



**Connah's Quay Low Carbon Power  
NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT  
FLINTSHIRE COUNTY COUNCIL**

Interested Party Ref: [REDACTED]

**List of matters not agreed where SoCG could not be finalised  
Submitted at Deadline 6 – Friday 29 May 2026**

|                     |  |
|---------------------|--|
| <b>Proposal:</b>    | Application by Uniper UK Limited for a Development Consent Order |
| <b>Prepared by:</b> | [REDACTED], Senior Planning Officer, Flintshire County Council   |
| <b>Date:</b>        | 29 May 2026  |

**Application by Uniper UK for an order granting development consent for the Connah’s Quay Low Carbon Power Project (EN010166)**

**The Interested Party Flintshire County Council’s (FCC) list of matters not agreed where SoCG**

**Dated: 29 May 2026 Deadline 6**

The are 30 areas that are unresolved which relate to:

- **Draft Development Consent Order**
- **Noise and Vibration**
- **Traffic and Transport**
- **Terrestrial and Aquatic Ecology**
- **Net Benefit for Biodiversity**
- **Report to Inform the Habitats Regulations Assessment**
- **Landscape and Visual Amenity**
- **Cumulative and Combined Effects**
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The following table sets out the Interested Party Flintshire County Council’s (FCC) list of matters not agreed where SoCG could not be finalised. Please note that the information in these columns have been heavily amended for ease of reading. For the full context the reader must refer to the full SoCG submitted at Deadline 6.

**Table 1: Areas of Discussion with FCC**

| Ref  | Subject                                       | Relevant Application Document | Applicant’s Position   | FCC’s Position  | Status     | Likelihood of Resolution |
|--|---|-------------------------------|--|---|------------|--------------------------|
| <b>3.0 Draft Development Consent Order</b> |   |                               |  |   |            |                          |
| 3.1  | Part 2 – Applications made under requirements | <b>Draft DCO [REP3-003]</b>   | The 35-day timescale for discharge.<br><br>Extending this timescale to the requested 56 days would not be conducive to delivering the Proposed Development in the timely manner required. As set out in the <b>Planning Statement [APP-262]</b> , there is an urgent need for the Proposed Development to be delivered as a Critical National Priority Project. Accordingly, the five week timescale proposed by the Applicant is justified and necessary to ensure timely delivery of the Proposed Development. | This period is too short and not in accordance with standard timescales for determining applications. It is recommended that this be amended to 56 days (8 Weeks) to remain in line with the HyNet DCO, and others within the region, and gives comfort to Flintshire County Council to consider the requirement. | Not agreed | Unresolved               |
| 3.2  | Part 2 – Applications made under requirements | <b>Draft DCO [REP3-003]</b>   | The wording provided for in the <b>Draft DCO (EN010166/APP/3.1)</b> is longer than the precedent of the Hynet Order because the <b>Draft DCO (EN010166/APP/3.1)</b> allows for '10 business days' rather than just '10 days'.  | Part 2 of Schedule 2 ‘Further Information’ (24) sets out the timescales with regards to consultation on requirements which is to be undertaken by the approving authority.  | Not agreed | Unresolved               |

| Ref                              | Subject                           | Relevant Application Document   | Applicant's Position   | FCC's Position  | Status     | Likelihood of Resolution |
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|                                  |                                   |   | The Applicant considers the timescales within paragraph 24 (further information) to be highly standard, particularly in light of the amendment made to extend the backstop timescale within paragraph 26 to 56 days, and does not propose any amendment to this drafting.  | This allows a timeframe for any consultation responses to be returned to the undertaker. It allows 10 days to issue consultation from the date of receipt, then 10 days for comments to be turned around. This is considered to be too restrictive. There is little point of the 5 week total time (8 week requested) when this is the case in most discharges of requirements. |            |                          |
| <b>5.0 Noise and Vibration</b>   |                                   |   |  |   |            |                          |
| 5.3                              | Assessment outcomes               | <b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b> | The noise and vibration assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 9 Noise and Vibration (EN010166/APP/6.2.9)</b> .   | The Council does not agree that this is an appropriate criterion in a location where high noise levels already exist. The baseline survey notes that noise sources at night included the existing power station; the plant noise criterion is set 8dB higher than the current background that includes the existing power station.  | Not agreed | Unresolved               |
| 5.6                              | Residual effects after mitigation | <b>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</b> | The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.<br><br>The detailed design phase will primarily consider noise control at source. But optimised orientation, layout and screening will also be considered to provide additional levels of attenuation during propagation and contribute to achieving the specific sound levels at NSRs. | It remains the view of the Council that insufficient information to support the proposals being considered 'reasonably practicable' has been provided, and that a target increase limit of +8dB remains unacceptable.   | Not agreed | Unresolved               |
| <b>6.0 Traffic and Transport</b> |                                   |   |  |   |            |                          |
| 6.3                              | Assessment methodology            | <b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>         | The assessment methodology was agreed with FCC during a meeting in January 2025, as detailed in Error! Reference source not found..  | FCC still considers that further clarification is required on several methodological choices, particularly the absence of junction capacity modelling on Kelsterton Road, given   | Not agreed | Unresolved               |

