



Connah's Quay Low Carbon Power

Final Statement of Common Ground between Uniper UK Limited and Flintshire County Council (Tracked)

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1. Introduction

1.1 Purpose of this Document

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

1.2 Parties to this Statement of Common Ground

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

The Applicant

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

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

- 1.2.3 Uniper is committed to investing around €8 billion (~£6.9 billion) in growth and transformation projects by the early 2030s and aims to be carbon-neutral by 2040. To achieve this, the company is transforming its power plants and facilities and investing in flexible, dispatchable power generation units. Uniper is one of Europe's largest operators of hydropower plants and is helping further expand solar and wind power, which are essential for a more sustainable and secure future. Uniper is gradually adding renewable and low-carbon gases such as biomethane to its gas portfolio and is developing a hydrogen portfolio with the aim of a long-term transition. The company plans to offset any remaining CO₂ emissions by high-quality CO₂-offsets.

Flintshire County Council

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

1.3 The Proposed Development

- 1.3.1 The CQLCP Abated Generating Station would comprise up to two CCGT with CCP units (and supporting infrastructure) achieving a net electrical output capacity of more than 350 megawatts (MW; referred to as MWe for electrical output) and up to a likely maximum of 1,380 MWe (with CCP operational) onto the national electricity transmission network.
- 1.3.2 Through a carbon dioxide (CO₂) pipeline, comprising existing and new elements the Proposed Development would make use of CO₂ transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project (referred to as the 'HyNet CO₂ Pipeline Project'), that will transport CO₂ captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO₂ will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.
- 1.3.3 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission network in England and Wales, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.
- 1.3.4 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development of the Environmental Statement (ES) [APP-042]**. At this stage in the development, the design of the Proposed Development incorporates a necessary degree of flexibility to allow for ongoing design development.

1.4 Status of the Statement of Common Ground

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

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

1.5 Terminology

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

1.5.2 These terms are used as follows:

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

2. Record of Engagement

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

Table 1: Record of Engagement

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

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

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

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

Geology and Ground Conditions

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

Landscape and Visual

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

Terrestrial Heritage

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

Date	Form of Correspondence	Key topics discussed and key outcomes
13/04/2026	Email from the Applicant's solicitors to FCC's legal team	Requesting any further comments on the Draft Deed of Development Consent Obligations to understand if it will be possible to submit a final draft at Deadline 5.
<u>21/04/2026</u>	<u>Email from the Applicant's solicitors to FCC's legal team</u>	<u>Requesting any further comments on the Draft Deed of Development Consent Obligations to understand if it will be possible to submit a final draft at Deadline 5.</u>
<u>30/04/2026</u>	<u>Email from the Applicant to the FCC planning team</u>	<u>Requesting a response to finalise the S106 agreement for the mitigation measures at Deeside and Buckley Newt Sites SAC.</u>
<u>30/04/2026</u>	<u>Email from the FCC Planning Officer to the Applicant</u>	<u>Confirmation that the FCC legal team are reviewing internally and that an update is being sought.</u>
<u>07/05/2026</u>	<u>Email from FCC's legal team to the Applicant's solicitors</u>	<u>Providing comments on the Draft Deed of Development Consent Obligations.</u>
<u>08/05/2026</u>	<u>Email from FCC's legal team to the Applicant's solicitors</u>	<u>Clarifying position in respect of Draft Deed of Development Consent Obligations.</u>
<u>18/05/2026</u>	<u>Email from the Applicant's solicitors to FCC's legal team</u>	<u>Providing updated version of Draft Deed of Development Consent Obligations responding to FCC's comments.</u>

Consultation

16/02/2024	Meeting (Microsoft Teams with Planning Officers at FCC and the Applicant	To provide an overview of the Connahs Quay Low carbon Power project, with community benefits and working framework with FCC discussed.
13/06/2024	Email and letter from the Applicant to FCC	To consult on the draft Statement of Community Consultation.
18/06/2024	Email from FCC to the Applicant	To confirm FCC had no comments on the draft Statement of Community Consultation.
01/10/2024	Email from the applicant to FCC	Request to provide an update on the CQLCP project to FCC.
17/10/2024	Meeting (Microsoft Teams with Planning	Meeting to provide FCC with an project update, including overview of statutory consultation process.

Date	Form of Correspondence	Key topics discussed and key outcomes
	Officers at FCC and the Applicant	
26/03/2025	Meeting (Microsoft Teams with Planning Officers at FCC, the Applicant, and the Applicant's EIA Advisors)	Meeting to discuss the approach to targeted consultation to introduce changes to emission stack heights following Statutory Consultation.
01/08/2025	Email from FCC Planning Officer to the Applicant	Email to provide feedback on this SoCG.
12/09/2025	Email from the Applicant to the FCC Engagement Officer	To initiate engagement with the Traveler's Site on Kelsterton Road
12/09/2025	Email from the FCC Engagement Officer to the Applicant	To inform the Applicant that the Travellers Site had been notified of the Applicant's intended visit scheduled for 18/09/2025.
28/11/ 2025	Relevant Representation	FCC Relevant Representation was published on the Planning Inspectorate's Connah's Quay Low Carbon Power website.
11/12/2025	Meeting (Microsoft Teams with Planning Officers at FCC, the Applicant, and the Applicant's Consultation Agency)	Meeting to discuss the approach to targeted consultation as part of the proposed Change Notification.
23/12/2026	Email from the Applicant to the FCC Engagement Officer	Email to provide the latest draft of this SoCG for FCC comment.
22/01/2026	Meeting (Microsoft Teams with Planning Officer at FCC and the Applicant)	Meeting to discuss timeframes for the Local Impact Report and SoCG.
27/01/2026	Email from FCC Planning Officer to the Applicant	Email to provide feedback on this SoCG.
03/03/2026	Email from the Applicant to the FCC Planning Officer	Email to provide the latest draft of this SoCG for FCC comment.
16/04/2026	Email from FCC and teams discussion with	Issues outstanding in the SoCG.

Date	Form of Correspondence	Key topics discussed and key outcomes
	the FCC Planning Officer	
<u>13/05/2026</u>	<u>Meeting (Microsoft Teams with Planning Officer at FCC and the Applicant)</u>	<u>Meeting to discuss outstanding issues in the SoCG.</u>
Change		
23/12/2025	Email	SoCG will be submitted after the Change Notification is submitted.
General		
10/02/2026	FCC emailed the Local Impact Report (LIR) to the Applicant	The LIR was published on the Planning Inspectorate Project website.
<u>27/05/2026</u>	<u>FCC emailed the Applicant</u>	<u>FCC confirmed they had concluded their inputs into the SoCG process.</u>

3. Areas of Discussion between the Parties

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

Table 2: Areas of Discussion with FCC

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
1.0 General Planning Matters and Consultation/Engagement						
1.1	Consultation and Engagement Process	<p>Consultation Report [APP-028]</p> <p>Planning Statement [APP-262]</p>	The pre-application consultation and engagement undertaken by the applicant has been proactive and professional and accords with the Statement of Community Consultation (SoCC). This includes having had regard to the informal traveller site (which is identified as a nearby noise sensitive receptor) and carrying out appropriate engagement with them during pre-application to seek to avoid any discrimination or unfair prejudice.	As outlined in FCC's Adequacy of Consultation Representation [AoC-002], the County Council considers that, with the information available, the Applicant has complied with the statutory provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).	Agreed	Resolved
2.0 Legislation and Planning Policy						
2.1	Legislation and Planning Policy	<p>Planning Statement [APP-262]</p> <p>ES Volume II Chapter 7: Planning Policy and Need [APP-045]</p> <p>ES Volume IV Appendix 7-A: Legislative, Policy and Guidance Framework for Technical Topics [APP-179]</p>	The relevant legislation and planning policies have been accurately reported, however topic specific policy is referred to in the subsequent sections.	This matter is agreed between the parties.	Agreed	Resolved
3.0 Draft Development Consent Order						
3.1	Part 2 – Applications made under requirements	Draft DCO [REP3-003]	<p>The 35-day timescale for discharge is preceded in past Orders such as The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (Paragraph 1 (applications made under requirements) of Schedule 4 (discharge of requirements)). From a practical perspective, the Applicant would intend to work closely and proactively with FCC to ensure that the 35-day timescale can be met. This process, which the Applicant would be pleased to discuss in detail with FCC, will allow all future applications to be determined swiftly and within the timescales set out. The Applicant considers that 5 weeks is adequate time to discharge the relevant requirement applications. Extending this timescale to the requested 56 days would not be conducive to delivering the Proposed Development in the timely manner required. As set out in the Planning Statement [APP-262], 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.</p> <p><u>Deadline 6: The Applicant notes FCC's concerns regarding the timescales for discharge of requirements., and has made the following change within Paragraph 26 of Schedule 2 to the Draft DCO (EN010166/APP/3.1):</u></p>	<p>Applications made under requirements has given only 35 days for the determination of applications. This is 5 weeks in comparison to the 8 weeks for discharge of Hynet and for other planning conditions. This period is too short and not in accordance with standard timescales for determining applications. It is recommended that this be amended to 56 days (8 Weeks) to remain in line with the HyNet DCO, <u>and others within the region</u>, and gives comfort to Flintshire County Council to consider the requirement.</p> <p><u>FCC acknowledges the revised text from the Applicant as provided in the dDO [REP5-004]. However, FCC is of the opinion that the text provided in Paragraph 26 of Schedule 2, Part 2, would not work effectively with the inclusion of two time periods as provided within the introductory text (35 and 56 days). FCC therefore retains the position that 56 days is appropriate and necessary.</u></p>	<u>Under discussion</u> <u>Not agreed</u>	<u>Medium</u> <u>Unresolved</u>

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p><u>Where an application has been made to a discharging authority for any consent, agreement or approval under a requirement, the discharging authority must use reasonable endeavours to give notice to the undertaker of its decision on the application within a period of 35 days and, in any case, must give notice to the undertaker of its decision on the application within a period of 56 days beginning with-</u></p> <p><u>a) where no further information is requested under paragraph 27, the day immediately following that on which the application is received by the authority;</u></p> <p><u>b) where further information is requested under paragraph 27, the day immediately following that on which further information has been supplied by the undertaker; or</u></p> <p><u>c) such longer period as may be agreed in writing by the undertaker and the discharging authority.</u></p> <p><u>In the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period unless otherwise agreed in writing.</u></p> <p><u>This amendment still maintains emphasis on the urgency needed by the Applicant for the delivery of the Proposed Development but ensures that the requested 56 days is the ultimate backstop timescale required for a response from FCC instead of the originally drafted 35 days.</u></p>			
3.2	Part 2 – Applications made under requirements	Draft DCO [REP3-003]	<p>The wording provided for in the Draft DCO (EN010166/APP/3.1) is longer than the precedent of the Hynet Order because the Draft DCO (EN010166/APP/3.1) allows for '10 business days' rather than just '10 days'.</p> <p>The Applicant considers the timescales within paragraph 24 (further information) to be highly standard, <u>particularly in light of the amendment made to extend the backstop timescale within paragraph 26 to 56 days,</u> and does not propose any amendment to this drafting.</p>	Part 2 of Schedule 2 'Further Information' (24) sets out the timescales with regards to consultation on requirements which is to be undertaken by the approving authority. This allows a timeframe for any consultation responses to be returned to the undertaker. It allows 10 days to issue consultation from the date of receipt, then 10 days for comments to be turned around. This is considered to be too restrictive. There is little point of the 5 week total time (8 week requested) when this is the case in most discharges of requirements. Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.	Under discussion Not agreed	Medium Unresolved
3.3	Part 3 – Streets	Draft DCO [REP3-003]	The power provided for in the Draft DCO [REP3-003] is equivalent to that in the HyNet Order and, therefore, the equivalent <u>same</u> approval power is provided for the local Authority <u>street authority</u> to consent to the	Article 17 provides access to works and gives the Applicant powers to layout temporary and permanent means of access within the Order	Agreed Under discussion	Resolved Medium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			relevant access works. This wording <u>already provides the prior consent provision that FCC require and</u> is, therefore, -considered already suitable <u>by the Applicant and so</u> no change is proposed to the drafting of this Article.	Limits. We notice that in the HyNet DCO the Applicant had to first obtain the consent of the Authority which allowed the Authority to vet/consider the detailed design of these works. If not covered elsewhere we believe this should also be repeated in this DCO. and acknowledge that this approach is reflected in the dDCO [REP5-004].		
3.4	Part 6 – Miscellaneous and general	Draft DCO [REP3-003]	<p>Whilst there is precedent for protective provisions being included for the benefit of the local highway authorities within the HyNet Order, such protections were secured in the context of a different project with different highways impacts and, importantly, a different form of control on traffic management within the requirements. Whilst the HyNet Order secured an Outline CTMP in the same way as the Draft DCO (EN010166/APP/3.1) secures the Framework CTMP [REP1-025] within Requirement 5 of the Draft DCO (EN010166/APP/3.1), the content of these outline plans differs. The Applicant considers that the gaps within the HyNet CO2 Pipeline Project Outline CTMP, which were filled by the highways protective provisions in the HyNet Order, are already covered by the Applicant's Framework CTMP [REP1-025].</p> <p>For example, paragraph 4.2.17 of the Framework CTMP [REP1-025] already provides a requirement for highway condition surveys to take place for the proposed routes for construction within the vicinity of the Proposed Development. Section 3.4 of the Framework CTMP [REP1-025] provides for detail regarding HGV forecasts and recommended routes. The design of certain highway works, such as the access to site, is provided indicatively within the Framework CTMP [REP1-025].</p> <p>In addition, unlike the HyNet Order, all highway works required for the project are within the same highway authority boundary and so all final CTMP(s) will be approved by the same planning authority in consultation with the same highway authority pursuant to Requirement 5 of the Draft DCO (EN010166/APP/3.1).</p> <p><u>In addition, Requirement 3 of the Draft DCO (EN010166/APP/3.1) provides express approval of the detailed design of each stage of the Proposed Development. Accordingly, through the combination of design matters secured through Requirement 3 and specific highways controls secured through Requirement 5 (construction traffic management plan), there is no need for an additional layer of approval through protective provisions.</u></p> <p>The Applicant considers that if additional controls are required by the highway authority, these should be secured within the CTMP, rather than a separate set of protective provisions. The Applicant is open to</p>	<p>Article 44 provides that Schedule 13 (protective provisions) has effect. From the Highways Development Control perspective, Flintshire County Council believe that the draft DCO needs to include the protective provisions for the Local Highway Authority which were again covered in the Hynet DCO. The protective provision gave comfort in terms of highway condition and assets surveys, HGV route remediation and allowed for an appropriately qualified officer of the Authority to participate in the design of the works covered by the DCO.</p>	Agreed Und er discussion	Resolved Med ium

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			engagement with the local highway authority regarding the form and content of the Framework CTMP (EN010166/APP/6.6) accordingly.			
3.5	Disapplication of legislation	Draft DCO [APP-019]	The disapplication of provisions specified within Article 9 (disapplication, application and modification of legislative provisions and modifications to section 36 consent) is necessary for the delivery of the Proposed Development and proportionate in light of the mitigation secured under the Draft DCO [APP-019] .	FCC has raised no comments regarding the disapplication provisions.	Agreed	Resolved

4.0 Air Quality

4.1	Scope of the assessment	ES Volume II Chapter 8: Air Quality [APP-046]	The scope of the air quality assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
4.2	Study area and baseline	ES Volume II Chapter 8: Air Quality [APP-046]	The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development. The study area was agreed with the Planning Inspectorate through EIA Scoping Process.	This matter is agreed between the parties.	Agreed	Resolved
4.3	Assessment methodology	ES Volume II Chapter 8: Air Quality [APP-046]	The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies area is robust and acceptable. The overarching approach to the assessment is set out in Chapter 2: Assessment Methodology [APP-040] .	This matter is agreed between the parties.	Agreed	Resolved
4.4	Framework Construction Environmental Management Plan (CEMP)	Draft DCO (EN010166/APP/3.1)	Appendix 8-B: Air Quality Construction Dust Risk Assessment [APP-181] contains dust control measures which have been incorporated into the Framework CEMP (EN01066/APP/6.5) . A requirement in the Draft DCO (EN010166/APP/3.1) secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006 REP5-004] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.	Agreed	Resolved

