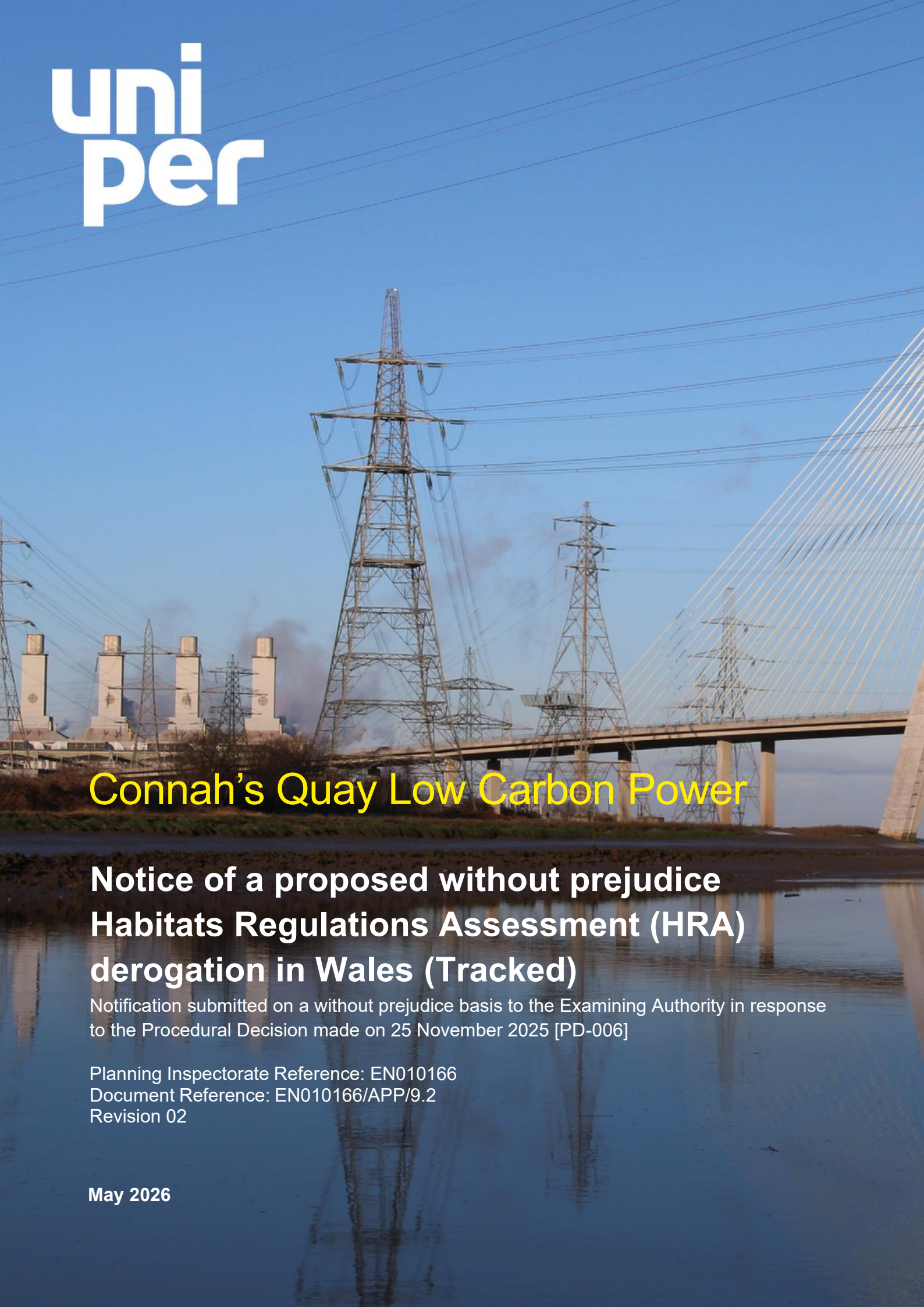

Connah's Quay Low Carbon Power

Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales (Tracked)

Notification submitted on a without prejudice basis to the Examining Authority in response to the Procedural Decision made on 25 November 2025 [PD-006]

Planning Inspectorate Reference: EN010166
Document Reference: EN010166/APP/9.2
Revision 02

May 2026

Connah's Quay Low Carbon Power

Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales

Notification submitted on a without prejudice basis to the Examining Authority in response to the Procedural Decision made on 25 November 2025 [PD-006].

1) The plan or project subject to Habitats Regulations Assessment (HRA)

1.1 Name or short title of the plan or project:

1.1.1 Connah's Quay Low Carbon Power (CQLCP) Project.

1.2 Location of the plan or project:

1.2.1 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 Main Development Area is centred approximately at national grid reference 327347, 371374.

1.3 Proposed by:

1.3.1 Uniper UK Limited (referred to throughout this document as the 'Applicant').

1.4 Summary of the plan or project:

1.4.1 The Applicant is seeking a development consent order (DCO) for the construction, operation and maintenance of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Plant fitted with Carbon Capture Plant (CCP) project (the Proposed Development).

1.4.2 The Proposed Development 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.

1.4.3 Through a carbon dioxide (CO_2) pipeline, comprising existing and new elements, the Proposed Development would make use of CO_2 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 CO_2 Pipeline Project') that will transport CO_2 captured from existing and new industries in North Wales and North West England, for offshore storage. The captured CO_2 will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.

1.4.4 The main components of the Proposed Development are:

- CQLCP Abated Generating Station, itself comprising;

  - CCGT Generating Plant and associated stacks;
  - post-Combustion CCP and associated stacks;
  - other ancillary buildings and structures;
- CO_2 export pipeline (comprising new and existing elements) and third party connections at the Flint Above Ground Installation (AGI);
- Other connections to provide gas, electricity and water to the Proposed Development and ancillary infrastructure; and
- Repurposing of purging ponds, cooling water abstraction and discharge infrastructure and, where possible, other existing infrastructure from the existing Connah's Quay Power Station.