| Ref  | Subject                           | Relevant Application Document   | Applicant's Position  | FCC's Position  | Status     | Likelihood of Resolution |
|------|-----------------------------------|---|---|---|------------|--------------------------|
|      |                                   |   |   | the scale of forecast construction traffic increases. While FCC accepts that the Applicant has followed industry standard sources and IEMA guidance, a more explicit justification of why professional judgement alone is sufficient in this context would strengthen transparency and confidence in the assessment.  |            |                          |
| 6.4  | Assessment outcomes               | <b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>                           | The traffic and transport assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 10 Traffic and Transport [APP-048]</b> .  | FCC considers that the conclusion, particularly in relation to Kelsterton Road, require further justification. In particular, FCC has concerns regarding the scale of forecast traffic increases (including 29% uplift during operation), and the absence of junction capacity or driver delay modelling. FCC is therefore not satisfied with that the effects can be appropriately characterised as negligible or minor adverse. | Not agreed | Unresolved               |
| 6.7  | Residual effects after mitigation | <b>ES Volume II Chapter 10: Traffic and Transport [APP-048]</b>                           | The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.  | FCC maintains that further clarity and quantitative evidence are required to demonstrate how these measures will effectively mitigate impacts on Kelsterton Road, particularly during peak construction periods. In the absence of defined thresholds, operational detail and assessed residual effects, confidence in the effectiveness of the proposed mitigation remains limited.  | Not agreed | Unresolved               |
| 6.17 | Proposed AIL delivery routes      | <b>Chapter 10: Traffic and Transport [APP-048]</b><br><b>Draft DCO (EN010166/APP/3.1)</b> | The Applicant needs to retain the potential use of all three delivery points during the construction of the Proposed Development. Each of the different routes has been identified to have different constraints and, therefore, a combination of the delivery points will be used.<br><br>The Applicant has prepared AIL Route Feasibility Cautions Assessment which was included as Appendix A of the <b>Framework CTMP</b> | FCC acknowledges the Applicant's justification for retaining all three AIL routes and the commitment to detailed assessment under Requirement 19 of the dDCO [REP5-004]. However, further clarity on the decision making process to minimise disruption and how localised impacts will be revisited at detailed design stage would be beneficial. At present, this is not   | Not agreed | Unresolved               |

| Ref  | Subject                   | Relevant Application Document   | Applicant's Position   | FCC's Position  | Status     | Likelihood of Resolution |
|------|---------------------------|---|--|---|------------|--------------------------|
|      |                           |   | <p>(EN010166/APP/6.6) which is retained in the Deadline 2 revision [REP2-025], based on all the known information, including reasonable assumptions.</p> <p>For further details on why the relevant DCO powers sought are justified, please refer to the Applicant's response to Q24.2 and Q24.9 below.</p>  | identified as a task to be undertaken at detailed design stage.   |            |                          |
| 6.18 | Alternative access routes | <p><b>Appendix 10-A Transport Assessment [REP1-016]</b></p> <p><b>Applicant's Response to ExQ1 [REP3-059]</b></p> | <p>The existing Connah's Quay Power Station is currently able to use this alternative site access off B1529 Kelsterton Road in Connah's Quay town. It is these rights that the Proposed Development seeks to replicate. This route includes a crossing over the North Wales Main Line railway and under the A548 Chester Road which then connects to the existing Connah's Quay Power Station internal road network.</p> <p>Paragraph 3.4.4 of the <b>Framework CTMP (EN010166/APP/6.6)</b> already confirms that the Alternative Access to the Main Development Area would not be used by any construction traffic unless in the event of an emergency.</p> | <p>FCC acknowledges that the alternative access is not expected to be used other than in emergency situations and is not included within the Transport Assessment. However, further clarification of the procedures governing its use, including an emergency access protocol, vehicle types and notification arrangements, would be welcomed and could be addressed through the detailed CTMP. This is currently not identified as a task to be undertaken at the detailed design stage.</p> | Not agreed | Unresolved               |