5.0 Noise and Vibration

5.1	Scope of the assessment	ES Volume II Chapter 9: Noise and Vibration [APP-047]	Deadline 1: The scope of the noise and vibration assessment is appropriate and comprehensive, and the adopted methodologies area robust and acceptable. The Overarching approach to the assessment is set out in Chapter 2: Assessment Methodology [APP-040] .	As outlined in the Local Impact Report [REP2-021], the Council considers that the assessment reported is appropriate and has applied methods in line with current guidance and best practice.	Agreed	Resolved
5.2	Study area and baseline	ES Volume II Chapter 9: Noise and Vibration [APP-047]	Deadline 1: The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development. The study area was agreed with the Planning Inspectorate through the EIA Scoping Process.	As outlined in the Local Impact Report [REP2-021], the Council considers that the measurement locations (shown in Figure 9-1 [APP-120]) are appropriately distributed in relation to noise sensitive receptors and the proposed development site to provide a sufficient representation of the sound environment.	Agreed	Resolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
5.3	Assessment outcomes	ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)	<p>Deadline 1: The noise and vibration assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 9 Noise and Vibration (EN010166/APP/6.2.9).</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant will provide a response to FCC on this matter prior to Deadline 6 to enable an updated position to be reached.</p> <p><u>Deadline 6: The Applicant acknowledges FCC's continued concern regarding the proposed sound limit in the context of the existing ambient sound climate. However, because the sound levels will be broadly comparable in magnitude to long-established levels that will have arisen from the existing units that are being replaced, the Applicant maintains that the proposed plant will have an effect that is not-significant. It is considered worthwhile to reiterate some of the contextual evidence leading to this conclusion.</u></p> <p><u>Although the night-time L_{A90} baseline survey result do contain contributions during operation of the existing Connahs Quay Power Station, these were relatively minor and attributable to a small number of essential processes that need to operate continuously. When the existing Connahs Quay Power Station is generating electricity, historic measurement and modelling assessments show that the <i>specific sound levels</i> (L_{Aeq}) at NSR are higher than the measured during the ES survey. At the nearest NSR to the existing Connahs Quay Power Station, the <i>specific sound level</i> due to two-unit operation is 41-45dB L_{Aeq}. This is +4 to +8dB above the representative night-time background sound level (L_{A90}) and has not given rise to public complaint.</u></p> <p><u>Since the worst case <i>rating level</i> for the CQLCP train operation is also proposed to be +8dB above the representative background sound level (L_{A90}), it would be expected that the effect from the Proposed Development on NSRs would be broadly comparable to that which has arisen from the existing Connahs Quay Power Station.</u></p> <p><u>With regard to high noise levels already existing, the <i>ambient sound levels</i> (L_{Aeq}) at NSRs during the day and night are primarily attributable to traffic on the nearby local and regional roads. At R21 NSR there is a considerable margin between the <i>specific sound level</i> from the Proposed</u></p>	<p>The Council welcomes the Applicant's provision (in Appendix A of their response to the LIR [REP3-058]) of the statistical analysis information to support the determination of the background sound levels ($L_{A90,T}$) – the Council agrees with the selected values.</p> <p>Appendix B of the Applicant's response to the LIR provides their justification for using a significance criterion of a rating level of 8dB above the background sound level, which is clear and detailed. While this provides a lot of useful contextual information, the Council does not agree that this is an appropriate criterion in a location where high noise levels already exist. The baseline survey notes that noise sources at night included the existing power station; the plant noise criterion is set 8dB higher than the current background that includes the existing power station.</p> <p><u>The Council further welcomes the updated information provided by the Applicant to inform positions at Deadline 6. However, FCC's position remains and this matter is therefore not agreed.</u></p>	Under discussion Not agreed	LowUnresolved

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p><u>Development (42 dB L_{Aeq}) and existing night-time ambient (52 dB L_{Aeq}) sound level (primarily due to road traffic).</u></p> <p><u>In Appendix B it is estimated that, in the context of this road traffic noise climate, the Proposed Development contribution would cause an increase of only 0.4dB or less on night time L_{Aeq} levels, a change which is a low impact. Overall, the context of long-standing operation of the existing power station and a residential sound environment in which the ambient sound level (L_{Aeq}) is dominated by road traffic is key to assessing the future impact from the Proposed Development.</u></p>			
5.4	Securing mitigation	<p>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</p> <p>Framework CEMP (EN01066/APP/6.5)</p>	<p>Deadline 1: All relevant mitigation measures in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) are adequately secured through the Framework CEMP (EN01066/APP/6.5). A requirement in the Draft DCO [APP-019] secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.</p>	<p>The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.</p>	Agreed	Resolved
5.5	Securing mitigation	<p>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</p> <p>Framework CEMP (EN01066/APP/6.5)</p>	<p>With <u>regards regard</u> to Section 61 consent, where on-site works are to be conducted outside the core hours, they would comply with any restrictions agreed with the FCC following further assessment of specific planning activities.</p> <p>Otherwise, in line with FCC guidance, core construction working hours would be 08:00 to 18:00 Monday to Friday (except Bank Holidays) and 08:00 to 13:00 on Saturdays.</p>	<p>This matter is agreed between the parties.</p>	Agreed	Resolved
5.6	Residual effects after mitigation	<p>ES Volume II Chapter 9: Noise and Vibration (EN010166/APP/6.2.9)</p>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant will provide a response to FCC on this matter prior to Deadline 6 to enable an updated position to be reached.</p> <p><u>Deadline 6: Regarding Table 9-22 in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), it should be emphasised that potential levels of attenuation are identified and therefore these should be treated as theoretical and indicative suggestions. It may be desirable or more practical to focus attenuation on different plant items and these appropriate measures to control operational sound would be identified during the detailed design stage of the project.</u></p>	<p>The Council notes the mitigation measures described to control operational noise impacts. Table 9-22 of ES Volume II Chapter 9: Noise and Vibration [APP-047] identifies potential attenuation requirements for various plant items, however, it is not clear that the amount of mitigation stated would be practicable.</p> <p>The Applicant notes the NRW permitting requirement to demonstrate BAT if criteria cannot be met. Successfully demonstrating BAT to the satisfaction of NRW does not necessarily mean that the impacts at residential receptors would be adequately mitigated and to the Council's satisfaction.</p> <p><u>The Council welcomes the information provided by the Applicant to inform its Deadline 6 position. However, it remains the view of the Council that</u></p>	<p><u>Under discussion</u> <u>Not agreed</u></p>	<p><u>Medium</u> <u>Unresolved</u></p>

Ref	Subject	Relevant Application Document	Applicant's Position	FCC's Position	Status	Likelihood of Resolution
			<p>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. The specification for the plant will require the supplier to contractual guarantee compliance with the +8dB criterion (rating level of 45dB L_{Ar}) as stated in the Environmental Statement, thereby ensuring that sound emission control is embedded into the detailed design of the plant.</p> <p>The Applicant acknowledges FCC's concern regarding the need for site operational sound to satisfy the requirements of both Permitting and Planning. As detailed in Section 9.7.7, Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), as part of the detailed design phase of the Proposed Development, a combination of best available technique mitigation at source together with layout/orientation and additional screening measures will ensure that rating levels from operation comply with both the permit and planning commitments.</p>	<p>insufficient information to support the proposals being considered 'reasonably practicable' has been provided, and that a target increase limit of +8dB remains unacceptable.</p>		

6.0 Traffic and Transport

6.1	Scope of the assessment	ES Volume II Chapter 10: Traffic and Transport [APP-048]	The scope of the traffic and transport assessment is appropriate and comprehensive, as agreed with FCC during a meeting in January 2025, as detailed in Table 1 .	This matter is agreed between the parties.	Agreed	Resolved
6.2	Study area and baseline	ES Volume II Chapter 10: Traffic and Transport [APP-048]	The study areas adopted by the Applicant reflect current best practice and standards and are therefore appropriate for the Proposed Development.	This matter is agreed between the parties.	Agreed	Resolved
6.3	Assessment methodology	ES Volume II Chapter 10: Traffic and Transport [APP-048]	The assessment methodology was agreed with FCC during a meeting in January 2025, as detailed in Table 1.	This matter is agreed between the parties, other than below or will be discussed.	Agreed	Resolved
6.43	Assessment methodology	ES Volume II Chapter 10: Traffic and Transport [APP-048]	<p>Deadline 1: The assessment methodology was agreed with FCC during a meeting in January 2025, as detailed in Table 1.</p> <p>Deadline 5: The Applicant's Response on the consideration of the requirement for junction capacity modelling is detailed in 11.12 Applicant's Response to LIR [REP3-058].</p>	FCC still considers that further clarification is required on several methodological choices, particularly the absence of junction capacity modelling on Kelsterton Road, given the scale of forecast construction traffic increases. While FCC accepts that the Applicant has followed industry standard sources and IEMA guidance, a more explicit justification of why professional judgement alone is sufficient in this context would strengthen transparency and confidence in the assessment.	Under discussion Not agreed	Medium Unresolved
6.54	Assessment outcomes	ES Volume II Chapter 10: Traffic and Transport [APP-048]	Deadline 1: The traffic and transport assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 10 Traffic and Transport [APP-048].	The Council recognises that the Traffic and Transport assessment [APP-048] has been prepared in accordance with relevant guidance and presents a structured consideration of	Under discussion Not agreed	High Unresolved

			<p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant's response on the adequacy of the assessment of effects on Kelsterton Road is set out in 11.4413 of the Applicant's Response to LIR [REP3-058].</p>	<p>effects. However, FCC considers that conclusions would benefit from additional explanation to provide greater confidence <u>the conclusion</u>, particularly in relation to <u>Kelsterton Road, require further justification. In particular, FCC has concerns regarding</u> the scale of forecast construction traffic on Kelsterton Road. It increases (including 29% uplift during operation), and the absence of junction capacity or driver delay modelling. FCC is <u>therefore</u> not yet persuaded <u>satisfied with</u> that the effects can be <u>fully appropriately</u> characterised as <u>negligible or</u> minor adverse. On this basis, FCC considers that this matter remains under discussion.</p>		
6.65	Securing mitigation	Draft DCO (EN010166/APP/3.1)	<p>Deadline 1: All relevant mitigation measures in Chapter 10: Traffic and Transport [APP-048] are adequately secured through the Framework CEMP (EN01066/APP/6.5). The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development. A requirement in the Draft DCO (EN010166/APP/3.1) secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.</p>	<p>The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-006] secures that detailed CEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.</p>	Agreed	Resolved
6.76	Securing mitigation	Draft DCO (EN010166/APP/3.1)	<p>A requirement in the Draft DCO (EN010166/APP/3.1) secures that detailed CTMP(s) must be prepared, approved and implemented prior to construction of the authorised development. The CTMP(s) must include a construction worker travel plan in accordance with the framework construction worker travel plan.</p> <p>It should be noted that no works are currently proposed to any footpaths which the Proposed Development does not directly impact.</p>	<p>The Council agrees with the Applicant that Requirement 5 of the Draft DCO [REP3-006] secures that detailed CTMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning and highway authority.</p>	Agreed	Resolved
6.87	Residual effects after mitigation	ES Volume II Chapter 10: Traffic and Transport [APP-048]	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 5: The Applicant's response on the level of detailed included within the Framework CTMP (EN01066/APP/6.5) and Framework CWTP [APP-248] is set out in 11.9 and 11.10 of the Applicant's Response to LIR [REP3-058].</p> <p><u>Deadline 6: Based on a worst-case assessment of peak construction traffic, there are forecast to be a total of 240 two-way HGV movements across a 10-hour working day (08:00-18:00). Kelsterton Road currently provides access to the existing Connah's Quay Power Station and is the most appropriate form of access during construction, operation and decommissioning of the Proposed Development. Therefore, there would be an unavoidable impact on this route, in its function as serving the Main Development Area. Notwithstanding this, the specified hours of</u></p>	<p>The Council <u>FCC</u> acknowledges the <u>mitigation Applicant's assessment of HGV movement and the inclusion of management</u> measures embedded within the Framework CTMP [REP1REP5-025] and Framework CWTP [APP-248] and recognises the intent to manage construction traffic impacts.], including monitoring of HGV flows and the use of on-site holding areas for regulation.</p> <p>However, FCC considers <u>maintains</u> that further clarity would be beneficial in demonstrating and quantitative evidence are required to demonstrate how these measures <u>will</u> effectively reduce the magnitude of <u>mitigate</u> impacts <u>on Kelsterton Road, particularly during peak construction periods, particularly along Kelsterton Road. As such, FCC is not currently in a position to fully</u></p>	Under discussion Not agreed	High Unresolved

			<p><u>work are secured within the Framework CTMP, serving to reduce the level of impact experienced during locally sensitive peak hours. The arrival and departure of HGVs is proposed to be monitored to ensure this level of construction traffic along Kelsterton Road is not exceeded. If the monitoring of these movements reveals a likelihood for the forecast hourly arrivals / departures to be continuously exceeded, construction vehicles can be placed on hold within site holding areas in order to regulate vehicle flow, ensuring impacts along Kelsterton Road are limited, prior to HGVs accessing the wider Strategic Road Network on the form of the A548.</u></p>	<p><u>agree that. In the absence of defined thresholds, operational detail and assessed residual effects after, confidence in the effectiveness of the proposed mitigation are adequately evidenced, and this matter remains under discussion limited.</u></p>		
6.98	AIL Routing	Framework CTMP (EN01066/APP/6.5)	<p>Deadline 1: The proposed routes for AILs from the identified ports are appropriate and suitable.</p> <p>Deadline 5: The Framework CTMP (EN01066/APP/6.5) in paragraphs 3.4.6 to 3.4.15 provides further information on this matter. It also notes the route constraints that will be considered during the detailed design process, the appointed Principal Contractor(s) and Specialist AIL transport contractor will establish the confirmed component size, weight and associated permitting required for the selected AIL delivery route. In addition section 4.2 of the Framework CTMP (EN01066/APP/6.5) provides further information on measures to manage the impacts on residents.</p> <p>As part of the detailed CTMP, the 'DfT Regulations – Form of Notice to Police and to Highway and Bridge Authorities' will be completed, where required, to notify the relevant authorities in advance of any AIL movements. These discussions are ongoing.</p>	<p>FCC acknowledges the Applicant's explanation that a range of AIL routes may be required to differing, reflecting varying load characteristics and route constraints, and accepts that the proposed final route section selection will be informed by determined through post-consent detailed design and risk technical assessment secured through via the DCO, as also explained in the LIR. FCC considers this to be reasonable; however, While additional clarity on regarding the approach to route selection process and the management of localised impacts would assist in providing provide further stakeholder assurance. This matter, therefore, remains under discussion, this approach is considered reasonable.</p>	Under discussion Agreed	High Resolved
6.409	AIL Routing	Access, Streets, Rights of Way, and Rights of Navigation Plan [APP-013]	<p>Deadline 1: The proposed approach to the management of the Accommodation work is appropriate.</p> <p>Deadline 5: The Framework CTMP (EN01066/APP/6.5) in paragraphs 3.4.6 to 3.4.15 provides further information on this matter. It also notes the route constraints that will be considered during the detailed design process, the appointed Principal Contractor(s) and Specialist AIL transport contractor will establish the confirmed component size, weight and associated permitting required for the selected AIL delivery route. In addition section 4.2 of the Framework CTMP (EN01066/APP/6.5) provides further information on measures to manage the impacts on residents.</p> <p>It should also be noted that as part of the detailed CTMP, the 'DfT Regulations – Form of Notice to Police and to Highway and Bridge Authorities' will be completed, where required, to notify the relevant authorities in advance of any AIL movements. These discussions are ongoing.</p>	<p>FCC considers that the proposed approach to managing accommodation works associated with AIL movements is broadly acceptable. However, FCC considers that further detail would be helpful in demonstrating how potential impacts on the local highway network, rights of way and nearby receptors will be managed in practice. Accordingly, FCC is not yet in a position to fully agree this matter, which remains under discussion. The Council acknowledges the proposed AIL routes constraints and framework mitigation measures. While it is considered that detail remains high-level, with key elements (including accommodation works and traffic management arrangements) to be secured via the CTMP, this approach is considered reasonable.</p>	Under discussion Agreed	High Resolved