1.4.5 It is possible that the two Trains would be constructed in a phased approach or within a phase. Under a phased approach, it is anticipated that construction of a single CCGT and CCP together with cooling and CO_2 compression infrastructure and associated development could commence in 2026, and last approximately four years. The construction of a similar CCGT and CCP together with cooling infrastructure and associated development could commence in 2031 and last approximately four years. In the single phase approach it is anticipated the construction would last 5 years.

1.4.6 Following commissioning, the Proposed Development is designed to be operated in dispatchable mode i.e. being able to export power to match the anticipated intermittency of renewable power in the future power market. This means the Proposed Development would operate flexibly during its lifetime with hours of operation driven by the dynamics of the energy market. The CQLCP Abated Generating Station has been designed to be capable of operating 24 hours per day, seven days per week, with programmed offline periods for maintenance. The operational design life of each train of the CQLCP Abated Generating Station is 30 years, however, it is expected that the Proposed Development would have some residual life remaining after this operational life, and an investment decision would then be made based on the market conditions prevailing at that time.

1.4.7 The primary operating mode is anticipated to be with CO_2 emissions from the CCGT units abated (i.e. with CCP operational). However, it is anticipated that there would also be a number of very limited scenarios in which the CCGT may need to operate without the CCP including:

- Unabated Scenario 1: on commissioning, in the event that the downstream T&S network is unavailable;
- Unabated Scenario 2: during operation, to meet electricity demand when the CCP is offline (e.g. due to outages of the T&S network); and
- Unabated Scenario 3: During a NatTS (electrical) total or partial shutdown event.

1.4.8 Outside of these circumstances, it is expected that the CCGT would not operate unabated. The CCP would be designed to be capable of capturing a minimum of 95% of the CO_2 emissions (by mass) from the generating station as an annual average of all normal operating conditions and will be capable of capturing over 90% operating at full load (subject to completion of Front End Engineering Design (FEED) verification studies and commercial agreement).

1.4.9 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission networks, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.

1.4.10 The application for an order granting development consent for the CQLCP Project (EN010166) was submitted to the Planning Inspectorate on 5 August 2025. All application documents are available on the Planning Inspectorate's project website.

1.4.11 The following plans included within the DCO application are relevant to this document:

- **Figure 1.1 Location of the CQLCP Abated Generating Station [APP-064];**
- **Figure 1.2 Site Location Plan [CR1-038];**
- **Figure 1.3 Proposed Development Interface with HyNet [APP-066];**
- **Figure 3.3 Areas Described in the ES (EN010166/APP/6.3);**
- **Figure 5.5 Vegetation Clearance Plan [APP-085];**
- **Figure 6.1 Location of Key Connection Infrastructure [CR1-043];**
- **Figure 6.2 Alternative Locations within Connahs Quay Site [CR1-044];**
- **Figure 11.1 Statutory Designated Sites within 15km of the Proposed Development [APP-124];**
- **Appendix 8-D Air Quality Operational Assessment [CR1-089];**
- **Appendix 11-C Botanical Technical Appendix (EN010166/APP/6.4);**
- **Appendix 11-D Ornithology Technical Appendix (EN010166/APP/6.4);**
- **Report to Inform Habitats Regulations Assessment (RIHRA) (EN010166/APP/6.12);**
- **Outline Curlew Implementation and Monitoring Plan ~~Mitigation Strategy~~ (EN010166/APP/6.13);**
- **Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16);** and
- **CQLCP Indicative Site Layout [CR1-113].**

2) European sites affected by the plan or project

2.1 Name and site codes of the European sites affected:

2.1.1 The relevant sites include:

- Dee Estuary / Aber Dyfrdwy Special Area of Conservation (SAC) (UK0030131);
- Dee Estuary / Aber Dyfrdwy Special Protection Area (SPA) (UK9013011); and
- Dee Estuary / Aber Dyfrdwy Ramsar (UK11082).

2.2 Advice on European site conservation objectives:

- European Site Conservation Objectives for Dee Estuary SAC (UK0030131). Available at: European Site Conservation Objectives for Dee Estuary SAC - UK0030131
- European Site Conservation Objectives for Dee Estuary SPA (UK9013011). Available at: European Site Conservation Objectives for Dee Estuary SPA - UK9013011
- Site Improvement Plan: Dee Estuary/Aber Dyfrdwy & Mersey Narrows (SIP056). V1.0 2015. Available at: Site Improvement Plan: Dee Estuary/Aber Dyfrdwy & Mersey Narrows - SIP056
- Joint Nature Conservation Committee (JNCC). Information Sheet on Ramsar Wetlands (RIS). Dee Estuary. V3.0 2011. Available at: Information Sheet on Ramsar Wetlands (RIS)

2.3 If a SAC is affected, list any priority habitats and species affected by the plan or project:

2.3.1 Priority habitats under the Habitats Directive[1] are natural habitat types that are in danger of disappearance and for which the European Union (EU) has particular responsibility to conserve. The UK left the European Union (EU) on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (termed the 'Withdrawal Act'). However, the most recent amendments to the 'Habitats Regulations' (i.e. the Conservation of Habitats and Species

[1] The Habitats Directive. Available at: The Habitats Directive - European Commission (europa.eu). (Accessed: 22/12/2025)

(Amendment) (EU Exit) Regulations 2019[2] make it clear that the need for HRA continues to apply. The Habitats Directive is implemented in Wales through the Conservation of Habitats and Species Regulations 2017[3]. The only Habitats Directive priority habitat within Dee Estuary SAC is '2130 Fixed dunes with herbaceous vegetation ('grey dunes')'. However, this habitat is not affected by the Proposed Development as it is only present on the Wirral Peninsula approximately 16 km from the Main Development Area and thus remote from the project. Therefore, no Habitats Directive 'priority habitats' or species are affected.