### 7.0 Terrestrial and Aquatic Ecology

|     |                         |  |  |   |            |            |
|-----|-------------------------|--|--|---|------------|------------|
| 7.1 | Study area and baseline | <p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>ES Volume IV Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys and Study Area [APP-190]</b></p> | <p>The baseline conditions have been collated using desk-based and field-based techniques. The scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>.</p> <p>The Applicant considers that the identified limitations do not affect the conclusions reached within <b>Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11)</b> or the <b>RIHRA (EN010166/APP/6.12)</b>.</p> | <p>FCC does not agree that the baseline is sufficiently robust to support the conclusions presented. FCC have noted deviations from best practices which are not adequately explained or justified through scientific reasoning, including reference to precautionary principles, within the assessments. FCC remains concerned that limitations/constraints and associated uncertainty reduce confidence in the assessment of effects derived from the baseline evidence.</p> <p>Study areas, survey methodologies and baseline for individual species are discussed individually below.</p> | Not agreed | Unresolved |
|-----|-------------------------|--|--|---|------------|------------|

| Ref | Subject  | Relevant Application Document   | Applicant's Position  | FCC's Position   | Status     | Likelihood of Resolution |
|-----|--|---|---|--|------------|--------------------------|
| 7.2 | Scope and methodology of terrestrial and aquatic ecology surveys | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>   | <p>The scope and methodology of the terrestrial and aquatic ecology surveys have been discussed and agreed upon with FCC as stated in FCC feedback received during Statutory Consultation.</p> <p>The Applicant has provided a response to comments raised by FCC at Deadline 4 <b>[REP4-089]</b> within the <b>Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27)</b>.</p>   | <p>FCC remains concerned that baseline surveys have not been conducted in accordance with this agreed scoping exercise. Without clearly defined limitations and uncertainties, the assessment outcomes cannot be considered reliable at this stage.</p> <p>Survey methodologies and baseline are discussed individually below, of which some are agreed.</p>   | Not agreed | Unresolved               |
| 7.4 | Study area, survey methodology and baseline for otter            | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b><br><br><b>ES Volume IV Appendix 11J CONFIDENTIAL Otter Technical Appendix [APP-201]</b> | <p>The Applicant notes that the terrestrial otter survey scope was discussed with Natural Resources Wales in a meeting on 5 March 2025 and no objections were raised by Natural Resources Wales.</p> <p>The Water Connection Corridor wasn't surveyed as it is regularly inundated by the tide and considered unsafe for surveyors to access to search for signs of otter. Additionally, any signs of otter (such as tracks or spraint) would be washed away by the tide. The Applicant is aware that otter is present within the Dee and due to its tidal nature the WCC is considered unsuitable for resting habitat/holts for otter. The works within the WCC are unlikely to disturb/impact foraging or commuting otter within the channel of the River Dee therefore, it is considered that the works within the Water Connection Corridor will not impact otter.</p> <p>The works at Connah's Quay North jetty are localised to a small area of habitat within the existing dock area. This habitat was considered unsuitable to support resting otter/holts and the works are unlikely to impact foraging/commuting otter within the Dee itself.</p> | <p>FCC raised concerns over the study area and survey methodology for otters in the LIR [REP2-021], and notes the Applicant's response in their response to the LIR [REP3-058].</p> <p>FCC acknowledges the Applicant's clarification that otter surveys were conducted 200m both upstream and downstream of the Order Limits, and notes that the reference to a 50m survey buffer in Appendix 11-J [REP3-020] was a typographical error that has now been corrected.</p> <p>However, Figure 11 J-3 in the Otter Technical Appendix 11-J [APP-020] still displays up to 50m survey areas and does not include the new jetty area, nor surveys associated with the water connection corridor entering the River Dee. Therefore, FCC's position remains due to uncertainty over study area and methodology in relation to the agreed scope and increased working area.</p> <p>The Applicant's reliance on anecdotal examples of otters occupying urban</p> | Not agreed | Unresolved               |

