary SPA	Non-breeding birds:	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?	
		• shelduck									
		• teal	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
	• golden plover	• pintail	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
		• dunlin	Water quality	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
		• black-tailed godwit	Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
	• redshank	Waterbird assemblage	Atmospheric pollution – exhaust emissions	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
			Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	n/a	?
			Atmospheric pollution – operational traffic	n/a	X	n/a	n/a	X	n/a	n/a	?

²⁹ We defer to NE's advice for this site as it is located wholly within England.

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 ²⁹	NE
		and stack emissions								
		Barriers to movement	n/a	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	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 AEoI (alone or in combination)			Agreement with		
			C	O	D	C	O	D	NRW ³⁰	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	n/a	?	
	Ramsar criterion 6 – species/ populations occurring at levels of international importance: <ul style="list-style-type: none"> • shelduck • black tailed godwit • redshank <ul style="list-style-type: none"> • teal • pintail • dunlin 	Loss of FLL	n/a	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	n/a	n/a	?
		Water quality	n/a	n/a	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	n/a	n/a	?
		Atmospheric pollution – exhaust emissions	n/a	n/a	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	n/a	n/a	?

³⁰ We defer to NE's advice for this site as it is located wholly within England.

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 ³⁰	NE
		dust deposition								
		Atmospheric pollution – operational traffic and stack emissions	n/a	X	n/a	n/a	X	n/a	n/a	?
		Barriers to movement	n/a	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	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 AEoI (alone or in combination)			Agreement with	
			C	O	D	C	O	D	NRW	NE
Halkyn Mountain SAC	Calaminarian grasslands	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Dry heathland									
	Calcareous grassland	Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Molina meadows	Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Great crested newt	Water quality	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
	Atmospheric pollution – operational traffic	n/a	X	n/a	n/a	n/a	n/a	Y	?	

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
		and stack emissions								
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

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 AEoI (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 Calcareous grassland Alluvial alder woodland	Direct loss of/ damage to qualifying habitat	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Loss of FLL	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Noise and visual disturbance	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quality	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Water quantity, level and flow	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Atmospheric pollution – exhaust emissions	X	n/a	X	n/a	n/a	n/a	Y	?
		Atmospheric pollution – dust deposition	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Atmospheric pollution – operational traffic	n/a	X	n/a	n/a	n/a	n/a	Y	?

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
		and stack emissions								
		Barriers to movement	n/a	n/a	n/a	n/a	n/a	n/a	Y	?
		Introduction of INNS	n/a	n/a	n/a	n/a	n/a	n/a	Y	?

ANNEX D – NRW COMMENTS ON THE UPDATED SALTMARSH CREATION STRATEGY

In relation to the direct habitat loss associated with the new surface water outfall, NRW has reviewed the updated “Saltmarsh Creation Strategy” [REP5-035] and as detailed in the Applicant’s response to Deadline 4 submissions [REP5-062].

Overall, we welcome the amendments made to the Saltmarsh Creation Strategy (SCS). Our remaining comments are as follows.

We agree with the Applicant that, given that the Saltmarsh Creation Area is set back from the channel edge it is sheltered from waves and therefore the wave data suggested would not provide any benefit to its design development (Ref. 18, REP5-062). However, we advise that collation of tidal current velocity data within the Saltmarsh Creation Area would help inform culvert/ breach design and potential adaptive management if the breach needed to be altered.

We note that the Applicant is considering whether to include a controllable inlet (culvert) into the Saltmarsh Creation Area (Ref. 19, REP5-062). We agree that, although modelling could inform designs of a breach/culvert, using the results of surveys proposed to finalise the Saltmarsh Creation Area would be a proportionate approach. Additionally, we note that Sections 5.4.26 - 5.4.28 of the SCS outline appropriate monitoring to detect whether adjustments in the breach/design of the culvert are needed, with provisions for corrective actions.

However, we advise that an additional bullet point regarding this should be added to paragraph 5.4.27 of the SCS which states “Adjustment of breach/culvert design to manage velocity/sediment accretion.”

We also advise that Section 5.2: Implementation should be altered accordingly if it is decided to use a controllable inlet instead of “setting back the embankment” and further information provided about how it will be operated, its dimensions and details of how any associated impacts will be monitored and reported.

We recommended that post-breach tidal data were collected to inform whether tidal levels had been achieved (Ref. 20, REP5-062). However, we note that the Applicant believes the existing surveys would provide sufficient information. We still consider that tide gauge monitoring would be beneficial to detect whether the managed realignment site is hydrodynamically functioning as intended. We would welcome further discussions with the Applicant to discuss further details of the final scope of post-intervention surveys during the development of the Saltmarsh Implementation and Monitoring Plan.

ANNEX E – NRW COMMENTS ON THE APPLICANT’S UPDATED DOCUMENTS REGARDING DEFINITION OF ‘IN PERPETUITY’ FOR HABITATS REGULATIONS ASSESSMENT

NRW has reviewed the following updated documents regarding the Applicant’s definition of ‘in perpetuity’ relating to Habitats Regulations Assessment.

- Report to inform Habitats Regulations Assessment (Tracked) Rev 03 [REP5-031]
- Curlew Mitigation Strategy (Tracked) Rev 02 [REP5-033]
- Saltmarsh Creation Strategy (Tracked) Rev 01 [REP5-035]
- Chapter 11: Terrestrial and Aquatic Ecology [REP5-012]

Overall, we welcome the amendments regarding this and consider the matter to be largely resolved. However, to ensure it is clear that the Functionally Linked Land is to be reinstated to its existing or materially similar condition for curlew we have advised that paragraph 3.5.5 of the Curlew Mitigation Strategy (and any other references to the same matter within related documents) should be amended. We are currently in discussion with the Applicant regarding this.