[2] The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (legislation.gov.uk) (Accessed: 22/12/2025)
[3] The Conservation of Habitats and Species Regulations 2017 https://www.legislation.gov.uk/uksi/2017/1012/contents/made (Accessed: 22/12/2025)

3) Adverse effects of the plan or project on the integrity of European sites

3.1 List (without prejudice) the designated habitats and species adversely affected:

- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- A160 curlew *Numenius arquata*

3.2 Describe the expected adverse effects:

3.2.1 The description below in respect of adverse effects is provided without prejudice to the Applicant's position that there will be no adverse effects to the integrity of any relevant site.

Direct Loss of/ Damage to Qualifying Habitat

3.2.2 Construction of a new permanent outfall structure and headwall for surface water drainage discharge from the Main Development Area (the 'Proposed Surface Water Outfall') would be undertaken adjacent to the Existing Surface Water Outfall.

3.2.3 The Existing Surface Water Outfall and Proposed Surface Water Outfall are both located within areas confirmed during the National Vegetation Classification (NVC) survey by AECOM in 2024 to be saltmarsh (*1330* Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)) as detailed in **Appendix 11-C Botanical Technical Appendix [REP3-016]**.

3.2.4 The total Atlantic salt meadow loss including from the construction works area has been estimated to be approximately 650 m^2. Permanent losses would be much smaller than 650 m^2 as the works corridor can be restored and most of the outfall pipe can be buried. Nonetheless, there would inevitably be a lag period between burial of the pipe and any natural regeneration of Atlantic salt meadow vegetation over the works footprint.

3.2.5 Moreover, even the permanent loss of Atlantic salt meadow due to the Proposed Surface Water Outfall would not ultimately be a net loss. Rather it would be temporary (though not short-term, lasting approximately five to 10 years) until the existing Connah's Quay Power Station is decommissioned at which point the existing outfall would become redundant and could be removed. Notwithstanding the small area affected, permanent or medium-term net loss of Atlantic salt

meadow is treated on a without prejudice basis in this document as an adverse effect on the integrity of Dee Estuary / Aber Dyfrdwy SAC**.**

Atmospheric pollution

3.2.6 The Proposed Development would have operational process emissions (flue gases), which would include concentrations of Sulphur Dioxide (SO_2), Ammonia (NH_3) and Nitrogen oxides (NO_x). The assessment presented in **Appendix 8-D: Air Quality Operational Assessment [CR1-089]** considers emissions from the Proposed Development during normal operational conditions only. Non routine emissions, such as those which may occur during the commissioning process or other abnormal short-term events, would typically only occur on an infrequent basis, would be detected by the process control systems, and be rectified within a short time period.

3.2.7 The assessment in **Appendix 8-D: Air Quality Operational Assessment [CR1-089]** and in the **RIHRA (EN010166/APP/6.12)** identifies that in combination nitrogen deposition at the closest point of Dee Estuary/ Aber Dyfrdwy SAC / SPA / Ramsar site would be 2.3% of the critical load for saltmarsh, for which the Proposed Development would be responsible for a maximum of 1.3% of the critical load. This exceeds the mathematical threshold for dismissing adverse effects on integrity. Approximately 445 ha of saltmarsh would be subject to 'in-combination' nitrogen deposition above 1% of the critical load, while approximately 245 ha of saltmarsh would be subject to nitrogen deposition above 1 % of the critical load due to the Proposed Development alone. The botanical effect of additional nitrogen on saltmarsh is likely to be relatively subtle and would most likely take the form of a shift in species richness away from less nitrogen tolerant species and towards more common nitrogen tolerant species such as *Elytrigia repens*.

Loss of Functionally Linked Land

3.2.8 The Proposed Development would result in the permanent loss of approximately 15 ha of the rough grassland, improved grassland and pasture area to the west. This is the same location that would be used as a construction laydown area. Such habitat offers foraging opportunities for several qualifying Dee Estuary/ Aber Dyfrdwy SPA / Ramsar bird species, most notably curlew and is of sufficient area to serve as functionally-linked land for qualifying features of the SPA.

3.2.9 Of the land to be lost to the Proposed Development, approximately 11 ha would be lost temporarily during construction. This loss may not be short-term, lasting approximately nine years, but it would be reversible. A further 15 ha would be lost in the long-term (during operation), until the Proposed Development was decommissioned and demolished. Combined total losses therefore equate to 26

ha of functionally linked land for SPA / Ramsar curlew, to be lost in the intermediate to long-term.

3.3 Describe any restrictions or modifications you have applied (mitigation measures):

3.3.1 None applicable to relevant impact pathways of direct loss of/damage to qualifying habitat, ~~atmospheric pollution~~ or loss of functionally linked land, these being the impact pathways for which derogations are sought. In the event that the Proposed Surface Water Outfall (which is the trigger for the managed retreat area) is not required, the managed realignment detailed within **Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16)** would not be provided. This is because it is not needed to address air quality impacts.

3.4 Summary of the advice provided by Natural England or Natural Resources Wales and how you have taken it into account:

3.4.1 Both Natural England (NE) and Natural Resources Wales (NRW) have submitted representations to the Examination of the DCO application.