| Ref | Subject  | Relevant Application Document   | Applicant's Position   | FCC's Position  | Status     | Likelihood of Resolution |
|-----|--|---|--|---|------------|--------------------------|
|     |  |   |  | environments does not replace an evidence based assessment of impact risk at this site; disturbance effects must be considered in relation to site specific habitat use and the legal protection afforded to resting places, rather than generalisations regarding tolerance to human activity without consideration to otter behaviour   |            |                          |
| 7.5 | Study area, survey methodology and baseline for bats | <p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>Appendix 11G Bat Technical Appendix [APP-197]</b></p>                | <p>Paragraph 3.2.1 to 3.2.4 of <b>Appendix 11-G: Bat Technical Appendix [APP-197]</b> confirm that the Preliminary Bat Roost Assessment was comprised of a Daytime Bat Walkover (DBW) which included a Ground Level Tree Assessment (GLTA).</p> <p>Paragraph 4.2.1 of <b>Appendix 11-G: Bat Technical Appendix [APP-197]</b> confirms all buildings were assessed as negligible suitability for roosting bats and therefore no further surveys are required.</p> <p>Paragraph 4.2.3 of <b>Appendix 11-G: Bat Technical Appendix [APP-197]</b> confirms five trees (Tree A, Tree B, Tree C, Tree D and Tree E) and one tree group (Tree Group A) within the Survey Area were identified as having potential roost features present. All of these trees are to be retained as part of the Proposed Development and considering the buffer distances (30 m) noted within the Table 5 of the <b>Framework CEMP (EN010166/APP/6.5)</b> no further surveys are required.</p> | <p>While FCC acknowledges the applicant's 2024 survey work, it considers that these comprise Daytime Bat Walkovers (DBW), not PRAs undertaken in accordance with relevant bat survey guidelines (including for trees).</p> <p>Roost features identified on site have not progressed beyond the DBW stage and are therefore not adequately surveyed to provide confidence in the assessment of impacts on roosting bats. A stand off buffer does not remove the requirement to assess this as disturbance impacts may remain. FCC's concerns therefore remain regarding the adequacy of survey effort to support the application and the consequent understanding of potential impacts, and the need for mitigation, compensation, and bat licences.</p> | Not agreed | Unresolved               |
| 7.6 | Study area, survey methodology and baseline for GCN  | <p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>Appendix 11E Great Crested Newt Technical Appendix [APP-195]</b></p> | <p>The Applicant retains its position in points 13.26-13.28 and 13.147-13.153 within the Applicant's Response to the Local Impact Report [REP3-058] on its valuation and survey scope for great crested newt</p>   | <p>FCC retains its position in relation to the assessment of great crested newt pond suitability, connectivity and survey effort (including the need for further information on the order limit extension for the Jetty north of the River Dee) as well as the undervaluation of GCN.</p> <p>The Council's position is consistent with that of NRW's who have raised concern</p>  | Not agreed | Unresolved               |

| Ref  | Subject   | Relevant Application Document  | Applicant's Position  | FCC's Position   | Status     | Likelihood of Resolution |
|------|---|--|---|--|------------|--------------------------|
|      |   |  |   | around the valuation and assessment of GCN, particularly in relation to the Deeside and Buckley Newt Sites SAC.  |            |                          |
| 7.8  | Study area, survey methodology and baseline for birds | <b>Appendix 11D<br/>CONFIDENTIAL<br/>Ornithology Technical Appendix</b>  | The Applicant has updated <b>Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4)</b> to include additional data received from the Deeside Naturalists Society for Compartments 1 and 2 of the Conah's Quay Nature Reserve.   | FCC welcomes the addition of the Deeside Naturalists Society (DeeNATs) data into Appendix 11D Ornithology Technical Appendix, however in the absence of this data being integrated fully into the assessment, FCC retain concerns over the baseline data coverage and survey methods for birds.  | Not agreed | Unresolved               |
| 7.10 | Survey methodology for botanical and invasive species | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b><br><br><b>Appendix 11C<br/>CONFIDENTIAL<br/>Botanical Technical Appendix [APP-192]</b> | Whilst FCC's commentary is noted, Paragraph 3.2.5 of <b>Appendix 11:C- Botanical Technical Appendix [REP3-016]</b> notes it was not possible to access all habitats within the Repurposed Carbon Dioxide (CO <sub>2</sub> ) Connection Corridor (where no works are required). There were no other areas within the Construction and Operation Area where access restrictions were noted.                     | FCC maintains the position that survey methodology must include further details on these surveys, e.g. species lists are necessary for validating baseline assessments and undertaking a DECCA/NBB assessment. Further limitations (e.g. access constraints) should be clearly detailed within reporting. The botanical survey notes that some habitats were not accessible and mapped from aerial photos (e.g. within the connection corridor). There is no indication on the extent of the area which could not be surveyed nor the location of habitat mapped from aerial photos. For transparency this should be indicated clearly within text and figures to understand the limitations of the results. | Not agreed | Unresolved               |
| 7.11 | Survey methodology for botanical and invasive species | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b><br><br><b>Appendix 11C<br/>CONFIDENTIAL<br/>Botanical Technical Appendix [APP-192]</b> | As detailed in paragraph 2.3.1 of Annex B of <b>Appendix 5-B: Environmental Screening of the Hardstanding Expansion at Conah's Quay North Jetty [CR1-088]</b> , the Applicant acknowledges the survey was conducted outside the optimal survey season, however, due to the types of habitats present, this is not considered to affect the outcome of the ecology field survey and conclusions of the survey. | In relation to the hardstanding expansion in the jetty area, FCC maintains the position given the sub optimal time of year during which the UKHab survey was undertaken (November), there remains a significant risk that habitat condition, botanical diversity and the presence of notable species have been undervalued or invasive species missed. The Council therefore cannot  | Not agreed | Unresolved               |