6.4110	AIL access	<p>Framework Construction Traffic Management Plan (CTMP) (EN01066/APP/6.5)</p> <p>Indicative Access Design [APP-276]</p>	<p>Deadline 1: The proposed access for AILs to the Main Development Area from the A548 is appropriate.</p> <p>Deadline 5: The Framework CTMP [REP4-046] does include further information in relation to the controls related to the design of the Proposed AIL Access from the A548. FCC would be consulted throughout the design process as the relevant highway authority. The detailed design of this access is secured by Requirement 3 (detailed design) of the Draft DCO (EN010166/APP/3.1).</p> <p><u>Deadline 6: The Applicant acknowledges that AIL transportation and planning should be fully assessed, planned and controlled through the CTMP, and that the earliest period that AIL are currently expected is not until early 2028. AIL delivery to Port of Mostyn and/or Connah's Quay North and Ellemere Port will be highly organised and planned activities both in terms of delivery to the ports/quays and short term storage of plant items will be planned for. This will remove the requirement for last minute road closures. Some of the technical requirements that need to be complied with are detailed in Appendix B.</u></p>	<p>FCC acknowledges <u>The Council agrees</u> that the proposed Framework CTMP provides a robust high-level framework for AIL access from and notes the A548 represents an appropriate strategic access option <u>Applicant's commitment to early planning and coordination of AIL movements, including the Main Development Area. FCC is supportive of this approach; however, FCC considers that further assurance on use of port facilities to minimise disruption. While key elements, including detailed access design, construction traffic controls and the coordinated management of AIL movements through the Framework Construction Traffic Management Plan (CTMP) [APP-247]. This matter, therefore, remains under discussion, are still required, these are appropriately deferred to the detailed CTMP to be agreed post-consent. This approach is considered reasonable.</u></p>	Under discussion Agreed	High Resolved
6.4211	Compliance with local policy	<p>Planning Statement [APP-262]</p>	<p>Deadline 3: Policy PC2 is considered within the Planning Statement [APP-262] at Table 2.6 (p206-7), Appendix 2.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p> <p><u>Deadline 6 The Applicant acknowledges that Policy PC2 sets out general requirements for development. How the transport, amenity and safety requirements of Policy PC2 have been addressed and assessed in practical terms in the context of Kelsterton Road are explained in Appendix A of this SoCG.</u></p>	<p>FCC notes that the Applicant has confirmed that Policy PC2 has been considered within the Planning Statement [APP-262] and that the development is claimed to be compliant. FCC accepts that the Planning Statement [APP-262] includes a policy-by-policy review; however, FCC would welcome further clarification on how specific transport, amenity and safety requirements of PC2 have been addressed in practical terms. For instance, an explanation or demonstration of how construction phase traffic, severance effects and pedestrian amenity concerns on Kelsterton Road have been assessed against PC2 criteria would strengthen the policy compliance narrative. FCC notes the Applicant's clarification that the requirements of Policy PC2, including transport, amenity and safety considerations in relation to Kelsterton Road, are addressed within Appendix A of this SoCG. This approach is considered reasonable.</p>	Under discussion Agreed	Medium Resolved
6.4312	Impacts on Kelsterton Road	<p>Framework CTMP (EN010166/APP/6.6)</p> <p>Construction Worker Travel Plan (CWTP) [APP-248]</p>	<p>Deadline 3: The Framework CTMP (EN010166/APP/6.6) and Framework Construction Worker Travel Plan (CWTP) [APP-248] are intentionally presented as frameworks, with the detailed plans required to be in general accordance with those frameworks. The principal contractor(s)'s operational requirements and logistics strategies will inform the detailed plans. The Applicant recognises the importance of providing confidence that the proposed measures, such as carsharing</p>	<p>FCC acknowledges the Applicant's reliance on the Framework CTMP [REP1-025REP4-046] and <u>Framework</u> CWTP [APP-248] to manage construction phase impacts. While, including the embedded use of worst-case assessment assumptions and the application of management measures set out indicate a structured approach,</p>	Under discussion Agreed	Medium Resolved

targets, worker shuttle strategies, and HGV routing re-restrictions, will be implemented and monitored effectively. When preparing the detailed construction worker travel plan, the appointed principal contractor(s) will review the targets (see Section 8 of the **Framework CWTP (EN01066/APP/6.5)**) to consider if further targets can be added in the plan at that stage. Additionally, as set out within Section 9 of the **Framework CWTP (EN01066/APP/6.5)**, a CWTP Co-ordinator will be appointed, with a specific responsibility to monitor delivery of the CWTP and refine measures and targets, where necessary. The final measures and targets would be included in the detailed construction worker travel plan which would be submitted to FCC ~~for approval~~ pursuant to Requirement 5 in Schedule 2 to the **Draft DCO (EN010166/APP/3.1)**. When preparing the final CTMP(s), the appointed principal contractor(s) will provide further details of proposed monitoring of HGV related restrictions in the final CTMP(s). Regarding FCC's request for a quantified assessment of potential modal shift, the Applicant considers that such assessment would not be proportionate at this stage. It is considered that the assessment of the peak construction phase, as presented in **Chapter 10: Traffic and Transport [APP-048]**, has been based on a worst-case scenario and no likely significant effects on traffic and transport have been identified. Refinements to the assessment can be made once a principal contractor(s) is / are appointed, and more-specific and measurable targets are included, as appropriate.

Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.

Deadline 6: The assessment of the peak construction phase, as presented in Chapter 10: Traffic and Transport [APP-048], has been based on a worst-case scenario, which follows Rochdale Envelope principles and does not wholly account for the potential modal shift that can occur as a result of the measures specified within the Framework CTMP (EN010166/APP/6.6) and Framework CWTP (EN01066/APP/6.5). Assessment refinements are proposed to be undertaken following appointment of the principal contractor. At this stage, it is considered appropriate and within the realms of professional judgement to reduce the magnitude of impact on Kelsterton Road during the peak phase of construction. This also considers the existing function of Kelsterton Road which serves as the primary access to the existing Connah's Quay Power Station and is therefore the most appropriate and practical route for carrying construction traffic. Given that this degree of concentration of construction traffic is unavoidable due to the local network layout, it is reasonable to apply a suite of management measures in order to control the potential impacts during a temporary construction period.

With regard to monitoring and enforcement mechanisms during the detailed design stage, it is considered that this has been sufficiently set out as part of the Applicant's response at Deadline 3.

~~FCC maintains that the justification for classifying the significant uplift on Kelsterton Roads such as "minor adverse" would benefit from additional transparency. In particular, FCC would welcome explanation of:~~

- ~~• how embedded mitigation reduces 'high' magnitude impacts to 'medium';~~
- ~~where monitoring, vehicle booking systems and enforcement mechanisms will on-site holding to regulate flows.~~
- ~~• While detail remains high-level, with key elements to be specified/defined at the detailed stage; and~~
- ~~• how, the Applicant has confirmed that these commitments/measures will be secured to ensure road safety and amenity are effectively protected.~~

FCC remains supportive through Requirement 5 of the Applicant's intention to refine these documents post-consent, subject to ongoing consultation. dDCO [REP5-004] and developed within the final CTMP/ CWTP. This approach is considered reasonable.

			<p>The specified hours of work are secured within the Framework CTMP (EN010166/APP/6.5), serving to reduce the level of impact experienced during locally sensitive peak hours. The arrival and departure of HGVs is proposed to be monitored to ensure this level of construction traffic along Kelsterton Road is not exceeded. Further, more detailed monitoring /mitigation is likely to include the use of a vehicle booking system, or similar, which would serve to manage heavy vehicle deliveries throughout the day, through scheduling of specific time slots for arrivals and ensuring the total vehicles per day is not excessively exceeded. If the monitoring of these movements reveals a likelihood for the forecast hourly arrivals / departures to be continuously exceeded, construction vehicles can be placed on hold within site holding areas in order to regulate vehicle flow, ensuring impacts along Kelsterton Road are limited, prior to HGVs accessing the wider Strategic Road Network on the form of the A548.</p>			
6.4413	Sustainable transport options for construction workers	Framework Construction Worker Travel Plan (CWTP) [APP-248]	<p>Deadline 3: As noted in the Framework CWTP [APP-248], while theoretical accessibility by walking and cycling is recognised, it is accepted that the practical constraints, such as personal protective equipment requirements and the nature of construction shift patterns, are likely to limit the extent of which these modes could be utilised. The Applicant agrees that public transport options for travel represent more realistic alternatives for construction workers. The Framework CWTP [APP-248] proposes the use of coordinated worker travel strategies, including shuttle and / or minibus services which would link local bus stops and railway stations to the Main Development Area, with the intention to specifically facilitate integration with the wider transportation network and support more sustainable modes of travel.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p> <p><u>Deadline 6: The measures set out are secured through inclusion within the Framework CWTP [APP-248], which are to be developed in further detail once a contractor is appointed. The uptake of walking and cycling modes has been acknowledged to be limited due to the nature of the Proposed Development and its construction. The primary consideration for this is the likelihood that as a minimum, workers will be responsible for transporting personal safety equipment which would make the prospect of walking or cycling to work potentially challenging.</u></p>	<p>FCC acknowledges the Applicant's reference to the Framework CWTP [APP-248] and their proposed use of coordinated pickup points. FCC agrees in principle that this could help reduce reliance on single occupancy vehicles. However, FCC considers that the <u>sustainable travel measures. The Applicant could provide information on how these measures will be secured, funded, and monitored, and how workers' shift patterns and PPE requirements may limit recognises that the uptake of walking and cycling. This would help demonstrate alignment is likely to be limited in practice, due to the nature of construction activities and the requirement for workers to transport equipment. Further detail on worker travel strategies will be developed at the detailed stage, and subject to discussion and agreement with local and national active travel objectives.</u>the Council. Therefore, this approach is considered reasonable.</p>	<p><u>Under discussion Agreed</u></p>	<p><u>Medium Resolved</u></p>
6.4514	Public Rights of Way	Community and Local Benefits Statement (EN010166/APP/9.24).	<p>Deadline 5: Refer to the Applicant's response to Action Point 2 within the Applicant's Written Summary of Oral Submissions at OFH1 and response to Action Points [REP4-083] in which the limits on the ability of the Applicant to deliver the requested works to Footpath 28 are fully explained. However, as noted within that response, the Applicant is very aware that local amenity and access by foot is important and, therefore, intends to include public rights of way initiatives as part of its community benefits package proposed as detailed in the Community and Local Benefits Statement (EN010166/APP/9.24).</p>	<p>FCC consider that a newly created footpath could continue to run parallel to the adjacent railway line, as Public Footpath currently does. FCC and the Applicant agree that <u>pedestrian connectivity will be maintained as part of the Proposed Development, with existing routes, including the adjacent public footpath, to be incorporated within the detailed design.</u></p>	<p><u>Under discussion Agreed</u></p>	<p><u>Medium Resolved</u></p>

			<p><u>Deadline 6: As explained within the Community and Local Benefits Statement [REP4-087] submitted at Deadline 4, the CQLCP Community Benefit Fund is not mitigating the effects of the Proposed Development and, therefore, it cannot be given any weight in the determination of the DCO application. It would, therefore, be inappropriate to secure the fund within the DCO.</u></p> <p><u>The Applicant has made a public commitment to the provision of community benefits within the Community and Local Benefits Statement [REP4-087], which will continue the efforts already pursued by the Applicant on a voluntary basis as well as the specified further initiatives identified by FCC.</u></p> <p><u>An overview of the scope of potential benefits has already been provided within the Community and Local Benefits Statement [REP4-087]. These initiatives would be progressed should the Proposed Development be granted consent and progress to the construction phase. It would be premature to prepare a detailed schedule of actions at this stage because the Applicant would want to ensure that its actions to provide a community benefit and funding provided through the Community Benefit Fund are proceeded with-in the context of the detailed design of the Proposed Development and following further community engagement to determine the most effective benefits that can be provided locally.</u></p> <p><u>As explained, the Applicant would also seek to engage with the community and wider stakeholders to shape collaboratively the Community Fund Agreement where the operation and goals of the scheme will be captured. It is typical for schemes to commence this process following award of consent and commencement of construction.</u></p> <p><u>Overall, this means it is neither possible, nor appropriate, to secure outcomes of the proposed scheme in the Draft DCO (EN010166/APP/3.1) itself.</u></p>	<p><u>More context relating to FCC's position on securing this footpath and its detailed design is provided in response to the Examining Authority Question 2 (ExA2 submitted on Deadline 6: 29 May 2026)</u></p>		
<p>6.4615</p>	<p>Cumulative impacts on Kelsterton Road</p>	<p>Framework Construction Worker Travel Plan (CWTP) [APP-248]</p>	<p>Deadline 3: Kelsterton Road currently serves as the primary access to the existing Connah's Quay Power Station and is the most appropriate and practical route for both construction and operational phases of the Proposed Development. Consequently, some degree of concentration of worker traffic on this route is unavoidable given the local network layout and the Proposed Development's access constraints. Notwithstanding the above, the Applicant has assessed the impacts on Kelsterton Road using the IEMA Guidelines and has determined effects to be 'minor adverse' for severance, pedestrian amenity and fear and intimidation, and 'negligible' for highway safety, hazardous / large loads and driver delay, as reported in Chapter 10: Traffic and Transport [APP-048]. This classification reflects both professional judgement and the embedded mitigation measures incorporated within the Framework CWTP [APP-248], which includes measures to manage construction traffic, route</p>	<p>FCC <u>notes/acknowledges</u> the Applicant's confirmation that Kelsterton<u>Kesterton</u> Road is the only feasible access route. FCC and <u>accepts</u> this physical constraint but maintains. <u>The Council also notes that the Chapter 10: Traffic and Transport [APP-048] applies a robust worst-case assessment-would benefit from, including simultaneous construction scenario to account for peak and cumulative effects.</u></p> <p><u>FCC welcomes the proposed monitoring and traffic management measures, including the potential use of vehicle booking system and on-site holding areas to regulate flows. However,</u></p>	<p><u>Under discussion Agreed</u></p>	<p><u>Medium Resolved</u></p>

vehicles appropriately, and avoid sensitive peak periods such as school start and finish times. **Appendix 10-A: Transport Assessment [APP-188]** and **Chapter 10: Traffic and Transport [APP-048]** already consider cumulative effects through the inclusion of all committed developments within a 15 km radius of the Main Development Area (see paragraph 10.4.19 of **Chapter 10: Traffic and Transport [APP-048]**), with developments scoped in or out based on available information, relevance to the study network, and forecast years for traffic generation. The full list of developments considered is presented in **Appendix 24-A Long List of Proposed Schemes [APP-244]** which was developed in consultation with stakeholders, including FCC. The Applicant considers that cumulative effects have been assessed in a proportionate and robust manner. The Applicant does not consider further detailed cumulative junction modelling to be necessary or justified given the temporary / reversible nature of construction impacts, the scale of predicted worker movements, and the embedded mitigation measures already proposed.

Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.

Deadline 6: In response to the points raised regarding cumulative vehicle flows and safety considerations, the Applicant considers the response provided at Deadline 3 to sufficiently address these queries.

Section 10.4 of Chapter 10: Traffic and Transport [APP-048] explains the methodology and assumptions which have been applied in relation to construction traffic associated with the Proposed Development. Paragraphs 10.3.2 to 10.3.9 set out the approach to deriving construction traffic forecasts, with reference to Rochdale Envelope principles. This demonstrates a robust approach has been undertaken, whereby the maximum daily vehicle flow has been assessed, within a scenario which would generate the most construction activity, i.e. the Simultaneous Construction approach.

With regard to additional traffic management triggers, the arrival and departure of HGVs is proposed to be monitored to ensure the assessed level of construction traffic along Kelsterton Road is not exceeded. Further, more detailed monitoring /mitigation is likely to include the use of a vehicle booking system, or similar, which would serve to manage heavy vehicle deliveries throughout the day, through scheduling of specific time slots for arrivals and ensuring the total vehicles per day is not excessively exceeded. If the monitoring of these movements reveals a likelihood for the forecast hourly arrivals / departures to be continuously exceeded, construction vehicles can be placed on hold within site holding areas in order to regulate vehicle flow, ensuring impacts along Kelsterton Road are limited, prior to HGVs accessing the wider Strategic Road Network on the form of the A548.

further explanation of clarity on how cumulative vehicle flows, safety consdierations and peak considerations, and peak construction conditions have been fully reflected. FCC also encourages the Applicant to clarify the are managed in practice, including definition of trigger points underfor additional controls, would be beneficial. These matters can reasonably be addressed within the final CTMP And CWTP, both of which additional traffic management measures might be implemented at detailed design stage-are subject to consultation with FCC. Therefore, this approach is considered reasonable.