3.4.2 In point 3.6 on page 6 of its Relevant Representation (**Relevant Representations | Representation by Natural England** **[RR-026]**) NE states that *'Natural England advise the Curlew Mitigation Strategy at Gronant Fields, Connah's Quay Conservation Area and the provision of new naturally colonising saltmarsh to address the direct loss of qualifying saltmarsh must be regarded as compensatory measures under the HRA framework'*. This is then picked up throughout its Relevant Representation including at such as points NE02, NE24, NE25, NE28 and is repeated in NE's Written Representation (**Written Representations | Representation by Natural England** **[REP1-072]**). ~~Within point NE47 of their Relevant Representation **[RR-026]** in relation to the creation of 1,300m^2 of saltmarsh to mitigate effects associated with nitrogen deposition, NE state that "*It is not justified why proposals to address this impact are referred to as mitigation, rather than compensation".*~~

3.4.3 In its Relevant Representation (**Relevant Representations | Representation by Natural Resources Wales** **[RR-027]**) NRW commented in paragraphs 2.1.17 and 2.1.26 regarding the managed retreat for Atlantic salt meadow and the curlew habitat creation at Gronant Fields that '*We acknowledge that such proposals could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness being certain and that the mitigation measures will be in place before the commencement of the associated impacts on the affected site'*. This point is repeated in NRW's Written Representation (**Written Representations | Representation by Natural Resources Wales** **[REP1-073]**) however at paragraph 2.1.36 clarified *"… we wish to highlight that at no point have we agreed that the proposed measures should be considered as mitigation rather*

than compensation". Further developing paragraph 2.1.5 of NRW's Relevant Representation **[RR-027]**, paragraph 2.1.13 of their Written Representation **[REP1-073]** states "*We note that the Applicant considers this would 'offset' the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations and considers it as mitigation for HRA purposes. However, the proposed area of new saltmarsh would be located outside of the SAC and hence lack its standard of statutory protection*".

3.4.4 Discussions with both NE and NRW are ongoing and this section will be amended at end of the Examination period should the positions set out above be updated.

3.5 Attach a full copy of the HRA undertaken to date (screening, appropriate assessment and conclusions regarding site integrity) and copies of advice or representations received from the statutory nature conservation bodies.

3.5.1 The **RIHRA (EN010166/APP/6.12)** has been submitted as part of the CQLCP Project development consent application (EN010166) and can be viewed in full on the Planning Inspectorate's website: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010166-000440-6.12 CQLCP Report to Inform Habitats Regulations Assessment Rev 00.pdf https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010166. The representations from NE and NRW are https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010166-000607-526872 - NE Response - EN010166 NSIP Relevant Representations.pdfhttps://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010166/representations/100009040also available on that website.

4) Consideration of alternative solutions

4.1 Show how you have considered and can demonstrate that there are no alternative and less damaging solutions to the plan or project as proposed:

Project Wide Alternative Considerations

Objectives of the Proposed Development

4.1.1 In selecting the Proposed Development and its location, the following Project Objectives apply**:**

- land available for the power plant to be built on, which:
  - must include land for the physical assets of the plant itself, plus laydown and maintenance areas to facilitate the construction and operation of the facility; and
  - ideally should entail the least use of powers such as compulsory purchase rights to obtain the required land areas;
- connections for the power plant, including:
  - grid connections for export of generated electricity;
  - natural gas, for firing the gas turbines at the power plant;
  - water connection, for processing water supplies, including plentiful supplies of cooling water; and
  - convenient connection to CO_2 transport and storage infrastructure;
- staffing:
  - existing pool of trained and competent personnel;
- speed of deployment:
  - given the pressing need for a low carbon power plant to be connected to the grid to achieve the goals of Clean Power 2030, sites where the above requirements are met were favoured; and
- flexible generation:
  - new or replacement flexible generation capacity can be brought on stream without requiring existing generation capacity to be removed from the system substantially before the new capacity is available.

4.1.2 **Table 4-1** provides a summary of the main alternatives to the Proposed Development that have been considered but discounted.

Table 4-1: Main Alternatives to the Proposed Development

Alternative	Consideration	Reason for Discounting
Do Nothing - the Proposed Development not being undertaken	The Do Nothing scenario would result in the loss of generating capacity after the closure of the existing Connah's Quay Power Station and would therefore not meet the objectives of the Proposed Development. The Do Nothing scenario is not a reasonable alternative given the established national need for new low carbon energy infrastructure and the status of the Proposed Development as 'Critical National Priority' (CNP) infrastructure within the Overarching National Policy Statement (NPS) for Energy (EN-1).	Would not deliver the need
Do Minimum - installation of CCS infrastructure to the existing Connah's Quay Power Station	The Do Minimum scenario would require the existing Connah's Quay Power Station to cease generation for the duration of the retrofitting. The Do Minimum scenario would also require significant structural works to be undertaken on the existing Connah's Quay Power Station which would be prohibitively expensive to achieve the required operational lifespan (beyond 2060).	Would not meet the objectives of the project and is not considered financially viable
Alternative Technology – Hydrogen fired power generation technology	Currently there is no large supply of low carbon hydrogen available to fuel a power plant at Connah's Quay. Hydrogen fired power generation technology, whilst having the potential to deliver against these same policy goals, is not technically mature on large utility scale power plant and is also not currently adequately supported through funding schemes. On the basis of the above it is considered that it would not be viable for deployment by 2030.	Would not meet the objectives of the project
Alternative Technology – Nuclear (including Small Modular Reactors (SMRs))	The readiness of the SMR technology does not currently allow for commercial deployment before 2030.	Would not meet the objectives of the project