| Ref  | Subject                        | Relevant Application Document  | Applicant's Position   | FCC's Position  | Status     | Likelihood of Resolution |
|------|--------------------------------|--|--|---|------------|--------------------------|
|      |                                |  |  | agree with the findings of this survey [CR1-088] and subsequent information from the Applicant.   |            |                          |
| 7.12 | Temporary vs permanent impacts | <p><b>Applicant's response to the Local Impact Report [REP3-058]</b></p> <p><b>Applicant's response to Deadline 4 Submissions [REP5-062]</b></p> | <p>The Applicant retains its position in point 13.50 within the <b>Applicant's Response to the Local Impact Report [REP3-058]</b> on reversibility of impacts. The Applicant notes FCC's position that "... <i>impacts must be defined explicitly in months or years, recognising that effects may be short, medium or long-term, temporary or permanent</i>" confuses 'revisability' and 'duration'. <b>Appendix 11-A: Ecological Impact Assessment Methodology [APP-189]</b> confirms how the Applicant has considered 'revisability' and 'duration' within the assessment. The relevant text is repeated below:</p> | <p>FCC retains its position that the Applicant has not demonstrated reversibility of habitat losses lasting up to 9 to 14+ years. While the Applicant cites the distinction between duration and reversibility, FCC's concern is that the distinction has not been applied in this case as per the guidance quoted by the Applicant. The changes in the <b>Green Infrastructure Statement [REP4-052]</b> are not clear in regarding this issue. The response does not demonstrate reversibility for the ecological receptors affected and appears to conflate reinstatement of habitat cover with recovery of the ecological feature itself, including dependent species populations.</p> <p>FCC maintains that classifying such losses as "temporary" is not justified and understates the potential significance of the effect.</p> | Not agreed | Unresolved               |
| 7.13 | Assessment outcomes - general  | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>  | <p>The terrestrial and aquatic ecology assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p>The Applicant considers the responses provided at reference 13.130 to 13.189 of Table 10 of the - <b>Applicant's Response to LIR [REP3-058]</b> address the points raised by FCC.</p>  | FCC's position remains that, due to uncertainty in the baseline assessments, and the scale and duration of habitat loss, the conclusions of significance (including for protected and notable species) are not sufficiently evidenced.  | Not agreed | Unresolved               |
| 7.14 | Assessment outcomes – INNS     | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>  | Table 1 of the <b>Framework CEMP (EN010166/APP/6.5)</b> requires that the Final CEMP(s) are supported by an Invasive Species Management Plan (ISMP). It notes an ISMP survey would be updated prior to construction to determine the current location and extent of plant Invasive Non-Native Species (INNS), and to inform specification of the   | FCC still have concerns that the potential spread of INNS have not been fully assessed within the assessment and the RIHRA.   | Not agreed | Unresolved               |