<p>6.4716</p>	<p>Operational construction traffic</p>	<p>Chapter 10: Traffic and Transport [APP-048]</p>	<p>Deadline 3: The assessment of Kelsterton Road during the operational phase is set out within Section 10.6 of Chapter 10: Traffic and Transport [APP-048]. Following IEMA assessment methodology for traffic, the Classification of Effect on Kelsterton Road was determined to be Negligible (not significant) in relation to all assessed traffic and transport receptors. Specifically considering the increase in daily vehicles, there was noted to be a 29% increase in daily two-way vehicles on Kelsterton Road during operation, which results in a 'Very Low' magnitude of impact, when applying IEMA methodology. Coupled with the designation of Kelsterton Road as being of 'Low' sensitivity, this results in a Negligible (not significant) effect. This was also deemed to be the case for Highway Safety, whereby the forecast daily increases on Kelsterton Road during operation were not considered likely to result in a material impact, given the low number of incidents recorded on Kelsterton Road over the most recent five year period, as detailed within Section 10.4 of Chapter 10: Traffic and Transport [APP-048].</p> <p>Deadline 5: The Applicant is unclear on the request and will continue to discuss this matter with FCC.</p> <p><u>Deadline 6: Section 10.4 of Chapter 10: Traffic and Transport [APP-048] explains the methodology and assumptions which have been applied in relation to both construction and operational traffic associated with the Proposed Development. Paragraphs 10.3.2 to 10.3.9 set out the approach to deriving construction traffic forecasts, with reference to Rochdale Envelope principles. The assumptions used to inform the assessment of operational traffic are set out in Paragraph 10.3.11 and are primarily based on forecast employment levels. In order to ensure a robust assessment, the forecast level of operational traffic has been considered in addition to the existing traffic flow on Kelsterton Road (obtained through 2024 traffic surveys) associated with the current site. As acknowledged by FCC, the conclusions of the operational assessment are set out within Section 10.6 of Chapter 10: Traffic and Transport [APP-048] and confirm no significant effects would arise from the operational phase of the Proposed Development.</u></p>	<p>FCC notes the Applicant's conclusions regarding negligible operational impacts<u>explanation of the methodology and assumptions underpinning both construction and operational traffic assessments within Chapter 10: Traffic and Transport [APP-048], including the distinction between construction and operational flows and with the use of baseline survey data.</u></p> <p>FCC accepts the conclusion that the operational uplift is materially lower than peak construction scenarios. However, FCC encourages the Applicant to provide further commentary on how operational traffic has been distinguished from construction traffic in the assessment, particularly in relation to Kelsterton Road's long-term functioning and safety context, and that no significant operational effects are predicted. This matter is therefore agreed.</p>	<p>Under discussion <u>Agreed</u></p>	<p>Medium <u>Resolved</u></p>
<p>6.4817</p>	<p>Proposed AIL delivery routes</p>	<p>Chapter 10: Traffic and Transport [APP-048] Draft DCO (EN010166/APP/3.1)</p>	<p>Deadline 3: The Applicant needs to retain the potential use of all three delivery points during the construction of the Proposed Development. Each of the different routes has been identified to have different constraints and, therefore, a combination of the delivery points will be used. For example, heavier loads could be delivered to the Main Development Area via the Port of Mostyn without weight restrictions imposed by crossing Flintshire Bridge. The other options could be used to deliver larger, lighter, items with limited or no interventions required. In selecting these routes and setting the Order limits for the Proposed Development, the Applicant considered the various types of AILs that would be required for construction and the best route for these to be transported to the Construction and Operation Area. There is not one individual route which works for all types of AILs required.</p>	<p>FCC notes the Applicant's explanation that all three candidate AIL routes need to remain available owing to differing constraints and load types, and that final selection will depend on post-consent detailed design and risk assessment, secured under Requirement 19 of the Draft DCO [REP3-003]. FCC accepts the rationale presented, but would welcome added narrative around the decision-making process that will ultimately be used to determine route allocation, including:</p>	<p>Under discussion <u>Not agreed</u></p>	<p>Medium <u>Unresolved</u></p>

			<p>As the final loads would be confirmed through the detailed design process, there will be no further assessments carried out at this stage to discount any of the routes shown, however Requirement 19 of the Draft DCO (EN010166/APP/3.1) requires the following: "The transport of abnormal indivisible loads in connection with the construction of the authorised development must not commence until a detailed abnormal indivisible load risk assessment and method statement have been submitted to and approved by the relevant planning authority." As the detailed abnormal indivisible load risk assessment will be undertaken following the detailed design, the Order limits need to remain available for all three routes.</p> <p>The Applicant has prepared AIL Route Feasibility Cautions Assessment which was included as Appendix A of the Framework CTMP (EN010166/APP/6.6) which is retained in the Deadline 2 revision [REP2-025], based on all the known information, including reasonable assumptions. As detailed in both revisions, AILs which are transported on the highway are subject to an advance consultation and consent process with the Strategic Network Managers, Trunk Road Authority, Highway Authority and emergency services. Local stakeholder engagement and notification can also be carried out. The AILs will be contained as far as possible to water transport, rail or the strategic road network. The forecast number of AILs over the construction period has been set out. The Applicant has carefully considered the powers required for delivery of the Proposed Development as a whole. The DCO regime is intended to be a 'one stop shop' for all consents required to deliver nationally significant infrastructure, such as the Proposed Development. As is precedent for projects of the same nature as the Proposed Development, seeking temporary powers to work in the street to facilitate the transport of AILs is necessary to ensure there is no future impediment to delivery. For further details on why the relevant DCO powers sought are justified, please refer to the Applicant's response to Q24.2 and Q24.9 below.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	<p>- how the Applicant intends to demonstrate that route selection will minimise disruption to the local network; and</p> <p>- the extent to which localised impacts along each route (including settlement areas and known pinch-points) will be re-examined at the detailed design stage.</p> <p>This additional narrative would improve transparency for stakeholders and reinforce confidence in the proportionality of the retained Order Limits.</p> <p><u>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 identified as a task to be undertaken at detailed design stage.</u></p>		
6.4918	Alternative access routes	<p>Appendix 10-A Transport Assessment [REP1-016]</p> <p>Applicant's Response to ExQ1 [REP3-059]</p>	<p>Deadline 3: The existing Connah's Quay Power Station is currently able to use this alternative site access off B1529 Kelsterton Road in Connah's Quay town. It is these rights that the Proposed Development seeks to replicate. This route includes a crossing over the North Wales Main Line railway and under the A548 Chester Road which then connects to the existing Connah's Quay Power Station internal road network. This could then, in turn, provide access towards (or egress from) the Main Development Area. Whilst this access is not routinely used by the existing Connah's Quay Power Station, it has not been used recently, and is not envisaged to be used frequently by the Proposed Development, availability of the alternative access improves resilience of the Main Development Area. In the past, this route has been used where</p>	<p>FCC notes the Applicant's confirmation in REP3-059 that the alternative access via B1529 Kelsterton Road is intended solely for emergency use and has not been assigned construction traffic within the Transport Assessment. FCC welcomes this clarification and invites the Applicant to:</p> <ul style="list-style-type: none"> Indicate or include in the CTMP a concise Emergency Access Protocol explaining circumstances under which this route may be used; 	<p><u>Under discussion</u></p> <p><u>Not agreed</u></p>	<p><u>Medium</u></p> <p><u>Unresolved</u></p>

			<p>access to the former A station site (the construction and indicative enhancement area, C&IEA) has been restricted by NGET, with the Main Development Area accessed through this gate. This eventuality is neither routine nor recent. This alternative access has not been assigned any construction traffic as part of the Traffic Assessment (Appendix 10-A: Transport Assessment (EN010166/APP/6.4)) and, therefore, the potential impact of light vehicles routing to the Main Development Area via this access has not been considered in the Application. Accordingly, the use of the alternative access route by the Applicant for the purposes of the Proposed Development would be in case of emergency only. This access is the main route used by NGET to access their 400kV substation facilities. Whilst not defined explicitly or exhaustively, emergencies where the use of this alternative access may be required could include:</p> <ul style="list-style-type: none"> • Main Development Area evacuation; • C&IEA evacuation; • Entry of emergency vehicles; and • Blockage of main site access. By their nature as emergencies, these circumstances are not common or considered likely in practice. <p>Therefore, the risks associated with the frequency of use of the access are considered negligible.</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached. Deadline 6: Paragraph 3.4.4 of the Framework CTMP (EN010166/APP/6.6) 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>	<ul style="list-style-type: none"> • Indicate in the application documentation or provide high-level information on expected vehicle types and the traffic management arrangements that would apply during such exceptional events; and • Indicate in the application documents or confirm that emergency use would be reported to the highway authority where deviations from standard routing occur. <p>FCC believes that this would ensure procedural clarity without altering the assessment.</p> <p><u>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.</u></p>		
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7.0 Terrestrial and Aquatic Ecology

7.1	Scope of the assessment	ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP 049]	<p>Deadline 1: The scope of the terrestrial and aquatic ecology assessment is appropriate and comprehensive, as agreed with FCC at the EIA Scoping stage.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p>	<p>FCC agrees that the scope of the terrestrial and aquatic ecology assessment is broadly appropriate as previously scoped. However, FCC does not agree that the Applicant's responses have resolved the Council's concerns, and FCC's position remains that the evidence base is not yet sufficiently complete and internally consistent to support the conclusions presented. This is explored in detail in the following matters raised.</p>	Under discussion	High
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7.21	Study area and baseline	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>ES Volume IV Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys and Study Area [APP-190]</p>	<p>Deadline 1: The baseline conditions have been collated using desk-based and field-based techniques. The scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 11: Terrestrial and Aquatic Ecology [APP-049].</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant has outlined relevant limitations for each of the ecological surveys undertaken in support of the assessment. These are included and discussed in the context of the relevant report in Appendix 11-C to 11-M (EN010166/APP/6.4). The majority of the limitations related to access for the Repurposed CO₂ Connection Corridor within which no works are proposed. The Applicant considers that the identified limitations do not affect the conclusions reached within Chapter 11: Terrestrial Ecology and Ornithology (EN010166/APP/6.2.11) or the RIHRA (EN010166/APP/6.12).</p>	<p>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><u>Study areas, survey methodologies and baseline for individual species are discussed individually below.</u></p>	<p><u>Under discussion</u> <u>Not agreed</u></p>	<p><u>Medium</u><u>Unre</u> <u>solved</u></p>
7.32	Scope and methodology of terrestrial and aquatic ecology surveys	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p>	<p>Deadline 1: The scope and methodology of the terrestrial and aquatic ecology surveys have been discussed and agreed upon with FCC as stated in FCC feedback received during Statutory Consultation. It should also be noted that this has also been discussed and agreed with Natural Resources Wales (NRW).</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058.1].</p> <p>Deadline 5: The Applicant has provided a response to comments raised by FCC at Deadline 4 [REP4-089] within the Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).</p>	<p>FCC acknowledges that the survey scope and methodology were previously agreed upon with NRW, excluding the newly added area resulting from the change notification. However, FCC remains concerned that baseline surveys have not been conducted in accordance with this agreed scoping exercise. Without clearly defined limitations and uncertainties, the assessment outcomes cannot be considered reliable at this stage.</p> <p><u>Survey methodologies and baseline are discussed individually below, of which some are agreed.</u></p>	<p><u>Under discussion</u> <u>Not agreed</u></p>	<p><u>Medium</u><u>Unre</u> <u>solved</u></p>
7.3	<p><u>Study area, survey methodology and baseline for invertebrates, fish, dormice, natterjack toad and water vole</u></p>	<p><u>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</u></p> <p><u>ES Volume IV Appendix 11 (various)</u></p>	<p><u>Following ongoing discussion with FCC which has led to rationalising the entries within Table 2, the Applicant welcomes agreement with FCC regarding the study area, survey methodologies and baseline.</u></p>	<p><u>FCC agrees that the study areas, survey methodologies and baseline, and/or the decision to exclude ecological features from the assessment for invertebrates, fish, dormice, natterjack toad and water vole is sufficiently robust to support the conclusions presented.</u></p>	<p><u>Agreed</u></p>	<p><u>Resolved</u></p>

<p>7.4</p>	<p><u>Assessment Study area, survey methodology and baseline for otter</u></p>	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Survey Reports (ES Volume IV Appendix 11-G to 11-L) 11J CONFIDENTIAL Otter Technical Appendix [APP-201]</p>	<p>Deadline 1: The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies are robust and acceptable.</p> <p>It should be noted that the terrestrial and aquatic ecology assessment is supported by Survey Reports as technical appendices which include detailed accounts of the baseline surveys undertaken and their results.</p> <p>Deadline 6: 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 Applicant acknowledges Figure 11 J-3 shows the incorrect boundary and this has been updated at Deadline 6 within a revision of Appendix 11-J: Otter Technical Appendix (EN010166/APP/6.4).</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>As stated in our response to FCCs comment 13.166 in the LIR, otters are tolerant of what humans perceive as noisy environments if the habitat is suitable. This can be seen by the recolonisation of otters into town and city centres such as Lincoln, Sheffield, Colchester, Chelmsford, London and York, so construction noise is not considered an issue. In addition, these works are minor in nature and will not create barriers to otter movement during construction, demolition and operation, nor any fragmentation of territories therefore will not impact foraging and commuting otter.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: As detailed in REP3-058 in the Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27), to be submitted at Deadline 5, UKHabitat Classification was selected as the primary habitat classification as it provides a higher resolution and more detailed habitat</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, FCC does not agree that the adopted methodologies and supporting survey reports are sufficiently robust, as currently presented, to underpin the assessment conclusions. FCC's position is that survey limitations and inconsistencies across the documentation reduce confidence in the assessment, particularly regarding the suitability of the proposed mitigation and compensation measures. 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 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.</p>	<p>Under Discussion Not agreed</p>	<p>Medium Unresolved</p>
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			<p>classification when compared to Phase 1 Habitat Classification. UKHabs hierarchical classes and secondary codes distinguish habitat variants within primary hierarchy with secondary codes used to capture information such as current management and variations within the habitats. Phase 1 habitat classification does not allow for such detailed information to be captured and often groups habitat types under one broader habitat type and relies on target notes to capture non-standard habitat descriptions. Appendix D of the Green Infrastructure Statement [REP4-052] translates UKHabitat Classifications to Phase 1 Habitat Classifications.</p> <p>Further information can be found in the Applicant's Response to Deadline 4 Submissions (EN10166/APP/9.27).</p>			
7.5	<p><u>Study area, survey methodology and baseline for bats</u></p>	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Appendix 11G Bat Technical Appendix [APP-197]</p>	<p>Deadline 6: Paragraph 3.2.1 to 3.2.4 of Appendix 11-G: Bat Technical Appendix [APP-197] confirm that the Preliminary Bat Roost Assessment was comprised of a Daytime Bat Walkover (DBW) which included a Ground Level Tree Assessment (GLTA). These surveys were undertaken in accordance with the Bat Conservation Trusts 2023 guidance - Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition).</p> <p>Paragraph 4.2.1 of Appendix 11-G: Bat Technical Appendix [APP-197] 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 Appendix 11-G: Bat Technical Appendix [APP-197] 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 Framework CEMP (EN010166/APP/6.5) no further surveys are required.</p>	<p>FCC maintains that Preliminary Roost Appraisal (PRA) and inspection surveys should be completed prior to determination, rather than deferred to the pre-construction stage. This information is necessary to inform ecological valuation, enable a robust assessment of impacts, and identify any mitigation, compensation, or licensing requirements.</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	<p><u>Study area, survey methodology and baseline for GCN</u></p>	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Appendix 11E Great Crested Newt Technical Appendix [APP-195]</p>	<p>Deadline 5: The Applicant retains its position in points 13.26-13.28 and 13.147-13.153 within the Applicant's Response to the Local Impact Report [REP3-058] on its valuation and survey scope for great crested newt (which is considered proportionate to the impacts), and states NRW have raised no comments or concerns over the survey scope or valuation of this species during the examination process.</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 around the</p>	Not agreed	Unresolved