Alternative	Consideration	Reason for Discounting
	The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.	
Alternative Technology – tidal	The area of the Connah's Quay site would not be sufficient to maximise generation from tidal. The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.	Would not meet the objectives of the project
Alternative Technology – solar	The area of the Connah's Quay site would not be sufficient to maximise generation from solar. Solar generation would not make use of the available gas, carbon dioxide and water connections. The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.	Would not meet the objectives of the project
Alternative Technology – wind	The area of the Connah's Quay site would not be sufficient to maximise generation from wind power. Wind generation would not make use of the available gas, carbon dioxide and water connections. The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.	Would not meet the objectives of the project
Alternative Technology – other alternative power sources	Alternative power generation cycles using carbon capture were investigated, but were not considered technically mature enough to allow commercial deployment in the timeline required for 2030 operation.	Would not meet the objectives of the project

Site Selection

4.1.3 In determining the location for the Proposed Development, the Applicant has necessarily considered the Project Objectives as explained above. Set out below are important requirements for the site selection:

- land ownership.
  - minimise the requirement for use of compulsory acquisition powers
- point of Grid Connection.
  - Ensure and maximise proximity to potential grid connections; and
  - Ensure availability of connection agreement
- connection to the HyNet CO_2 Pipeline.
  - Ensure and maximise proximity to point of connection to CO_2 transfer and storage system.

4.1.4 It is considered that there are no other sites within the UK that meet the Project Objectives and important requirements as discussed below.

Land Ownership

4.1.5 Consideration was given to what land was owned by the Applicant to minimise the need to acquire, either voluntarily or through the exercise of compulsory acquisition powers, land or rights in land.

4.1.6 In the UK, the Applicant 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. The Applicant also has significant long-term regasification capacity at the Grain LNG terminal in Kent, to convert liquified natural gas (LNG) back to natural gas.

4.1.7 The Connah's Quay site in Flintshire is another site operated by the Applicant. The Connah's Quay location (the Main Development Area and Construction and Indicative Enhancement Area (C&IEA)) is owned by the Applicant, and includes additional vacant land within the holding where a new power station could be constructed while maintaining operations at the existing Connah's Quay Power Station.

4.1.8 The Connah's Quay site in Flintshire is the only location owned by the Applicant suitable for the Proposed Development.

Grid Connection

4.1.9 Grid connection availability is a recognised constraint for the delivery of low carbon power projects. Consideration was therefore given to the availability of ensuring a secured grid connection.

4.1.10 The Connah's Quay site has the advantage of connections to the high voltage electricity transmission network in close proximity and has grid connection agreements in place with National Grid Electricity Transmission Network serving the current units, as well as a Network Exit Agreement (NEXA) for natural gas supply to an existing Above Ground Installation (AGI).

4.1.11 The Applicant currently operates the existing Connah's Quay Power Station and exports to the national grid through an 1380 MW grid connection agreement. The Agreement is indefinite and therefore is suitable for the Proposed Development. The Applicant is not aware of any alternative site that is available or could be made available with such grid connections.

Connection to the HyNet CO_2 Pipeline

4.1.12 To provide low carbon power through a CCGT, it is necessary to have a connection to a transport and storage system.

4.1.13 The Connah's Quay site is located in close proximity to the Hynet CO_2 Pipeline and the majority of the physical infrastructure forming any potential connection to this for CO_2 export to storage is already in place via the existing former natural gas import pipeline (the Repurposed CO_2 Connection). The completion of this connection could then be formed via the installation of a relatively short (approximately 422 m within overall approximately 27 km pipeline route to Point of Ayr) additional pipeline (the Proposed CO_2 Connection) between the endpoint of this existing pipeline and Liverpool Bay CCS Limited's Flint AGI and the installation of a new AGI for CO_2 processing, monitoring, metering, and export within the Main Development Area (the Proposed CO_2 AGI).

4.1.14 Limited additional works would therefore be required outside the Main Development Area to connect the CCP as part of the Proposed Development to the Hynet CO_2 Pipeline. Therefore, this serves as another fundamental reason for selecting the Connah's Quay site for a new power generation project intending to incorporate carbon capture. Again, the Applicant is not aware of any alternative site that is available or could be made available with these attributes.

Placement within the Connah's Quay Site

4.1.15 The following alternative site locations for the Low Carbon Power Abated Generating Station itself within the Applicant's land holding at Connah's Quay were considered in the context of availability as well as technical and financial viability and environmental constraints.

4.1.16 The alternative locations to site the Low Carbon Power Abated Generating Station within the Applicant's Connah's Quay land holding were:

- replacement in situ; and
- 'South' site

4.1.17 The location of these alternative locations is shown in **Figure 6.2 Alternative Locations within Connahs Quay Site [CR1-044]**.

4.1.18 **Table 4-2** provides details of the consideration given to these alternative locations and explains why they were not taken forward as not meeting the objectives of the Proposed Development.

Table 4-2: Consideration of alternative sites for the CQLCP Abated generating station

Alternative	*Consideration*	*Reason for Discounting*
South Site – location of the CQLCP Abated Generating Station within the former 'A' station site (C&IEA)	This site would benefit from the existing connections although further work would be required to connect to the redundant gas connection for onward transport of captured CO_2. This site is, however, located closer to residential areas, particularly those on the B5129 Kelsterton Road, but also Connah's Quay more generally. It is also located adjacent to the Dee Estuary, but south of Flintshire Bridge. This site is smaller than the North site and would not allow for large utility scale power plant to maximise the existing grid connection.	Would not meet the objectives of the Proposed Development
Replacement In Situ – location of the CQLCP Abated Generating Station within the operational footprint of the existing Connah's Quay Power Station	This site would benefit from the existing connections. The site is adjacent to Dee Estuary north of the Flintshire Bridge. This site is currently occupied by the existing Connah's Quay Power Station. It would require the existing power station to be demolished prior to the construction. This would result in a period of lost generation and would not be deployable by 2030.	Would not meet the objectives of the Proposed Development

Alternative Considerations Specific to the Temporary and Permanent Loss of Functionally Linked Land

Alternative Design

4.1.19 The temporary and permanent loss of functionally linked land would be triggered by the construction and operation of the CQLCP Abated Generating Station. The main alternatives to this are discussed below.