| Ref  | Subject  | Relevant Application Document   | Applicant's Position  | FCC's Position  | Status     | Likelihood of Resolution |
|------|--|---|---|---|------------|--------------------------|
|      |  |   | ISMP. If determined as necessary through this survey and after consideration of other available plant and animal INNS data, an ISMP would be prepared to accompany the final CEMP(s) and would be discussed with relevant stakeholders.   |   |            |                          |
| 7.15 | Assessment outcomes – habitat calculations and NBB | <p><b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b></p> <p><b>Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy (EN010166/APP/6.14)</b></p> <p><b>Survey Reports (ES Volume IV Appendix 11-C to 11-L)</b></p> | The Executive Summary of the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> identifies that habitat creation is being prioritised within the Construction and Operation Area. With particular reference to canopy cover, it highlights a net benefit within the Order limits of 1.19ha for other broadleaved woodland and a net benefit of 70 individual trees.  | FCC consider that net losses still exist, such as 0.21km of other native hedgerow, and that there is uncertainty around the level of net benefits achieved regarding the grassland. Further to this, FCC have concerns over the location of the off-site NBB location being out of Flintshire, and for woodland and canopy cover this is contrary to local policy where losses need to be compensated within the county.  | Not agreed | Unresolved               |
| 7.17 | Efficacy of mitigation                             | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>   | <p>The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>The Applicant retains that other parties, including NRW are supportive of the location of off-setting measures for curlew outlined in the <b>Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13)</b>. The intention of the proposals are to benefit the SPA population of Curlew as a whole rather than the individual birds at the Proposed Development site.</p> | <p>FCC does not agree that the current proposals demonstrate that impacts can be appropriately mitigated or compensated in practice, particularly where measures rely on future details surrounding off-site delivery to address losses arising within the Order Limits. FCC's main concerns are as follows:</p> <ul style="list-style-type: none"> <li>• The locations and distance from the habitat lost for curlew and the compensation area proposed</li> <li>• Concerns around the calculations of loss of habitats to those being mitigated on site and compensated off site</li> </ul> | Not agreed | Unresolved               |
| 7.18 | Residual effects after mitigation                  | <b>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>   | The Applicant retains its position as detailed in Sections 7.1 to 7.17.   | FCC is unable to agree that the residual effects are sufficiently justified or that the mitigation hierarchy (stepwise approach has been properly adhered to), in part due to uncertainties in the baseline   | Not agreed | Unresolved               |

| Ref                                     | Subject                                 | Relevant Application Document                             | Applicant's Position  | FCC's Position  | Status     | Likelihood of Resolution |
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|   |   |   |   | <p>assessment as detailed above and lack of information provided on the decision making regarding the stepwise approach. FCC considers habitat loss described as 'temporary', which includes a nine-year period plus re-establishment time, is not a short-term impact.</p> <p>FCC is currently in discussion with the Applicant regarding provision of further mitigation measures that could be delivered within Flintshire to allow the scheme to deliver mitigation elements locally via a Section 106 agreement. The Council welcomes this engagement and supports continued discussion on this matter as appropriate.</p> |            |                          |
| <b>8.0 Net Benefit for Biodiversity</b> |   |   |   |   |            |                          |
| 8.1                                     | Assessment methodology                  | <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> | <p>A meeting was held in May 2024 to discuss the approach to NBB as detailed in Error! Reference source not found..</p> <p>The Applicant has prepared the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> to summarise the NBB and GI assessment. The methodology used for gathering information for baseline conditions relating to the initial NBB assessment is appropriate to the nature of the Proposed Development and its potential effects.</p> <p>An Appendix to the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> has been provided at Deadline 6 to provide a standalone DECCA assessment of the baseline condition. An executive summary has also been provided to FCC.</p> | <p>FCC does not agree that the Green Infrastructure Statement [REP4-052], or the recently provided Executive Summary, provides a sufficiently clear and consistent basis to demonstrate net benefit for biodiversity. FCC's position is that insufficient baseline data relating to the NBB assessment (as has been detailed to the Applicant) and inconsistencies in habitat loss/gain reporting and uncertainty around condition and temporal losses mean NBB is not yet reliably demonstrated.</p>   | Not agreed | Unresolved               |
| 8.2                                     | Data collection, methods, baseline data | <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> | <p>The Applicant has identified in correspondence with FCC that the assessment presented in the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b></p>   | <p>FCC does not agree that the NBB approach and baseline data follows 'standard best practice' for projects in Wales, as information is currently</p>   | Not agreed | Unresolved               |