				valuation and assessment of GCN, particularly in relation to the Deeside and Buckley Newt Sites SAC.		
7.7	<u>Survey methodology and assessment conclusions for reptiles</u>	Appendix 11-M: 2025 Reptile Survey Report [REP2-011]	Following ongoing discussion with FCC which has led to rationalising the entries within Table 2 of Appendix 11-M: 2025 Reptile Survey Report [REP2-011] , the Applicant welcomes agreement with FCC on the findings of the 2025 reptile survey.	FCC agree with the survey methodology and conclusions from the latest reptile report in 2025 that a low population of both common lizard and grass snake are present within the site, with the C&IEA supporting higher numbers of these reptiles due to habitat suitability.	Agreed	Resolved
7.8	<u>Study area, survey methodology and baseline for birds</u>	Appendix 11D CONFIDENTIAL Ornithology Technical Appendix	Deadline 6: The Applicant has updated Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4) at Deadline 6 to include additional data received from the Deeside Naturalists Society for Compartments 1 and 2 of the Connah'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
7.9	<u>Study area, survey methodology and baseline for habitats</u>	ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049] ES Volume IV Appendix 11 (various)	Following ongoing discussion with FCC which has led to rationalising the entries within Table 2 of Appendix 11-M: 2025 Reptile Survey Report [REP2-011] , the Applicant welcomes agreement with FCC on this matter.	FCC acknowledges guidance on NBB assessment and use of Phase 1 Habitat Classification versus UKHabs is 'premature' and lacking in certainties. However, the species lists to inform how conditions were assigned for habitats are not provided within the application which makes it challenging to validate the assessments. Notwithstanding, FCC accept that UKHabs can be used and acknowledge that Appendix D of the Green Infrastructure Statement [REP4-052] translates UKHabitat Classifications to Phase 1 Habitat Classifications.	Agreed	Resolved
7.10	<u>Survey methodology for botanical and invasive species</u>	ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049] Appendix 11C CONFIDENTIAL Botanical Technical Appendix [APP-192]	Deadline 6: Whilst FCC's commentary is noted, Paragraph 3.2.5 of Appendix 11:C- Botanical Technical Appendix [REP3-016] notes it was not possible to access all habitats within the Repurposed Carbon Dioxide (CO ₂) 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	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Appendix 11C CONFIDENTIAL Botanical Technical Appendix [APP-192]</p>	<p>Deadline 6: As detailed in paragraph 2.3.1 of Annex B of Appendix 5-B: Environmental Screening of the Hardstanding Expansion at Conah's Quay North Jetty [CR1-088], 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.</p>	<p>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 agree with the findings of this survey [CR1-088] and subsequent information from the Applicant.</p>	Not agreed	Unresolved
7.12	Temporary vs permanent impacts	<p>Applicant's response to the Local Impact Report [REP3-058]</p> <p>Applicant's response to Deadline 4 Submissions [REP5-062]</p>	<p>The Applicant retains its position in point 13.50 within the Applicant's Response to the Local Impact Report [REP3-058] on reversibility of impacts. The Applicant notes FCC's position that "... <i>impacts must be defined explicitly in months or years, recognising that effects may be short, medium or long-term, temporary or permanent</i>" confuses 'revisability' and 'duration'. Appendix 11-A: Ecological Impact Assessment Methodology [APP-189] confirms how the Applicant has considered 'revisability' and 'duration' within the assessment. The relevant text is repeated below:</p> <ul style="list-style-type: none"> duration - the time over which an impact is expected to last prior to recovery or replacement of the resource or feature. The likely duration of the impact should be quantified (e.g. two weeks duration; five to 10 years). Consideration has been given to how this duration relates to relevant ecological characteristics such as a species' lifecycle. However, it is not always appropriate to report the duration of impacts in these terms. The duration of an effect may be longer than the duration of an activity or impact. reversibility - is the impact temporary or permanent. A temporary impact is one from which recovery is possible or for which effective mitigation is both possible and enforceable. A permanent effect is one from which recovery is either not possible, or cannot be achieved within a reasonable timescale (in the context of the feature being assessed). <p>On the basis of the above, an impact could be long term and temporary, however by its very nature, a discussion on duration is not required for permanent impacts.</p>	<p>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 Green Infrastructure Statement [REP4-052] at Deadline 4 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>Prolonged habitat loss over this timescale may result in loss of ecological function, interruption of life cycles, local population loss, and uncertain recolonisation, particularly for invertebrate assemblages and other species reliant on specific habitat conditions and connectivity. In the absence of receptor-specific evidence to show that these effects are reversible, FCC maintains that classifying such losses as "temporary" is not justified and understates the potential significance of the effect.</p>	Not agreed	Unresolved
7.513	Assessment outcomes - general	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p>	<p>Deadline 1: The terrestrial and aquatic ecology assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The</p>	<p>FCC does not agree that the assessment has demonstrated effects are as concluded. FCC's position remains that, due to uncertainty in the baseline assessments, and the scale and duration of habitat loss, the conclusions of significance (including for protected and notable species) are not sufficiently evidenced.</p>	Under discussion Not agreed	Medium Unresolved

			<p>Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached.</p> <p><u>Deadline 6: The Applicant considers the responses provided at reference 13.130 to 13.189 of Table 10 of the - Applicant's Response to LIR [REP3-058] address the points raised by FCC.</u></p>			
7.614	<p>Mitigation Assessment outcomes – INNS</p>	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p>Outline Landscape and Ecology Management Plan (LEMP) (EN010166/APP/6.9)</p> <p>Curlew Mitigation Strategy [APP-254]</p> <p>Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy (EN010166/APP/6.14)</p>	<p>Deadline 1: All relevant mitigation and monitoring measures are captured within the Outline LEMP [APP-250], Framework CEMP (EN01066/APP/6.5), Curlew Mitigation Strategy [APP-254] and Off-site NBB and GI Strategy (EN010166/APP/6.14) as applicable.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant will provide a response to FCC on these points prior to Deadline 6 to enable an updated position to be reached. Deadline 6: Table 1 of the Framework CEMP (EN010166/APP/6.5) 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 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.</p> <p><u>Both of the noted locates are within the Repurposed CO₂ Connection Corridor where no works are proposed and as noted above the only access limitations were within this area.</u></p>	<p>FCC agrees in principle that mitigation, compensation and enhancement measures as well as ongoing monitoring should be secured through enforceable DCO requirements and approved plans. However, FCC does not agree that the current proposals demonstrate that impacts can be appropriately mitigated or compensated in practice, particularly where measures rely on future details particularly surrounding off-site delivery to address losses arising within the Order limits. FCC still have concerns that the potential spread of INNS have not been fully assessed within the assessment and the RIHRA. In the botanical baseline report in Appendix 11C [APP-191], INNS have been stated to have been recorded in the woodland W-22 within the site, although these are not listed or shown location within W-22. Hedgerow H1 is also stated within Table B-2 to have 'Small patch of Japanese knotweed Reynoutria japonica on one side'. The same baseline report states in paragraph 2.1.5.4 'However, some of the Site was assessed with aerial imagery so there is a possibility that invasive species may have been missed.'</p>	<p>Under discussion</p> <p><u>Not agreed</u></p>	<p>High</p> <p><u>Unresolved</u></p>
7.15	<p>Assessment outcomes – habitat calculations and NBB</p>	<p>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</p> <p><u>Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy (EN010166/APP/6.14)</u></p>	<p><u>Deadline 6: The Executive Summary of the Green Infrastructure Statement (EN010166/APP/6.11) 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.</u></p>	<p><u>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.</u></p>	<p><u>Not agreed</u></p>	<p><u>Unresolved</u></p>

Survey Reports (ES
Volume IV Appendix 11-
C to 11-L)

7.716

Securing mitigation

Draft DCO (EN010166/APP/3.1)

Deadline 1: A Requirement in the **Draft DCO (EN010166/APP/3.1)** secures that detailed CEMP(s) and LEMP(s) must be prepared, approved and implemented prior to construction of the authorised development.

The Council agrees with the Applicant that Requirement 4 of the Draft DCO [~~REP3-003~~REP5-004] secures that detailed CEMP(s) and Requirement 10 of the Draft DCO [~~REP3-003~~REP5-004] secures that detailed LEMP(s) must be prepared, approved and implemented prior to the commencement of the construction of the authorised development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority.

FCC maintain the position that the CEMP should be further developed once the ecological baseline and associated impacts are more clearly defined.

The Council has particular concern that the current proposals do not explicitly address timing considerations in relation to reptile exclusion, capture, and mitigation works. In addition, reliance on a 30 m retention buffer alone may result in retained habitats being subject to increased pressure, with potential implications for carrying capacity.

The Council therefore considers that a detailed Reptile Mitigation Strategy is required for the development. This should:

- provide a clear framework for reptile mitigation measures, including timing, phasing, and implementation;
- undertake additional population surveys including of open mosaic habitat (OMH) areas currently omitted from the survey scope to better assess the size of reptile populations within the Order Limits; and
- assess the carrying capacity of retained habitats to inform whether on site retention alone is sufficient, or whether off site translocation to a suitable receptor site would be required (with clear triggers in terms of numbers of reptiles identified during works to determine this requirement).

In the absence of this information, the Council remains concerned that the assessment does not yet provide sufficient certainty regarding the

Agreed

Resolved

				<u>effectiveness of mitigation measures or the avoidance of impacts on reptile populations.</u>		
<u>7.17</u>	<u>Efficacy of mitigation</u>	<u>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</u>	<p><u>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</u></p> <p><u>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</u></p> <p><u>Deadline 5: The Applicant has responded to comments raised by FCC in relation to this topic in Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).</u></p> <p><u>Deadline 6: The Applicant retains that other parties, including NRW are supportive of the location of off-setting measures for curlew outlined in the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13). 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.</u></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"> <u>The locations and distance from the habitat lost for curlew and the compensation area proposed</u> <u>Concerns around the calculations of loss of habitats to those being mitigated on site and compensated off site</u> 	<u>Not agreed</u>	<u>Unresolved</u>
<u>7.818</u>	<u>Residual effects after mitigation</u>	<u>ES Volume II Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</u>	<p><u>The Applicant retains its position as detailed in Sections 7.1 to 7.17.</u></p> <p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant has responded to comments raised by FCC in relation to this topic in Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).</p>	<p>FCCFCC is unable to agree that the residual effects are sufficiently justified or that the mitigation hierarchy (stepwise approach has been properly adhered to), in part due to uncertainties in the baseline assessment as detailed above and lack of information provided on the decision making regarding the stepwise approach. FCC considers habitat loss described as 'temporary', which includes a nine-year period plus re-establishment time, is not a short-term impact, and notes that such loss may result in long-term/permanent ecological impacts that have not been fully addressed. Furthermore, the proposed mitigation strategy, which largely constitutes compensation, lacks adequate detail to assess whether the residual effects have been satisfactorily resolved.</p> <p>FCC is currently in discussion with the Applicant regarding provision of further mitigation measures that could be delivered within Flintshire to allow the scheme to deliver mitigation elements locally: <u>via a Section 106 agreement</u>. The Council welcomes this engagement and supports continued discussion on this matter as <u>Examination progresses appropriate</u>.</p>	<u>Under discussion</u> <u>Not agreed</u>	<u>Medium Unresolved</u>

408.0 Net Benefit for Biodiversity

8.1	Assessment methodology	Green Infrastructure Statement (EN010166/APP/6.11)	<p>Deadline 1: A meeting was held in May 2024 to discuss the approach to NBB as detailed in Table 1.</p> <p>The Applicant has prepared the Green Infrastructure Statement (EN010166/APP/6.11) to summarise the NBB and GI assessment. The methodology used for gathering information for baseline conditions relating to the initial NBB assessment is appropriate to the nature of the Proposed Development and its potential effects.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant confirms that the Green Infrastructure Statement [REP4-052] submitted at Deadline 4 addresses FCC's points on inconsistencies in habitat loss/gain reporting identified in the LIR.</p> <p><u>Deadline 6: An Appendix to the Green Infrastructure Statement (EN010166/APP/6.11) 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.</u></p>	<p>FCC does not agree that the Green Infrastructure Statement [REP4-052], <u>or the recently provided Executive Summary</u>, provides a sufficiently clear and consistent basis to demonstrate net benefit for biodiversity. FCC's position is that insufficient baseline data relating to the NBB assessment (as has been detailed to the Applicant) and inconsistencies in habitat loss/gain reporting and uncertainty around condition and temporal losses mean NBB is not yet reliably demonstrated.</p>	Under discussion Not agreed	Medium Unresolved
8.2	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	Green Infrastructure Statement (EN010166/APP/6.11)	<p>Deadline 1: The approach used for the NBB assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: As detailed in the Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27) the Applicant has used a previously accepted methodology for the NBB assessment for the Proposed Development. Nevertheless, the Applicant will update the Green Infrastructure Statement (EN010166/APP/6.11) to include a full DECCA assessment of baseline condition. The Applicant is confident that the survey data and other available sources of information are sufficient to provide the additional detail requested.</p> <p><u>Deadline 6: The Applicant has identified in correspondence with FCC that the assessment presented in the Green Infrastructure Statement (EN010166/APP/6.11) builds upon the approach taken for other consented DCOs within Wales, such as the Mona Offshore Windfarm (PINS Ref:</u></p>	<p>FCC does not agree that the NBB approach and baseline data follows 'standard best practice' for projects in Wales, as information is currently insufficiently detailed to inform a DECCA assessment. The assessment further contains inconsistencies and uncertainty identified by the Council and NRW.</p> <p><u>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.</u></p>	Under discussion Not agreed	Medium Unresolved

			<p><u>EN010137) and Hynet CO₂ Pipeline (PINS Ref: EN070007). Further to this, available Green Infrastructure Statements of the following Developments of National Significance have been reviewed and the Applicant considers the approaches to be consistent with that for the Green Infrastructure Statement (EN010166/APP/6.11):</u></p> <ul style="list-style-type: none"> <u>Aberedw Energy Park Limited¹;</u> <u>Plas Power Solar and Energy Storage Project²;</u> <u>Llest y Gwynt Wind Farm and Grid Connection³; and</u> <u>Bryn Cadwgan Energy Park⁴.</u> <p><u>The Applicant is confident the material provided is sufficient and demonstrates the Proposed Development would result in a net benefit for biodiversity.</u></p> <p><u>Notwithstanding the above, as noted in the Applicant's Responses to Deadline 4 Submissions [REP5-062], an Appendix to the Green Infrastructure Statement (EN010166/APP/6.11) has been provided at Deadline 6 to provide a standalone DECCA assessment of the baseline condition.</u></p>			
8.3	Assessment findings	<p>Green Infrastructure Statement (EN010166/APP/6.11)</p> <p>Off-site Net NBB and GI Strategy (EN010166/APP/6.14)</p>	<p>Deadline 1: The findings of the NBB assessment are appropriate.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: Further details are in the Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).</p> <p><u>Deadline 6: The Applicant submitted an updated version of the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [REP4-058] at Deadline 4 to address the concerns of FCC in relation to a consistent evidence base. An indicative Landscape Plan for the Off-site Delivery Area (Figure 6) was also provided in this revision of the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [REP3-058] to demonstrate how the required off-site planting could be delivered.</u></p> <p><u>The Applicant retains its position that the combination of on-site and off-site habitat creation secured through the Outline Landscape and Ecology Management Plan (EN010166/APP/6.9) and the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy</u></p>	<p>FCC does not agree that the findings of the NBB assessment are currently demonstrated to be appropriate. FCC's position remains that the documentation does not yet provide a complete and internally consistent evidence base to support conclusions on the proposal outcomes.</p>	<p><u>Under discussion</u> <u>Not agreed</u></p>	<p><u>Medium</u> <u>Unresolved</u></p>

¹ LUC (2025). Bute Energy. Aberedw Energy Park Limited Green Infrastructure Statement Document reference AEP.APP.10

² RPS (2024). lightsource bp. Plas Power Solar and Energy Storage Project 3.0.9 Green Infrastructure Statement

³ Dulas (2024). Llest y Gwynt Wind Farm and Grid Connection Green Infrastructure Statement

⁴ Savills (2025). Galileo 06 Limited. Bryn Cadwgan Energy Park Green Infrastructure Statement

(EN010166/APP/6.14) would result in a net biodiversity benefit. This position is summarised in the **Green Infrastructure Strategy (EN010166/APP/6.11)**, which provides further details of how the Proposed Development has followed the 'stepwise' approach and fulfilled the requirements of Planning Policy Wales 12.