4.1.20 Consideration has been given to alternative designs that would result in a reduction in the temporary and permanent footprint within the functionally linked land as shown in **Figure 5.5 Vegetation Clearance Plan [APP-085]** along with the reasons for discounting in light of the Project Objectives. These are detailed in **Table 4-3** and summarised below as:

- Generating Capacity;
- Alternative layout; and
- Alternative construction laydown area.

Table 4-3: Consideration of alternatives designs

Alternative	Consideration	Reason for Discounting
Generating Capacity less than 1,380MW (consistent with the size of the existing connection)	The existing Grid connection has a high strategic value and maximising the use of this connection to provide dispatchable, low carbon, power is a key benefit of the Proposed Development as nationally significant infrastructure for which there is a clear need.	This would not meet the Project Objectives and the urgent need it seeks to satisfy as this alternative would deliver a smaller contribution towards the UK's urgent and established need for new low carbon power
Alternative Layout - Box Design	As an alternative to the linear design, a 'box' design was considered. This creates two discrete CCGTs rather than a group of infrastructure resulting in larger landscape and visual effects. The box design was considered to result in a greater permanent footprint on the basis the linear design allows for shared utilities and services would be close together.	Potential to result in the further loss of Functional Linked Land in the permanent footprint
Alternative Construction Laydown	To construct a power station with the generating capacity of 1,380MW it was determined that the full site was required for construction logistics associated with the 'narrow' site.	As above this would not meet the Project Objective as it would deliver a smaller contribution towards the UK's urgent and established need

Alternative	Consideration	Reason for Discounting
		for new low carbon power

~~Alternative Considerations Specific to the nitrogen deposition on Atlantic salt meadow~~

4.1.21 ~~The operation of the CQLCP Abated Generating Station would result in the release of flue gases either through the absorber stack (abated) and HRSG stack (unabated). These flue gases would include concentrations of SO_2, NH_3 and NO_x.~~

4.1.22 ~~Consideration has been given to alternative scenarios that would result in a reduction in the nitrogen deposition on Atlantic salt meadow in light of the Project Objectives. These scenarios and the justification for discounting these are detailed in **Table 4-4** and summarised below as:~~

- ~~Reduction of operating hours;~~
- ~~Increasing absorber and HRSG stack heights;~~
- ~~Further emission reduction – absorber stack; and~~
- ~~Further emission reduction – HRSG stack.~~

~~Table 4-4: Consideration of alternatives in relation to atmospheric pollution~~

~~Alternative~~	~~Consideration~~	~~Reason for Discounting~~
~~Reduction of operating hours~~	~~Reducing the number of hours the Proposed Development operates could lead to reduced cumulative deposition of nitrogen~~	~~The Proposed Development is designed to provide dispatchable power whenever it is required, in response to demand.~~ ~~The Proposed Development has been assumed to be running 24 hours a day, 365 days per year as a worst-case scenario. Actual operation (and hence impact) is expected to be lower than this and dispatchable, in response to demand.~~ ~~Depending on the specific load profile and operational strategy as dictated by demand from the national grid the number of operating hours will vary year by year. The role of the Proposed Development is to operate to maintain a secure and stable supply of electricity and therefore~~

Alternative	Consideration	Reason for Discounting
		is inherently variable. Given the uncertainty and volatility in future electricity demand and energy markets, it is not possible to model with annual operating hours in each year with certainty. This does require that the Proposed Development have the unrestricted capacity to operate in base load, should it be required to do so. Consideration was given to limiting the operational hours of the Proposed Development in order to bring 'in combination' nitrogen deposition rates (most of which are due to the Proposed Development) to below 1% of the critical load and thus render them mathematically imperceptible. Calculations indicate that there is no way for this additional benefit to be achieved through a reduction in operating hours whilst achieving the Project Objectives of allowing the Proposed Development to provide dispatchable power (and hence security of supply) whenever it is required in response to demand
Increasing stack height	Increasing the stack height in order to increase dispersion hence reducing ground level nitrogen deposition	There is an obstacle limitation surface (OLS) of 155 m above ordnance datum (AoD) associated with Hawarden Airport. The OLS identifies the height at which a structure may become a hazard to air navigation. For structures within the Main Development Area, a combination of a stack height greater than 147.6 m with the proposed ground level of 7.4 m AoD associated with the Proposed Development would breach the OLS. Whilst it is possible to seek an infringement to breach the OLS, an Instrument Flight Procedures Assessment would be undertaken

Alternative	Consideration	Reason for Discounting
		to determine if the proposals would likely impact on operations of the aerodrome. In this context, the benefits in terms of reducing ground level concentrations also diminish with increasing stack height (see for example Plate 2 in **Appendix 8-D Air Quality Operational Assessment [CR1-089]**) and the modelling suggests that the abated stacks would have to penetrate well into the OLS in order to reduce impacts to below 1% of the critical load significance threshold. Through discussions with Airbus (operator of Harwarden Aerodrome) it was determined that any infringement of the OLS was likely to result in impacts to operation to Harwarden. In addition, consideration has also been given to the other potential environmental effects associated with stack height. As noted above, the stack heights would need to be considerably higher than those currently proposed to reduce impacts to below 1% of the critical load significance threshold. At these heights, the area within which likely significant landscape and visual effects would be experienced would increase, additional materials (including additional abnormal indivisible loads) would be required for construction putting additional construction vehicles on the highway network, and the construction programme would likely need to be extended.
Further emission reduction – absorber stack	Further reduce emissions of ammonia and NOx from the absorber stacks	The Large Combustion Plant Best Available Techniques Reference (LCP BREF) Conclusions