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|-----|---|---|---|--|------------|--------------------------|
|     | and the identification and sensitivity of relevant features and receptors |   | <p>builds upon the approach taken for other consented DCOs within Wales.</p> <p>The Applicant is confident the material provided is sufficient and demonstrates the Proposed Development would result in a net benefit for biodiversity.</p> <p>Notwithstanding the above, as noted in the <b>Applicant's Responses to Deadline 4 Submissions [REP5-062]</b>, an Appendix to the <b>Green Infrastructure Statement (EN010166/APP/6.11)</b> has provided a standalone DECCA assessment of the baseline condition.</p>  | <p>insufficiently detailed to inform a DECCA assessment. The assessment further contains inconsistencies and uncertainty identified by the Council and NRW.</p> <p>As the standalone DECCA assessment was not provided to FCC prior to Deadline 6, FCC cannot agree that the assessment provided by the Applicant addresses its concerns. Therefore, this matter remains not agreed.</p> |            |                          |
| 8.3 | Assessment findings   | <p><b>Green Infrastructure Statement (EN010166/APP/6.11)</b></p> <p><b>Off-site Net NBB and GI Strategy (EN010166/APP/6.14)</b></p> | <p>The Applicant retains its position that the combination of on-site and off-site habitat creation secured through the <b>Outline Landscape and Ecology Management Plan (EN010166/APP/6.9)</b> and the <b>Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.14)</b> would result in a net biodiversity benefit. This position is summarised in the <b>Green Infrastructure Strategy (EN010166/APP/6.11)</b>, which provides further details of how the Proposed Development has followed the 'stepwise' approach and fulfilled the requirements of Planning Policy Wales 12.</p> | <p>FCC's position remains that the documentation does not yet provide a complete and internally consistent evidence base to support conclusions on the proposal outcomes.</p>  | Not agreed | Unresolved               |

### 9.0 Report to Inform the Habitats Regulations Assessment

|     |   |  |   |   |            |            |
|-----|---|--|---|---|------------|------------|
| 9.2 | Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors | <p><b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b></p> | <p>The approach used for the <b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b> follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines. The list of sites considered at the screening stage is appropriate.</p> <p>The Applicant has updated the <b>Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16)</b> and <b>Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13)</b> at Deadline 6 in response to the <b>Report on the Implications for European Sites</b></p> | <p>FCC notes that, through the submission of [REP4-078] the Applicant is now proceeding on a without-prejudice basis that adverse effects on integrity of the Dee Estuary SAC/SPA/Ramsar site may arise.</p> <p>FCC considers that this position aligns with the Council's outstanding concerns that likely significant effects and adverse effects on integrity could not be excluded on the basis of the information previously submitted. FCC remains of the view that, in the</p> | Not agreed | Unresolved |
|-----|---|--|---|---|------------|------------|

| Ref                                      | Subject                               | Relevant Application Document  | Applicant's Position  | FCC's Position  | Status     | Likelihood of Resolution |
|--|---------------------------------------|--|---|---|------------|--------------------------|
|  |                                       |  | [PD-019]. In addition, further clarifications have been made within the <b>Draft DCO (EN010166/APP/3.1)</b> to include Schedule 16 to outline information that must be provided in the final plans to be approved by the Secretary of State. The Applicant considers there is sufficient evidence to support the conclusion reached in the in the <b>Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)</b> .   | absence of further information, conclusions of no AEol are not supported by sufficient certainty at Examination stage.  |            |                          |
| <b>13.0 Landscape and Visual Amenity</b> |                                       |  |   |   |            |                          |
| 13.2                                     | Landscape assessment methodology      | <p><b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b></p> <p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p> | <p>The Applicant notes FCCs concerns regarding the appropriate assessment of Landscape and Visual Impacts as detailed in its submissions made at Deadline 4. The Applicant has provided the additional information requested within the <b>Local Impact Report [REP2-021]</b> at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15)</b>; and</li> <li>• <b>Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29)</b>.</li> </ul> <p>The Applicant notes FCC's position however still stands by the LVIA assessment.</p> | <p>The Council is of the opinion that the Applicant has considerably underassessed the Magnitude of Change (MoCh) to the character of the application site and the character of the landscape within 1km of the proposed development.</p> <p>The Council is of the opinion that the Proposed Development would be so proximate that it would constitute a dominant detracting feature. The proposed development will visually intrusive and tangibly alter the local landscape's perceptual characteristics, including its visual setting, sense of place, and tranquility, within this adjacent part of FLNTVS075 LCA. This would in fact cause a large magnitude of change to the character of this landscape and would therefore result in a significant adverse effect on the character of the local landscape.</p> <p>The Council is of the opinion that adverse effects on the local landscape within approximately 1km of the Order Limits will be adverse and much more significant than assessed in the latest LVIA submitted at Deadline 5.</p> | Not agreed | Unresolved               |
| 13.3                                     | Assessment methodology for viewpoints | <b>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</b>  | The Applicant has provided the additional information requested within the <b>Local Impact Report [REP2-021]</b> at Deadline 5 within the following documents:  | The Council raised concerns in its LIR [REP2-021] with regards to the assessment of key routes, stating that  | Not agreed | Unresolved               |