9.0 Report to Inform the Habitats Regulations Assessment

9.1	Assessment methodology	Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)	<p>Deadline 1: The survey baseline used in the Report to Inform Habitat Regulations Assessment is appropriate/acceptable. The methodology used in the Report to Inform Habitat Regulations Assessment [APP-253] is appropriate.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR-.</p> <p>Deadline 5: The Applicant clarifies that the Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales [REP4-078] was submitted in response to the Procedural decision following issue of acceptance decision – English [PD-006] at the request of the ExA. The Applicant has also provided a response to FCC's comments in relation to the Change Application within the Applicants Response to Deadline 4 Submissions (EN010166/APP/9.27).</p>	<p>FCC broadly agrees that the Report to Inform the HRA uses an appropriate baseline and methodology for informing HRA screening and assessment. However, FCC does not agree that the current evidence base is sufficient to conclude that Likely Significant Effects and/or Adverse Effects on Integrity can be ruled out at this stage. This includes for the works proposed within the recent change notification submitted.</p> <p>FCC welcomes the 'Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales [REP4-078]'. The derogation report confirms, on a without-prejudice basis, that the Applicant now considers adverse effects on integrity of the Dee Estuary SAC/SPA/Ramsar cannot be excluded in relation to Atlantic salt meadow and functionally linked land for curlew.</p> <p>FCC awaits a complete, consistent HRA at Examination stage, informed by secured mitigation and a clear distinction between mitigation and compensation. FCC agrees with this conclusion.</p>	Under discussion Agreed	Medium Resolved
9.2	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)	<p>Deadline 1: The approach used for the Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12) follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines. The list of sites considered at the screening stage is appropriate.</p> <p>The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p> <p>Deadline 5: The Applicant clarifies that the Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales [REP4-078] was submitted in response to the Procedural decision following issue of acceptance decision – English [PD-006] at the request of the ExA.</p>	<p>FCC notes that, through the submission of [REP4-078] the Applicant is now proceeding on a without-prejudice basis that adverse effects on integrity of the Dee Estuary SAC/SPA/Ramsar site may arise as a result of:</p> <ul style="list-style-type: none"> • direct and medium-term loss of Atlantic salt meadow associated with the proposed surface water outfall; • operational nitrogen deposition affecting qualifying saltmarsh habitat; and • loss of functionally linked land for curlew. <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</p>	Under discussion Not agreed	Low Unresolved

			<p><u>Deadline 6: The Applicant has updated the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) and Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) at Deadline 6 is response to the Report on the Implications for European Sites [PD-019]. In addition, further clarifications have been made within the Draft DCO (EN010166/APP/3.1) 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 Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12).</u></p>	<p>information previously submitted. FCC remains of the view that, in the absence of further information, conclusions of no AEoI are not supported by sufficient certainty at Examination stage.</p>		
9.3	Assessment findings	Report to Inform the Habitats Regulations Assessment [APP-253]	<p>Deadline 1: The findings of the assessment in the Report to Inform Habitat Regulations Assessment [APP-253] are appropriate.</p> <p>The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p> <p>Deadline 5: The Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086] sets out the Applicant's position on mitigation and compensation. These matters are being discussed further with Natural England and Natural Resources Wales.</p>	<p>FCC acknowledges that REP4-078 provides additional detail on proposed compensatory measures, including managed realignment for Atlantic salt meadow and off-site habitat provision for curlew at Gronant Fields.</p> <p>However, FCC notes that the advice from Natural England and Natural Resources Wales confirms that these measures should be treated as compensation, not mitigation, for HRA purposes.</p> <p>FCC therefore considers it critical that the Examination proceeds on the basis that adverse effects on integrity are not avoided or mitigated, and that the legal tests for derogation under the Habitats Regulations must be clearly and robustly met. FCC emphasises that reliance on future plans and post-consent detail remains insufficient where those measures are fundamental to the HRA conclusions.</p>	Under discussion	Low
9.43	Securing mitigation	<p>Report to Inform the Habitats Regulations Assessment<u>Draft DCO (EN010166/APP/6.12)</u></p> <p>Framework (CEMP (EN010166/APP/6.9)</p> <p>OLEMP (EN010166/APP/6.9)</p>	<p>Deadline 1: All relevant mitigation measures specified in the Report to inform the Habitats Regulations Assessment (EN010166/APP/6.12) are adequately secured through the Framework CEMP (EN01066/APP/6.5), OLEMP (EN010166/APP/6.9) and Curlew Mitigation Strategy (EN010166/APP/6.13).</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on the HRA within the LIR. The Applicant has responded to this commentary within the Response to LIR.</p>	<p><u>The Council agrees with the Applicant that Requirement 4 secures that detailed CEMP(s), Requirement 10 secures that detailed LEMP(s) and Requirement 11 of the Draft DCO [REP3-003] secures that a detailed Curlew mitigation and monitoring plan must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning authority. FCC agrees in principle that HRA-</u></p>	Under discussion Agreed	Medium Resolved

		Curlew Mitigation Strategy (EN010166/APP/6.13) 3.1)	Deadline 5: The Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086] sets out the Applicant's position on mitigation and compensation. These matters are being discussed further with Natural England and Natural Resources Wales. Further details are also provided in the Applicant's Response to Deadline 4 Submissions (EN010166/APP/9.27).	relevant mitigation measures should be secured through enforceable DCO requirements and approved plans. FCC does not agree that deferring key detail to post-consent strategies is sufficient where that detail is necessary at Examination to support conclusions on LSE/AEoI. FCC also considers it critical (for HRA purposes) to clearly distinguish mitigation relied upon in the HRA from compensation.		
9.5	Securing mitigation	Draft DCO (EN010166/APP/3.1)	The proposed mitigation is appropriate for managing construction impacts from the Proposed Development and is adequately secured via the requirements in the Draft DCO (EN010166/APP/3.1).	The Council agrees with the Applicant that Requirement 4 secures that detailed CEMP(s), Requirement 10 secures that detailed LEMP(s) and Requirement 11 of the Draft DCO [REP3-003] secures that a detailed Curlew mitigation and monitoring plan must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on those documents as the relevant planning authority.	Agreed	Resolved
10.0 Marine Ecology						
10.1	Scope of the assessment	ES Volume II Chapter 12: Marine Ecology [APP-050]	The scope of the marine ecology assessment is appropriate and comprehensive, as agreed with FCC at the EIA Scoping stage.	This matter is agreed between the parties.	Agreed	Resolved
10.2	Study area and baseline	ES Volume II Chapter 12: Marine Ecology [APP-050]	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 Chapter 12: Marine Ecology [APP-050] .	This matter is agreed between the parties.	Agreed	Resolved
10.3	Assessment methodology	ES Volume II Chapter 12: Marine Ecology [APP-050] ES Volume IV Appendix 12-A: Marine Ecology Assessment Methodology [APP-204]	The assessment methodology has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies. The adopted methodologies are robust and acceptable. Full details can be found in Chapter 12: Marine Ecology [APP-050] and Appendix 12-A: Marine Ecology Assessment Methodology [APP-204] .	This matter is agreed between the parties.	Agreed	Resolved
10.4	Assessment outcomes	ES Volume II Chapter 12: Marine Ecology [APP-050]	Deadline 1: The marine assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors		Under discussion	High

			<p>identified in Chapter 12: Marine Ecology [APP-050].</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant awaits further information regarding FCC's position on this matter.</p>			
10.54	Mitigation	Draft DCO [REP3-003] (EN010166/APP/3.1)	<p>A Marine Invasive Non-Native Species Outline Management Plan (Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan [APP-209]) has been produced and preparation, approval and implementation of a detailed version is secured through the DCO via Requirement 4 which expressly specifies that a marine invasive non-native speciesINNS management plan which is in general accordance with the marine invasive non-native speciesINNS outline management plan <u>be incorporated into</u> the detailed CEMP <u>to be approved. The detailed CEMP</u> must include a marine invasive non-native speciesINNS <u>outline</u> management plan which is in general accordance with the marine invasive non-native speciesINNS outline management plan. The detailed CEMP must be approved by FCC and, therefore, there is already an express commitment contained within the DCO that FCC approve the marine invasive non-native species management plan.</p>	<p>The Council acknowledge that the Marine Invasive Non-Native Species Outline Management Plan (Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan [APP-209]) has been provided in support of the application and is to be certified through the DCO, should it be made, <u>and acknowledge that this is secured via Requirement 4 of the dDCO [REP5-004].</u></p> <p>However, there is not a Requirement within the DCO that a detailed version is produced and FCC are consulted on as the relevant planning authority. The Council suggest that a Requirement is added to the Draft DCO [REP3-003] to secure this commitment.</p>	Under discussion Agreed	High Resolved
10.6	Residual effects after mitigation	ES Volume II Chapter 12: Marine Ecology [APP-050]	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>		Under discussion	High

11.0 Water Environment and Flood Risk

11.1	Scope of the assessment	<p>ES Volume II Chapter 13: Water Environment and Flood Risk [APP-051]</p> <p>ES Volume IV Appendix 13-C: Flood Consequence Assessment (FCA) [APP-212]</p> <p>ES Volume IV Appendix 13-D Outline Surface Water Drainage Strategy [APP-213]</p>	<p>The scope of the water environment and flood risk assessment is appropriate and comprehensive.</p> <p>It should be noted that:</p> <ul style="list-style-type: none"> The Outline Surface Water Drainage Strategy is included as Appendix 13-D [APP-213] and preparation, approval and implementation of a detailed version(s) is secured through the DCO. Its suitability for protecting the water environment is assessed within Chapter 13: Water Environment and Flood Risk [APP-051]. A SuDS approach is included in this strategy; and A FCA is provided as Appendix 13-C: Flood Consequence Assessment [APP-212] and is considered within Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13) in EIA terms. The risk of pollution to surface and groundwater bodies is assessed. 	This matter is agreed between the parties.	Agreed	Resolved
11.2	Study area and baseline	<p>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</p> <p>ES Volume IV Appendix 13-A: Water Environment Baseline Survey and Methodology Report [APP-210]</p>	<p>The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.</p>	This matter is agreed between the parties.	Agreed	Resolved
11.3	Assessment methodology	<p>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</p>	<p>The assessment methodology used in the water environment and flood risk assessment is appropriate/acceptable.</p>	This matter is agreed between the parties.	Agreed	Resolved

11.4	Assessment outcomes	<p>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</p> <p>ES Volume IV Appendix 13-B: Water Framework Directive Assessment Report [APP-211]</p> <p>ES Volume IV Appendix 13-C: Flood Consequences Assessment [APP-212]</p>	<p>Deadline 1: The water environment and flood risk assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 13 Water Environment and Flood Risk (EN010166/APP/6.2.13).</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>		Under discussion	High
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11.54	Mitigation	Draft DCO [REP3-003](EN010166/APP/3.1)	The preparation, approval and implementation of a detailed Outline Surface Water Drainage Strategy is secured through the DCO.	The Council agrees with the Applicant that Requirement 6 of the Draft DCO [REP3-006] secures that a Surface Water Drainage Strategy must be prepared, approved and implemented prior to the commencement of the construction of the authorized development, and acknowledges that FCC will be a consultee on these documents as the relevant planning and lead local flood authority.	Agreed	Resolved
11.65	Mitigation	<p>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</p> <p>Framework CEMP (EN01066/ APP/6.5)</p> <p>ES Volume IV Appendix 13-D Outline Surface Water Drainage Strategy [APP-213]</p>	<p>Deadline 1: The proposed mitigation set out in the Outline Surface Water Drainage Strategy is included as Appendix 13-D [APP-213] is appropriate for managing construction and operation impacts from the Proposed Development.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: Measures to manage surface water from temporary hardstanding areas would be detailed in the final CEMP. A Pre-Works Surface Water Feature Survey would be undertaken prior to construction to investigate the location and condition of existing ditches. If drains are identified that need to be crossed, then the mitigation measures outlined in the Framework CEMP would be implemented.</p> <p>The Applicant awaits further information from FCC regarding their position on this matter.</p> <p><u>Deadline 6: To inform the Outline Surface Water Drainage Strategy for the Main Development Area, FCC's Flood and Coastal Erosion Risk Manager has been consulted to agree drainage principles. Meeting notes for the two SAB meetings (held in June 2024 and April 2025) are included as Annex E of Appendix 13-D Outline Surface Water Drainage Strategy Report (EN010166/APP/6.4).</u></p> <p><u>A Sustainable Urban Drainage System (SUDS) SuDS approach is included in this strategy and the Applicant notes the requirement for consideration of the SAB. All relevant permits and consents would be sought from the FCC SAB and the Lead Local Flood Authority LLFA, where necessary, as detailed in the Consents and Agreement Position Statement (EN010166/APP/3.3).</u></p>	<p><u>-It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act 2010. As such, separate, formal approval from Flintshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.</u></p>	Under discussion Agreed	High Resolved
11.7	Residual effects after mitigation	<p>ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)</p>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p>	Under discussion	High	

			<p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>			
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12.0 Geology and Ground Conditions

12.1	Scope of the assessment	ES Volume II Chapter 14: Geology and Ground Conditions [APP-052]	The scope of the geology and ground conditions assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
12.2	Study area and baseline	ES Volume II Chapter 14: Geology and Ground Conditions [APP-052] ES Volume IV Appendix 14-E: Agricultural Land Classification Survey [APP-219]	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.	This matter is agreed between the parties.	Agreed	Resolved
12.3	Assessment methodology	ES Volume II Chapter 14: Geology and Ground Conditions [APP-052] ES Volume IV Appendix 14-B: Land Contamination Methodology [APP-217]	The assessment methodology used in the geology and ground conditions assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
12.54	Assessment outcomes	ES Volume II Chapter 14: Geology and Ground Conditions [APP-052] ES Volume IV Appendix 14-A: Geo-Environmental Desk Based Assessment [APP-216] ES Volume IV Appendix 14-C: Potential Areas of Contamination and	<p>Deadline 1: The geology and ground conditions assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 14: Geology and Ground Conditions [APP-052].</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP2-021].</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>	<p>The information submitted reflects the comments previously provided.</p> <p>It's expected that any remediation and verification reports are submitted in due course, in accordance with the standards referred to in the applicant's supporting land contamination assessments.</p> <p><u>This matter is agreed between the parties.</u></p>	<p>Under discussion</p> <p><u>Agreed</u></p>	<p>High</p> <p><u>Resolved</u></p>

		<p>Further Risk and Impact Assessment [APP-218]</p> <p>ES Volume IV Appendix 14-D: Agricultural Land Classification Report [APP-219]</p> <p>ES Volume IV Appendix 14-F: Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater [APP-221]</p>				
12.5	Mitigation	<p>Chapter 14: Geology and Ground Conditions [APP-052]</p> <p>Framework CEMP (EN01066/APP/6.5)</p>	<p>Deadline 1: The proposed mitigation set out within the Framework CEMP- (EN01066/APP/6.5) is appropriate for managing construction and operation impacts from the Proposed Development.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058].</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>	<p>The information submitted reflects the comments previously provided.</p> <p>It's expected that any remediation and verification reports are submitted in due course, in accordance with the standards referred to in the applicant's supporting land contamination assessments.</p> <p>This matter is agreed between the parties.</p>	Under discussion Agreed	High Resolved
12.6	Residual effects after mitigation	<p>Chapter 14: Geology and Ground Conditions [APP-052]</p>	<p>Deadline 1: The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p> <p>Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058]</p> <p>Deadline 5: The Applicant awaits further information from FCC regarding their position on this matter.</p>	<p>The information submitted reflects the comments previously provided.</p> <p>It's expected that any remediation and verification reports are submitted in due course, in accordance with the standards referred to in the applicant's supporting land contamination assessments.</p> <p>This matter is agreed between the parties.</p>	Under discussion Agreed	High Resolved

13.0 Landscape and Visual Amenity

13.1	Study area and LANDMAP methodology	<p>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</p> <p>Local Impact Report [REP2-021]</p> <p>Applicant's Response to the LIR [REP3-058]</p>	<p>Deadline 1: The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.</p> <p>Deadline 3: The Applicant is undertaking an updated landscape character assessment for the component of the Study Area which lies within Wales, to respond to the Council's representation in its LIR [REP2-021] that with regards to LANDMAP.</p>	<p>In its LIR [REP-021], the Council requested the Applicant clarify if, why, the LANDMAP search area was not used when considering the stack height of the proposals.</p> <p>It is noted that the Applicant has committed to providing an updated landscape character assessment which was to be submitted at Deadline 4. However, the updated Chapter 15 Landscape and Visual Amenity [REP4-023] does</p>	Under discussion Agreed	Medium Resolved
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				<p>not include an updated landscape character assessment for the areas within Flintshire and does not display how all LANDMAP aspect areas have been considered, or how the updated landscape character assessment has been used to adequately assess the likely landscape effects on the site. Updated versions of Appendix 15-B Landscape Character and Figure 15-4B Local Landscape Character Areas have not been submitted for Deadline 4. The Council have reviewed EN010166/APP/6.4, Appendix 15-H: LANDMAP Landscape Assessment.</p> <p>The Council welcomes the applicant providing this more detailed and granular baseline and effects assessment on the character of the landscape at the scale of 32 separate LANDMAP based LCAs at Deadline 5.</p>		
13.2	<p>AssessmentLandscape assessment methodology</p>	<p>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</p> <p>Local Impact Report [REP2-021]</p> <p>Applicant's Response to the LIR [REP3-058]</p>	<p>Deadline 5: The Applicant notes FCC's concerns regarding the appropriate assessment of Landscape and Visual Impacts as detailed in its submissions made at Deadline 4</p> <p>The Applicant has provided the additional information requested within the Local Impact Report [REP2-021] at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15); and Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29). <p>Deadline 6: The Applicant notes FCC's position however still stands by the LVIA assessment.</p>	<p>In its LIR [REP2-021], the Applicant identified that the Applicant had not assessed the landscape features and characteristics as receptors.</p> <p>It is noted is of the opinion that the Applicant has committed considerably underassessed the Magnitude of Change (MoCh) to providing an updated landscape the character assessment which was to be submitted at Deadline 4. However, of the application site and the updated Chapter 15 Landscape and Visual Amenity [REP4-023] does not include an updated landscape character of the landscape within 1km of the proposed development.</p> <p>In Table 1 LANDMAP Landscape Assessment in EN010166/APP/6.4, Appendix 15-H: LANDMAP Landscape Assessment, the majority of LCA receptors are predicted to receive Very Low Magnitudes of change.</p> <p>Two examples of this are set out below: The application site LCA FLNTVS017A Reclaimed Coastal Levels The Applicant has broken down Visual and Sensory Aspect Area FLNTVS017 Dee Coastal Levels into two LCAs for this assessment for the. One part within the application site, referred to as LCA FLNTVS017A Reclaimed Coastal Levels.</p>	<p>Under discussion Not agreed</p>	<p>Medium Unresolved</p>

This is assessed as a distinct LCA receptor separately from the rest of the wider LANDMAP VSAA FLNTVS017. This is welcomed as this area is within the application site and will therefore receive a direct and different level of change to the more distant parts of the FLNTVS017.