Alternative	Consideration	Reason for Discounting
	to reduce ground level nitrogen deposition	document[4] sets annual mean BAT Associated Emission Levels (BAT AELs) for new CCGTs of 3-10 mg/Nm^3 for ammonia and 10-30 mg/Nm^3 for NOx. As defined in the Industrial Emissions Directive[5], these ranges represent the emission levels achievable under economically and technically viable conditions based on the most effective and advanced stages of the available techniques. The proposed emission levels of 1 mg/Nm^3 or 0.75 mg/Nm^3 for ammonia and 10 mg/Nm^3 for NOx are currently at or below the lower (i.e most stringent) end of the BAT-AEL range for both species (ammonia and NOx). Further 'beyond BAT' NOx reductions would require additional ammonia dosing in the SCR which would lead to additional ammonia emissions, resulting in increased levels of nitrogen deposition. Given that ammonia emissions are already considerably lower than the most stringent BAT AELs, performance guarantees could not be secured for lower emission levels as they are not technically feasible.
Further emission reduction – HRSG stack	Further reduce emissions of ammonia and NOx from the absorber stacks to reduce ground level nitrogen deposition (noting that significant running in unabated mode is not expected)	Ammonia emissions result in proportionally higher contributions to nitrogen deposition rates than would occur for the equivalent NOx emissions, on a mg/m^3 emitted basis (due to the higher deposition velocity and nitrogen content per mg of emission). Consequently, measures that minimise ammonia emissions can provide greater benefits to minimising nitrogen

[4] European Commission (2017) Commission Implementing Decision (EU) 2017/1442 of 31 July 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for large combustion plants. Official Journal of the European Union.
5 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and livestock rearing emissions (integrated pollution prevention and control).

~~Alternative~~	~~Consideration~~	~~Reason for Discounting~~
		~~deposition impacts. The FEED contractors confirmed that they could meet the upper BAT AEL for NOx without using the SCR (hence reducing ammonia emissions to zero) and modelling confirmed that this would reduce overall nitrogen deposition relative to the case where SCR is in operation. Discussions with the FEED contractors concluded that further reduction of NO_x below the 30 mg/Nm^3 emission level is not possible without reducing the combustion temperature, which would in turn reduce the power generation from the CCGT plant, which, as noted in Table 4-3, would not meet the Project Objectives.~~

Alternative Considerations Specific to the Permanent Loss of Atlantic salt meadow

~~4.1.23~~4.1.21 Following the sustainable drainage systems (SuDS) Hierarchy[6], the disposal of surface water from new developments should be considered by means of infiltration as the primary method. If this is not feasible, discharge should be to the closest watercourse or land drain. Discharging surface water to public sewers is a last resort if discharging to soakaways and / or watercourses is unachievable.

~~4.1.24~~4.1.22 The following runoff destinations were considered during the development of the **Outline Surface Water Drainage Strategy (EN010166/APP/6.4)**:

- rainwater reuse;
- infiltration to ground;
- existing open watercourses;
- the existing Connah's Quay Power Station Surface Water Outfall (W2);
- the existing Oakenholt Brook Culvert;
- the existing Old Rockcliffe Brook Culvert;

[6] DEFRA (2025), National standards for sustainable drainage systems (SuDS). (Online). Available at: https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems/national-standards-for-sustainable-drainage-systems-suds (accessed 19/12/2025).

- combinations of W2 and culverted watercourses; and
- sewers.

4.1.254.1.23 **Table 4-4** details the consideration of each of these options to provide a sole solution for the discharge of surface water from the Main Development Area during the operation of the Proposed Development. Where necessary commentary is provided on whether the runoff destinations could form part of the final solution following the development of the detailed design of the Proposed Development.

Table 4-4: Consideration of alternative runoff destinations

Alternative	Consideration	Reason for Discounting
Rainwater reuse	The incorporation of a rainwater harvesting system, although best practice, would not affect the size of the Proposed Surface Water Outfall pipe size or structure. Other disposal methods would be required in addition to Rainwater re-use.	Not feasible
Infiltration to ground	Whilst infiltration rates would need to be finalised through further ground investigation, it is already the case that the anticipated ground conditions and the proposed site layout are such that infiltration potential is limited. It is considered that other disposal methods would be required in addition to any infiltration discharge. The **Outline Surface Water Drainage Strategy (EN010166/APP/6.5)** details the potential uses of infiltration drainage. At detailed design stage, infiltration features may	Not feasible

Alternative	Consideration	Reason for Discounting
	be introduced, but these would be unlikely to affect the new surface proposed solution as they would provide limited capacity.	
Use of existing open watercourses	There are no open watercourses located on the Main Development Area; the nearest downstream watercourses are located beyond the north-east boundary, within the adjacent Habitat sites. Any option to drain to an open watercourse would require a new structure/s in the boundary of the Dee Estuary / Aber Dyfrdwy Special Area of Conservation SAC (i.e. saltmarsh), which would result in temporary and permanent loss of saltmarsh.	Equivalent or greater impacts on habitats
Use of existing open watercourses - provision of a new outfall to the (unnamed) Ordinary Watercourse located beyond the central area of the Main Development Area within the Dee Estuary.	An outfall to the (unnamed) Ordinary Watercourse located beyond the central area of the Main Development Area was considered but was discounted on the basis an existing sluice structure is present to control water levels in the centre of the saltmarsh. Any new discharge behind of the sluice would likely require changes to the sluice structure as it would be over topped. Another solution would be to discharge to the downstream side of the existing sluice, but	Equivalent or Greater impacts on habitats