| Ref | Subject | Relevant Application Document   | Applicant's Position  | FCC's Position  | Status | Likelihood of Resolution |
|-----|---------|---|---|---|--------|--------------------------|
|     |         | <p><b>Local Impact Report [REP2-021]</b></p> <p><b>Applicant's Response to the LIR [REP3-058]</b></p> | <ul style="list-style-type: none"> <li>• <b>Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15); and</b></li> <li>• <b>Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29).</b></li> </ul> <p>The Applicant notes FCC's position however still stands by the LVIA assessment.</p> | <p>GLVIA3 highlights the importance of considering sequential views along key routes. The <b>Applicant's Response to LIR [REP2-021]</b> points to Para 15.6.29 where effects on local roads are addressed. The updated <b>ES Chapter 15 Landscape and Visual [REP4-023]</b> addresses NCR5 in close proximity to Site, but ascribes it a medium susceptibility and sensitivity, in contradiction to their methodology, as set out above.</p> <p>No update has been made to the baseline or effects assessments for these viewpoints in <b>EN010166/APP/6.4 Appendix 15-E: Visual Impact Assessment</b>. The Wales Coast Path and NCR5 are nationally designated long distance recreational routes. Views from these routes are generally highly valued, especially where they include views over dramatic coastal areas such as the Dee Estuary.</p> <p>The Council are of the opinion that these receptors are highly sensitive to change. Accordingly, this means that the assessment should record visual effects on users of the WCP and NCN5 as being significant and moderate and major adverse for notable stretches of these important recreational routes, within 2.5km of the Proposed Development.</p> |        |                          |

**17.0 Cumulative and Combined Effects**

|      |                     |  |  |   |            |            |
|------|---------------------|--|--|---|------------|------------|
| 17.4 | Assessment outcomes | <b>ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]</b> | <p>The cumulative and combined effects assessment outcomes are appropriate.</p> <p>The Applicant has provided the following documents at Deadline 5:</p> | As the Applicant has not provided the updated ES Chapter 24 in advance of Deadline 6, FCC has not had the opportunity to review and consider whether or not they are in agreement | Not agreed | Unresolved |
|------|---------------------|--|--|---|------------|------------|

| Ref | Subject | Relevant Application Document | Applicant's Position   | FCC's Position   | Status | Likelihood of Resolution |
|-----|---------|-------------------------------|--|--|--------|--------------------------|
|     |         |                               | <ul style="list-style-type: none"> <li>• <b>Appendix 24-A: Long List of Proposed Schemes (EN010166/APP/6.4);</b></li> <li>• <b>Appendix 24-B: Short List of Proposed Schemes (EN010166/APP/6.4);</b></li> <li>• <b>Figure 24-2: Identified Proposed Schemes (EN010166/APP/6.3);</b></li> <li>• <b>Figure 24-3: Short List of Proposed Schemes (EN010166/APP/6.3);</b> and</li> <li>• <b>Figure 24-4: Short List of Proposed Schemes within 5 km (EN010166/APP/6.3).</b></li> </ul> <p>An updated revision of <b>Chapter 24: Cumulative and Combined Effects (EN010166/APP/6.2.24)</b> has been provided at Deadline 6 to consider the additional short listed schemes. In addition, the Applicant has prepared <b>Additional Operational Air Quality Considerations (EN010166/APP/9.38)</b> which provides a summary of information relating to the potential for emissions to air to give rise to cumulative and in-combination effects upon sensitive receptor locations during the operational phase of the Proposed Development.</p> | <p>with the projects included, and the assessment outcomes.</p> <p>However, with regards to in-combination air quality impacts, FCC has provided their response in its Response to Report on the Implications for European Sites (RIES). For clarity, this is also provided below:</p> <p>FCC reiterates the position provided in response to ExQ1 Q22.7 [REP3-060], and still consider that as a result of the definition of Functional Linked Land (FLL) being outside of the boundary of a designated site but critical to its function, this distance for the in-combination assessment should include the whole of the Dee Estuary, not just 2km from the proposed development. Air quality in-combination also needs to consider strategic plans. Therefore, the methodology for in-combination air quality effects is still insufficient.</p> |        |                          |

Any queries regarding should be directed to:

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