The Applicant has also lowered the value and sensitivity this LCA to low, as compared to the rest of the FLNTVS017, which is assessed as medium.

The Applicant has assessed the MoCh for FLNTVS017A as medium. However, referring to the Parameter Plan – Extents EN010166/APP/2.5 Change Notification – Appendices Planning Inspectorate Reference: EN010166, the built form of the Proposed Development would occupy around half of the landscape in this LCA, resulting in a magnitude of change much greater than the assessed medium.

The adjacent FLNTVS075 Dee Salt Marsh Fringe.

This LANDMAP V&S Aspect Area comprises three distinct and separate areas within Flintshire and does the Study Area, one immediately adjacent to the Order Limits and the other two more disparate. However, the applicant has not display how all LANDMAP aspect areas broken FLNTVS075 down into separate LCAs in the same way they have been considered, or how the updated landscape character done for FLNTVS017.

The Applicant's assessment has been used to of MoCh to the character of much more distant LCAs such as DNBGHVS046 Clwydian Slopes Main Ridge at distances of 10 to 15km is also 'Very Low.' The Council agrees that this assessment is appropriate. However, the Council questions how the same very low MoCh is predicted for FLNTVS075 Dee Salt Marsh Fringe, adjacent to the Order Limits. See Table 1 LANDMAP Landscape Assessment in EN010166/APP/6.4, Appendix 15-H: LANDMAP Landscape Assessment.

The nearest part of this open and exposed LCA lies immediately adjacent to the Order Limits.

				<p><u>Whilst it is appreciated that there are 'detractive views of adjacent industry and tourism in places', in line with the LANDMAP baseline, The Council agree with the applicant that this is a highly valued landscape which is highly susceptible and highly sensitive to the type of development proposed. It is an extensive area of estuary salt marsh with some parts grazed by sheep. Very exposed with wide attractive views of the estuary and backcloth of hills.</u></p> <p><u>The Applicant has assessed the magnitude of change from construction and operation on this LCA as very low. The Council are of the opinion that the Proposed Development would be considerably closer, taller, larger in scale and massing and much more intrusive on the character of this LCA than the existing detracting features in the wider landscape.</u></p> <p><u>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.</u></p> <p><u>As above, these are just two examples of where the more detailed landscape assessment is not adequately assessrobust.</u></p> <p><u>The Council is of the likely landscapeopinion that adverse effects on the site. Updated versions of Appendix 15-B Landscape Character and Figure 15-4B Local Landscape Character Areas have not beenlocal landscape within approximately 1km of the Order Limits will be adverse and much more significant than assessed in the latest LVIA submitted forat Deadline 45.</u></p>		
13.3	Assessment methodology for viewpoints	ES Volume II Chapter 15: Landscape and Visual [REP4-023]	Deadline 5: The Applicant has provided the additional information requested within the Local	In its LIR [REP2-021], the Council raised concerns that the Applicant had either over- or under-assessed visual	Under discussion	Medium

		<p>Local Impact Report [REP2-021]</p> <p>Applicant's Response to the LIR [REP3-058]</p>	<p>Impact Report [REP2-021] at Deadline 5 within the following documents:-</p> <ul style="list-style-type: none"> • Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15); and • Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29). 	<p>effects, which had resulted from a single sensitivity rating being ascribed for each viewpoint, despite there being a range of receptors for each viewpoint.</p> <p>The Council acknowledges the Applicant's response to this point, but retains the position that this does not represent an accurate and robust assessment and is likely to lead to over or under assessment of some effects. FCC assert that the applicant's approach to assessing susceptibility of visual receptors is inconsistent.</p>		
13.43	<p>Assessment of recreational receptors methodology for viewpoints</p>	<p>ES Volume II Chapter 15: Landscape and Visual [REP4-023]</p> <p>Local Impact Report [REP2-021]</p> <p>Applicant's Response to the LIR [REP3-058]</p>	<p>Deadline 5: The Applicant has provided the additional information requested within the Local Impact Report [REP2-021] at Deadline 5 within the following documents:</p> <ul style="list-style-type: none"> • Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15); and • Additional Landscape and Visual Amenity Submission noted within ISH4 (EN010166/APP/6.29). <p>Deadline 6: The Applicant notes FCC's position however still stands by the LVIA assessment.</p>	<p>Recreational receptors Views of people using recreational many routes have been assigned a medium susceptibility (including users of the WCP and NCN5 at VP 7 and 10) and Low value, often resulting in a lower than appropriate medium overall sensitivity. Additionally, many of the recreational visual receptors in the LVIA including national and local PRow users (e.g, VPs 1, 2, 6, 7, 9, 12, 13) and dynamic views from NCR5 are ascribed a medium susceptibility and therefore a lower than appropriate medium sensitivity, akin to receptors which have 'a view which plays a small part in the receptors being there. (Appendix 15-A, Table 11 [APP-222]).</p> <p>In line with the Applicant's <u>own</u> methodology set out in Table 10 in ES Appendix 15-A: Landscape and Visual Impact Assessment Methodology [APP-222], and guidance in GLVIA3; receptors most highly susceptible to change in their views include people engaged in outdoor recreation, whose attention/interest is likely to be focused on the landscape or particular views, including strategic/ popular Public Rights of Way.</p> <p>However, many of the recreational visual receptors in the LVIA including national and local PRow users (e.g, VPs 1, 2, 7, 9, 12, 13) and dynamic views from NCR5 are ascribed a medium susceptibility and therefore a lower than appropriate medium sensitivity, akin to</p>	<p><u>Under discussion</u> <u>Not agreed</u></p>	<p><u>Medium</u> <u>Unresolved</u></p>

~~receptors which have 'a view which plays a small part in the receptors being there. (Appendix 15-A, Table 11 [APP-222])~~

The Council raised concerns in its LIR [REP2-021] with regards to the assessment of key routes, stating that GLVIA3 highlights the importance of considering sequential views along key routes. The Applicant's Response to LIR [REP2-021] points to Para 15.6.29 where effects on local roads are addressed. The updated ES Chapter 15 Landscape and Visual [REP4-023] addresses ~~NCR 15~~**NCR5** in close proximity to Site, but ascribes it a medium susceptibility and sensitivity, in contradiction to their methodology, as set out above. ~~Sequential views from the A5119, A548 and A55 and in particular, the key recreational walking route of the Wales Coast Path are not assessed.~~

At Deadline 5, the Applicant has added reference to the Wales Coast Path (WCP). At paragraph 15.6.28 in the Deadline 5 revision of Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15), VPs 7, 8, 9 and 10 are now cited as representing users of the WCP. It is noted that these are equally representative of views from NCR5. However, no update has been made to the baseline or effects assessments for these viewpoints in EN010166/APP/6.4 Appendix 15-E: Visual Impact Assessment. The sensitivity of receptors represented by these VPS is assessed by applicant as Medium for VPs 7, 9, and 10 and High for VP 8. 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. It is accepted that there are detracting elements that in some locations do reduce the value of these views, but in the context of their importance and coastal aspect, particularly for VPs 7 and 9, the sensitivity should be assessed as high, as per VP 8. Therefore, the Council are of the opinion that these receptors are highly sensitive to

				<u>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.</u>		
13.5	Assessment of plumes visibility	Local Impact Report [REP2-021] Applicant's Response to the LIR [REP3-058]	Deadline 5: An assessment of plume visibility was included within Chapter 15: Landscape and Visual Amenity [REP4-023] submitted at Deadline 4.	This matter is agreed between the parties.	Agreed	Resolved
13.6	Visualisations	Local Impact Report [REP2-021] Applicant's Response to the LIR [REP3-058]	Deadline 5: The annotated photographs requested by FCC were provided at Deadline 4 within Figure 15.31 to 15.38 Landscape Annotated Photography [REP4-027] .	This matter is agreed between the parties.	Agreed	Resolved
13.7	Assessment of Clwydian Range and Dee Valley National Landscape	Local Impact Report [REP2-021] Applicant's Response to the LIR [REP3-058]	Deadline 5: An assessment on the Special Qualities is not deemed necessary and has not been requested by NRW and they are satisfied with the conclusions of the LVIA. Within paragraph 2.6.4 of NRW's Relevant Representation [RR-027] it states " <i>Based on the above, and considering the relevant principles (27 – 29) to be secured and applied through the Design Principles Document (Appendix 7.8), we agree with the conclusion of ES Chapter 15, that, although there would be adverse visual effects within the CRDVNL, e.g. at Moel Famau, the effect on the visual amenity of people at this location would not be significant. We also agree that there would be no significant adverse effects on the special qualities of the CRDVNL</i> ". As a result of the long distance (approximately 9.3km) between the Proposed Development and the Clwydian Range and Dee Valley National Landscape and with reference to the reported impacts in Chapter 15: Landscape and Visual [APP-053] there would be no significant adverse effects on the special qualities. Specific reference is made to Table 15 of Appendix 15-E: Visual Impact Assessment [APP-226] for Viewpoint 15 - Moel Famau, Jubilee Tower, Offa's Dyke Way, Llangynhafal, Denbighshire which states that there would be a minor adverse (not significant effect) for visual receptors and Table 2 of Appendix 15-D: Landscape Impact Assessment [APP-225] that states that there would be no impact on landscape characteristics and no further assessment of Special Qualities is proposed.	This matter is agreed between the parties.	Agreed	Resolved
13.6	Securing mitigation	Draft DCO (EN010166/APP/3.1)	The proposed mitigation is presented in the Framework CEMP (EN01066/APP/6.5) and OLEMP (EN010166/APP/6.9) which are secured through Requirements in the Draft DCO (EN010166/APP/3.1) that detailed CEMP(s) and LEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development.	The Council agrees with the Applicant that Requirement 4 of the Draft DCO [REP3-003] secures that detailed CEMP(s) and Requirement 10 of the Draft DCO [REP3-003] secures that detailed LEMP(s) must be prepared, approved and implemented prior to the commencement of	Agreed	Resolved

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

14.5	Mitigation	<p>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</p> <p>Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]</p> <p>Draft DCO (EN010166/APP/3.1)</p>	<p>The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development.</p> <p>It should be noted that an Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249] has been prepared and agreed with Heneb which sets out the mitigation strategies agreed for the Proposed Development, including archaeological monitoring and recording and a protocol for unexpected archaeological discoveries.</p> <p>A Requirement in the Draft DCO (EN010166/APP/3.1) secures that a WSI of areas of archaeological interest must be approved by FCC, such detail to be in general accordance with the Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249]. No stage of the authorised development with the potential to affect buried archaeological assets may commence until a WSI of areas of archaeological interest relevant to that stage (if any) as identified in the written scheme of investigation has been submitted to and approved by the relevant planning authority following consultation with Cadw and Heneb.</p>	This matter is agreed between the parties.	Agreed	Resolved
14.6	Residual effects after mitigation	<p>ES Volume II Chapter 17 Terrestrial Heritage [APP-055]</p>	<p>The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.</p>	This matter is agreed between the parties.	Agreed	Resolved

15.0 Marine Heritage

15.1	Scope of the assessment	<p>ES Volume II Chapter 18 Marine Heritage [APP-056]</p>	<p>The scope of the marine heritage assessment is appropriate and comprehensive.</p> <p>It should be noted that engagement has been undertaken with Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) in order to confirm the scope and methodology for the assessment of impacts to marine heritage assets.</p>	This matter is agreed between the parties.	Agreed	Resolved
15.2	Study area and baseline	<p>ES Volume II Chapter 18 Marine Heritage [APP-056]</p> <p>ES Volume IV Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232]</p>	<p>The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.</p>	This matter is agreed between the parties.	Agreed	Resolved
15.3	Assessment methodology	<p>ES Volume II Chapter 18 Marine Heritage [APP-056]</p> <p>ES Volume IV Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232].</p>	<p>The assessment methodology used in the marine heritage assessment is appropriate/acceptable.</p> <p>It should be noted that the Desk-Based Assessment (Appendix 18-A: Marine Heritage Desk-Based Assessment [APP-232]) will be deposited with the HER when the ES has been submitted in accordance with the requirements of Heneb and in line with their guidance. The full digital archive will be deposited with Archaeology Data Service and</p>	This matter is agreed between the parties.	Agreed	Resolved

			submitted to the National Monuments Record and RCAHMW where appropriate.			
15.4	Assessment outcomes	ES Volume II Chapter 18 Marine Heritage [APP-056]	The marine heritage assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 18: Marine Heritage [APP-056] .	This matter is agreed between the parties.	Agreed	Resolved
15.5	Mitigation	ES Volume II Chapter 18 Marine Heritage [APP-056] Overarching WSI for Terrestrial and Marine Heritage Mitigation [APP-249] Draft DCO (EN010166/APP/3.1)	The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development. Refer to 16.5 for further details.	This matter is agreed between the parties.	Agreed	Resolved
15.6	Residual effects after mitigation	ES Volume II Chapter 18 Marine Heritage [APP-056]	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.	This matter is agreed between the parties.	Agreed	Resolved

16.0 Materials and Waste

16.1	Scope of the assessment	ES Volume II Chapter 23: Materials and Waste [APP-061]	The scope of the materials and waste assessment is appropriate and comprehensive.	This matter is agreed between the parties.	Agreed	Resolved
16.2	Study area and baseline	ES Volume II Chapter 23: Materials and Waste [APP-061] ES Volume IV Appendix 23-A: Materials and Waste Baseline Data Report [APP-243]	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects. It should be noted that data related to recycled aggregate is included in Table 3 of ES Volume II Appendix 23-A: Materials and Waste Baseline Data Report [APP-243] . The source of data is Minerals and Mineral Products Sales in Great Britain, Mineral Products Association (MPA), Profile of the UK Mineral Products Industry (2023 Edition). This provides more recent data than The Contribution of Recycled and Secondary Materials to Total Aggregates Supply in Great Britain - 2020 Estimates publication. Both publications do not provide recent Wales based data for recycled aggregate, the most recent is 2005 and has not been included since it is more out of date than the Minerals and Mineral Products Sales in Great Britain, MPA, Profile of the UK Mineral Products Industry (2023 Edition).	This matter is agreed between the parties.	Agreed	Resolved
16.3	Assessment methodology	ES Volume II Chapter 23: Materials and Waste [APP-061]	The assessment methodology used in the materials and waste assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
16.4	Assessment outcomes	ES Volume II Chapter 23: Materials and Waste [APP-061]	The materials and waste assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 23: Materials and Waste [APP-061] .	This matter is agreed between the parties.	Agreed	Resolved

16.5	Mitigation	ES Volume II Chapter 23: Materials and Waste [APP-061] Framework CEMP (EN01066/APP/6.5), including Framework Site Waste Management Plan (SWMP)	The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development. Section 23.5 Development Design and Embedded Mitigation of Chapter 23: Materials and Waste [APP-061] and the Framework SWMP within the Framework CEMP (EN01066/APP/6.5) provides information on applying the waste hierarchy during construction. A requirement in the Draft DCO (EN010166/APP/3.1) secures that detailed CEMP(s) must be prepared, approved and implemented prior to commencement of construction of the authorised development. These detailed CEMP(s) must include detailed site waste management plan(s) in general accordance with the Framework SWMP .	This matter is agreed between the parties.	Agreed	Resolved
16.6	Residual effects after mitigation	ES Volume II Chapter 23: Materials and Waste [APP-061]	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.	This matter is agreed between the parties.	Agreed	Resolved

17.0 Cumulative and Combined Effects

17.1	Scope of the assessment	ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062] ES Volume IV Appendix 24-A: Long List of Other Developments [APP-244] ES Volume IV Appendix 24-B: Short List of Other Developments [APP-245]	The scope of the cumulative and combined effects assessment is appropriate and comprehensive. It should be noted that: <ul style="list-style-type: none"> The Proposed Development is proposed to connect to the HyNet project (consented by the HyNet Carbon Dioxide Pipeline Order 2024) and therefore the HyNet project has been considered as part of the cumulative assessment presented in this chapter; and Port of Mostyn is included in the cumulative long list as proposed scheme ID 16 (The Mostyn Energy Park Extension Project). The Short List of cumulative developments was provided to FCC for review – refer to Table 1 .	This matter is agreed between the parties.	Agreed	Resolved
17.2	Study area and baseline	ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential for cumulative effects to arise in combination with other developments.	This matter is agreed between the parties.	Agreed	Resolved
17.3	Assessment methodology	ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]	The assessment methodology used in the cumulative and combined effects assessment is appropriate/acceptable.	This matter is agreed between the parties.	Agreed	Resolved
17.4	Assessment outcomes	ES Volume II Chapter 24 Cumulative and Combined Effects [APP-062]	Deadline 1: The cumulative and combined effects assessment outcomes are appropriate. Deadline 3: The Applicant notes commentary provided by FCC on this chapter of the ES and its associated appendices within the LIR. The Applicant has responded to this commentary within the Applicant's Response to LIR [REP3-058] . <u>With a particular regard to loss of functionally-linked land, Section 10.4 of the RIHRA (EN01066/APP/6.12)</u>	<u>FCC require an update/ refresh of the Short List. 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 with the projects included, and the assessment outcomes.</u>	<u>Under discussion Not agreed</u>	<u>High Unresolved</u>

sets out the approach taken to 'in combination' assessment. It is important to note that there is only one area of functionally-linked land being lost due to the Proposed Development and the Applicant has already concluded an adverse effect on integrity (AEOI) (prior to mitigation) alone. The Conservation of Habitats and Species Regulations 2017 require consideration of likely significant effects/adverse effects on integrity 'alone or in combination' with other plans and projects as the purpose is to pick up those projects that have dismissed impacts alone, to ensure they consider impacts cumulatively. Since an AEOI due to loss of functionally-linked land has already been identified 'alone' for the Proposed Development (mitigated through the Curlew Mitigation Strategy) there is strictly-speaking no requirement to consider losses due to 'other plans or projects'. Nonetheless, the RIHRA (EN01066/APP/6.12) did so for completeness and context.

Deadline 5: The Applicant provided a response at Deadline 4, response 1.44 to question reference ExQ1 22.7 in reference to additional projects within Flintshire which have potential air quality impacts but do not appear to be identified in the updated RIHRA in-combination effects assessment: those considered in the response include:

- Knauf Rock Mineral Wool Facility (S42 Statutory Pre-Application Consultation stage)
- ICT Paper Mill (Environmental Permit issued)
- Padeswood Cement Works (Environmental Permit issued)
- Deeside Power Station (Environmental Permit application received)
- Arrow AD plant (Environmental Permit application received).

The Applicant has provided the following documents at Deadline 5:

- **Appendix 24-A: Long List of Proposed Schemes (EN010166/APP/6.4);**
- **Appendix 24-B: Short List of Proposed Schemes (EN010166/APP/6.4);**
- **Figure 24-2: Identified Proposed Schemes (EN010166/APP/6.3);**
- **Figure 24-3: Short List of Proposed Schemes (EN010166/APP/6.3); and**
- **Figure 24-4: Short List of Proposed Schemes within 5 km (EN010166/APP/6.3).**

Deadline 6: An updated revision of Chapter 24: Cumulative and Combined Effects (EN010166/APP/6.2.24) will be has been provided at Deadline 6 to consider the additional short listed schemes. In addition, the Applicant has prepared Additional Operational Air Quality Considerations (EN010166/APP/9.38) which provides a summary of information relating to the potential for emissions to air to give rise to

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:

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.

cumulative and in-combination effects upon sensitive receptor locations during the operational phase of the Proposed Development.

The Applicant also notes FCC's request for the in-combination Air Quality Assessment to include strategic plans. The Applicant respectfully disagrees with this because this is not considered standard industry practice as strategic plans are continuously evolving and we have demonstrated the likely impact of the scheme on the protected habitat covered by the strategic plans in some detail already.

4. Approvals

4.1 The Applicant

Signed: _____

Name: _____

Position: _____

Date: _____

Signed: _____

Name: _____

Position: _____

Date: _____

4.2 Flintshire County Council

Signed: _____

Name: _____

Position: _____

Date: _____

References

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

Abbreviations

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

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

Appendix A - Policy PC2

The Applicant acknowledges that Policy PC2 sets out general requirements for development. Amongst other criteria, as it relates to general transport, amenity and safety requirements, Policy PC2 sets out that all development should:

- not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution (part b);
- take account of personal and community safety and security in its design and layout (part c);
- maximise sustainable travel choice by having safe and convenient access by foot, cycle, public transport and vehicles (part d);
- not have an unacceptable effect on the highway network or highway safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring (part e)

How these transport, amenity and safety requirements of Policy PC2 have been addressed and assessed in practical terms in the context of Kelsterton Road are explained below.

By way of context, **Chapter 10: 'Traffic and Transport' [APP-048]** considers the transport and traffic impacts of the Proposed Development at the construction, operation (including maintenance) and decommissioning stages. Embedded mitigation measures have been incorporated into the Proposed Development via the **Framework Construction Traffic Management Plan (CTMP) (EN010166/APP/6.6)** and the **Framework Construction Worker Management Plan (CWMP) [APP-278]** which would be secured via Requirement 5 in the **draft Development Consent Order (EN010166/APP/3.1)**

As it relates to the construction stage, a range of vehicle types including HGVs and light vehicles would be required. The layout of the Proposed Development has been designed to allow the HGV construction traffic to route to / from the Main Development Area access point on Kelsterton Road directly from the Strategic Road Network (SRN) (A548). This removes the possibility of a material traffic impact on the surrounding local roads and also avoids the more sensitive residential locations, by containing construction traffic to the SRN, which has the greatest resilience to increases in traffic of this magnitude. It would therefore align with the policy objective of part c of Policy PC2 that development should take account of personal and community safety and security in its design and layout.

Measures would also be implemented to encourage more sustainable travel choices for workers during the construction phase and will be detailed in the final CWTP. The **Framework CWTP [APP-048]** sets out measures the aims and objective of the final CWTP and identifies example measures which could be implemented to meet these and to reduce the impact of workers travelling to and from the Proposed Development. Measures such as encouraging car sharing, provision of minibuses (minibus routes could be set up to collect workers that live locally from central pick up points and public transport interchanges, such as bus / coach stations and local railway stations) and raising awareness of the sustainable transport measures are included within the **Framework CWTP [APP-048]**. The nearest public transport facilities are the 'Rockcliffe Lane' (approx. 1.3 km walking distance), 'Cemetery Gates' (approx. 1.8 km walking

distance) and 'Kelsterton Lane' (approx. 1.6 km walking distance) bus stops located on the A548 and B5129. Bus services run at a high frequency throughout the core hours of the weekday, providing a realistic and convenient public transport option between the Main Development Area and the local area. The nearest railway stations to the Main Development Area are located to the north-west in Flint (approximately 4.3 km walking distance via the A548 / NCN 5) and to the south-east in Shotton (approximately 4.1 km walking distance via the B5129). Although cycling to the Main Development Area and C&IEA is likely to have limited appeal (due to carrying personal protective equipment (PPE) etc.) secure parking for bicycles would nevertheless be provided and staff would also have access to shower and changing facilities and lockers to store clothing, cycle helmets etc. The detailed CTMP would be required prior to commencement of each stage compliant with Requirement 5 'Construction traffic management plan' of the **Draft DCO (EN010166/APP/3.1)**. This would therefore comply with part d of Policy PC2 which seeks to maximise sustainable travel choice by having safe and convenient access by foot, cycle, public transport and vehicles.

Row 1 in Table 10-21 of **Chapter 10: 'Traffic and Transport' [APP-048]** assesses the magnitude of change of a number and sensitivity of receptors along Kelsterton Road which are assessed to be 'not significant', which are summarised as follows:

- As it relates to highway safety receptor and Fear and Intimidation receptor: Personal Injury Collisions (PIC) data for the most recent five years has been acquired for the study area and over the most recent five year period, only one PIC was recorded on Kelsterton Road, and this was classified as 'slight'. This temporary impact as a result of increased levels of construction traffic on Kelsterton Road is not considered likely to materially impact PIC records on this link, and as such the effect on highway safety is also considered to be negligible or minor adverse, which is not significant.

As it relates to the severance (road links) receptor, the predicted worst-case daily increase in traffic on Kelsterton Road, during the temporary construction phase is 1,614 vehicles, including 240 two-way HGVs. This is the equivalent of an additional two to three vehicles every minute and one HGV every three minutes (assuming a 12 hour working day). Based on professional judgement, these quantities are not considered to have a perceivable difference when compared to the baseline traffic on Kelsterton Road. Therefore, considering the embedded mitigation measures outlined in the **Framework CTMP (EN010166/APP/6.6)**, the impact on Kelsterton Road has been identified to be 'Medium', resulting in a minor adverse effect, which is not significant.

- In terms of the Pedestrian Amenity receptor, Kelsterton Road would provide access to the Main Development Area for all construction traffic, considering the embedded mitigation measures outlined in the **Framework CTMP (EN010166/APP/6.6)**, the impact on Kelsterton Road has been identified to be 'Medium', resulting in a minor adverse effect, which is not significant.
- In terms of the Hazardous/Large Loads receptor, given the low number of anticipated AIL deliveries during the construction phase of the Proposed Development, the provision of a dedicated AIL access and the established process to plan and authorise the AIL movements, it is considered any effect on Kelsterton Road would be negligible, and this is considered to be not significant.
- In terms of the Driver Delay receptor, the increases in traffic during the peak construction period are considered to represent a temporary worst-case scenario. As all links were assessed to have a very low impact, no further

detailed assessment of driver delay, in the form of junction capacity modelling, has been undertaken. The effect is considered to be negligible along Kelsterton Road, which is not significant.

In any event, the detailed construction routes and other measures to reduce the traffic impacts on the local road network would be secured through the final **CTMP**, in general accordance with the **Framework CTMP [REP4-046]**, and would be required prior to commencement of each stage compliant with Requirement 5 'Construction traffic management plan' of the **Draft DCO (EN010166/APP/3.1)**.

Having regards to the above, the Proposed Development would comply with part b of Policy PC2 insofar that the development should not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, hazard, or the adverse effects of pollution. Further aspects of impacts on living conditions are discussed below. The Proposed Development would also comply with part e of Policy PC2 as the development would not have an unacceptable effect on the highway network or highway safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring.

With regard to noise and vibration and the effect of road traffic noise on Kelsterton Road during construction (and potentially decommissioning), it is acknowledged that there are residual noise effects of 'Moderate Adverse' (Significant) on Kelsterton Road (access road to Main Development Area as it relates to noise receptors R21, R22 in Table 9-23 in **Chapter 9: Noise and Vibration [CR-028]**) this would not take place at night.

In any event, the Applicant has identified construction traffic management measures set out in the **Framework Construction Traffic Management Plan (CTMP) (EN010166/APP/6.6)**. This includes the Principal Contractor taking reasonable steps to minimise noise and suppress dust, dirt and debris generated by the Proposed Development, working to the relevant British Standards and best working practices. This will include on site containment measures in addition to cleansing external to the site. To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for the relevant stage of the Proposed Development.

In any event, it should be noted that any impacts would be a short term and temporary effect that is limited to the construction phase (and possible future decommissioning).

Having regards to the above, and the CTMP is secured within the **Draft DCO (EN010166/APP/3.1)**, and that construction activities would not take place at night, the Proposed Development would not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased noise, dust and vibration, or the adverse effects of pollution.

With regards to operation, the impact assessment demonstrates that the largest permanent traffic impact would be seen on Kelsterton Road. However, this is not

considered to represent a perceptible change on Kelsterton Road due to its proximity to the existing Conna's Quay Power Station and utilisation of the existing direct access to the SRN. In line with policy, overall with the embedded mitigation, there are no likely significant residual effects on the Traffic and Transport receptors during the operation (including maintenance) of the Proposed Development. Overall, it is considered that the Proposed Development would align with the objectives of Policy PC2 as it relates to transport, amenity and safety requirements.

Appendix B - AIL Technical requirements

Oversized Vehicles including cargo to be moved on the roads are categorised by weight, width and length and the restriction which apply depend on the extent to which the vehicle exceeds the norm.

The Road Vehicles (Authorisation of Special Types) (General) Order 2003 (more commonly referred to as the STGO) governs the movement of abnormal loads and depending on the vehicle and cargo weight requires hauliers who intend to transport an abnormal load to pre-notify Highway, Bridge and Police Authorities.

Suppliers, Subcontractors or Partners (responsible individual) intending to transport an oversized road cargo (abnormal load) on public highway, shall follow regulations for notifying the UK authorities, including the:

- Police
- Highway Authorities
- Bridge and Structure owners like Network Rail, etc.

Depending on the cargo to be moved and the route, the 'responsible individual' shall provide advance warning, and obtain agreement from the relevant authorities before shipment can be undertaken.

The format of Highways England's electronic service delivery for abnormal loads (ESDAL) or equivalent shall be used to:

- plan and record the route
- notify the Police, Highways and Bridge Authorities of the proposed abnormal cargo movements around the public road network
- receive notice of any possible route problems

If ESDAL is not available, the abnormal loads movement application form will be utilised (downloaded from UK Government website

<https://www.gov.uk/government/collections/abnormal-loads-forms-and-guidance>)

Weight

Special Types General Order (STGO) Categories

Transport Arrangements that are considered as Abnormal Loads are split into distinct categories depending on their relative size and weight, including both cargo and vehicle.

The Road Vehicles (Authorisation of Special Types) (General) Order 2003 categorises vehicles and cargo by weight. The categories are as follows:

CAT 1

CAT 2

CAT 3

CAT 1 (Not exceeding 46,000 Kg / 50,000 Kg)

up to 46,000kg with a minimum of 5 axles

up to 50,000kg with a minimum of 6 axles

Authorised Weight (AW) Regulations maximum weights apply to axle and vehicle gross weights (meaning, only the train weight can exceed AW Regs)

display 'STGO Cat 1' plate to the front of the drawing vehicle

2 working days' notice must be provided to highway and bridge authorities about the weight: the dimensions may need to be given to the police

speed limits:

motorway 60mph

dual carriageway 50mph

other roads 40mph

CAT 2 (Not exceeding 80,000 Kg)

minimum of 6 axles

maximum axle weight of 12,500kg

display 'STGO Cat 2' plate to the front of the drawing vehicle

2 working days' notice to highway and bridge authorities in relation to weight: the dimensions may need to be given to the police

speed limits:

motorway 40mph

dual carriageway 35mph

other roads 30mph

a plate must be fitted to the vehicle showing the maximum weight recommended by the manufacturer of the vehicle when travelling at certain maximum speeds: this must be marked 'Special Types Use' - the plate should show the weights for gross, train and axle weights

CAT 3 (Not exceeding 150,000 Kg)

minimum of 6 axles

maximum axle weight of 16,500kg

display 'STGO Cat 3' plate to the front of the drawing vehicle

5 working days' notice to highway and bridge authorities: the dimensions may need to be given to the police

speed limits:

motorway 40mph

dual carriageway 35mph

other roads 30mph

a plate must be fitted to the vehicle showing the maximum weight recommended by the manufacturer of the vehicle when travelling at certain maximum speeds: this must be marked 'Special Types Use' - the plate should show the weights for gross, train and axle weights

There is no need to carry movement order notices in all categories of these types of vehicle.

Length

The rules about the over length/width of vehicles apply to all types of vehicle operating under STGO or Special Order (See below). Similar rules about notification also apply to C&U vehicles which are transporting wide or long loads, where allowed. A C&U load is normally a long or wide load which overhangs the sides of the vehicle/trailer.

A vehicle is overlength if any single rigid unit (this may be either a rigid vehicle, or a trailer that forms part of a combination: for example, a semi-trailer being drawn by an articulated unit) exceeding 18.75 metres in length, including projections.

Or, a vehicle combination - such as a drawing vehicle and trailer - that exceeds 25.9 metres in length.

Requirements:

2 days notice given to the police in all areas where it's going to be used must be accompanied by an attendant

Front or rear projection:

where a front or rear projection exceeds 3.05 metres – 2 days' notice to police an attendant is needed where a projection exceeds:

front 2 metres

rear 3.05 metres

Width

The restrictions on movement of wide load vehicles are:

A vehicle with load width of 3 metres or less, but width of load projecting at one side exceeds 305 millimetres: 2 days' notice to police

A vehicle with load width exceeding 3 metres, including any projections: 2 days' notice to police

A vehicle with load width exceeding 3.5 metres, including any projections: 2 days' notice to police and attendant required

A vehicle with load width exceeding 5 metres, including any projections: approval from Secretary of State in the form of a [VR1 permit](#), 2 days' notice to police - and attendant required

VR1 Permit

A VR1 permit is required dependant on the dimensions of the load.

Up to 150,000 Kg with a minimum of 6 No. axles (STGO – CAT 3 maximum)

Maximum axle weight of 16,500 Kg (STGO – CAT 3 maximum)

VR1 permit could be required in any of the STGO categories if the dimensions are over the following:

Width | $5.0 < \text{Load} < 6.1\text{m}$

Combination Length | $25.9\text{m} < \text{Vehicle} + \text{Trailer} < 30.0\text{m}$

Special Order Movement (SO)

You must have a special order for vehicles, that when loaded are more than:

150,000kg in gross weight

16,500kg in gross axle weight

6.1 metres wide

Special orders are issued on behalf of the Secretary of State by National Highways, Birmingham office and require notice:

5 working days' notice to highway and bridge authorities

2 working days' notice to police