Alternative	Consideration	Reason for Discounting
	this would still require the construction of a new headwall structure within the Dee Estuary / Aber Dyfrdwy Special Area of Conservation SAC and would result in equivalent or greater impacts on the saltmarsh either in its establishment or its operation.	
Use of the existing Connah's Quay Power Station Surface Water Outfall (W2)	The existing surface water drainage outfall which serves the existing Connah's Quay Power Station (W2) is a 1200 mm diameter pipe and was designed to serve the existing Connah's Quay Power Station The design of this system was carried out over 30 years ago and therefore it is not expected that the design would have included for the current provisions of increased rainfall intensities due to climate change which are now required for current designs and is therefore unlikely to have additional capacity to accommodate the new development and could result in flooding within the existing site during high rainfall events. It is therefore considered that other disposal methods would be required in addition to use of the existing Connah's Quay Power Station Surface Water Outfall (W2).	Not feasible

Alternative	Consideration	Reason for Discounting
Use of the existing Oakenholt Brook Culvert	The Oakenholt Brook Culvert is a 900 mm diameter concrete pipe which conveys flows (from upstream greenfield and railway catchments) in a straight line across the undeveloped fields on the north-west side of the Main Development Area, before returning to open watercourse and discharging to the Dee Estuary beyond the Main Development Area boundary and adjacent access road. The development proposals include for the diversion of this culvert. Its existing gradient across the Main Development Area is approximately 1 in 770. The proposed diversion route would result in a slacker gradient and will require an increase in pipe size to achieve self-cleansing velocity. ~~a~~The preliminary modelling indicates that unrestricted flows into the culvert cannot be accommodated without impact on the proposed upsized culvert. To mitigate any flooding issues, flows from the Main Development Area would need to be restricted to approximately 150 l/s. Approximately 1,500 m^3 of additional surface water attenuation would be required to discharge at the restricted rate. This is a significant volume which, considering the	Not feasible

Alternative	Consideration	Reason for Discounting
	proposed site layout, would likely need to be provided underground (e.g. in tanks) and would be difficult to accommodate within the site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development. aIt is therefore considered that other disposal methods would be required in addition to use of the existing Oakenholt Brook Culvert.	
Use of the existing Old Rockcliffe Brook Culvert	The Old Rockcliffe Brook culvert is a 900 mm diameter concrete pipe which conveys flows (from upstream catchments) across the existing Connah's Quay Power Station on the south-east side of the Main Development Area, before returning to open watercourse and discharging to the Dee Estuary beyond the Main Development Area boundary and adjacent access road. Its gradient across the Main Development Area is approximately 1 in 920, which is shallower than the gradient of the Oakenholt Brook Culvert, and its catchment is larger than that of the Oakenholt Brook Culvert. eBased on the initial modelling exercise undertaken for the Oakenholt Brook Culvert, the available capacity is likely to be minimal. Discharging	Not feasible

Alternative	Consideration	Reason for Discounting
	surface water runoff from the entire Main Development Area into the Old Rockcliffe Brook Culvert is likely to require a significant additional attenuation volume, which, considering the proposed site layout, would likely need to be provided underground (e.g. in tanks) and would be very difficult to accommodate within the proposed site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development. It is therefore considered that other disposal methods would be required in addition to use of the existing Old Rockcliffe Brook Culvert.	
Connection to sewers	As set out within the SuDS Hierarchy, discharging surface water into sewers should be the last resort when there are no other viable options. Discharge of surface water runoff to foul water sewers is not permitted under the Building Regulations 2010[7]. Any existing surface water or combined sewer in the area is unlikely to be able to accommodate runoff from the entire Main Development Area without affecting the existing	Not feasible

[7] The Building Regulations 2010. (Online). Available at: https://www.legislation.gov.uk/uksi/2010/2214/contents (accessed 19/12/2025).

Alternative	Consideration	Reason for Discounting
	capacity leading to flooding of the sewers. It is therefore likely that additional surface water attenuation would be required on site to restrict the discharge to a surface water or combined sewer. As previously explained, considering the proposed site layout, additional attenuation would likely need to be provided underground (e.g. in tanks) and would be very difficult to accommodate within the proposed site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development. Given that there are other viable options, discharging surface water runoff from the Main Development Area to sewers has been discounted.	

~~4.1.26~~4.1.24 It should be noted that as the detailed design is not complete, the **Outline Surface Water Drainage Strategy (EN010166/APP/6.5)** has been prepared based on the Pre-FEED design which underpins the DCO application. It is therefore the role of the FEED contractors to reconsider the SuDS Hierarchy during the detailed design process to reconfirm the conclusions of the **Outline Surface Water Drainage Strategy (EN010166/APP/6.5)**. At this stage the Applicant is unable to demonstrate that there is a viable drainage solution that would not result in the permanent loss of saltmarsh habitat within the Dee Estuary / Aber Dyfrdwy Special Area of Conservation SAC. The Applicant is committed to exploring opportunities to split the surface water discharges across two or three of the pipes located within the Main Development Area (the W2 outfall, the Oakenholt Brook Culvert and the Old Rockcliffe Brook Culvert). This would take the form of detailed modelling, however based on a preliminary modelling exercise undertaken for the Oakenholt Brook Culvert, the capacities of these pipes are

limited and additionally discharges would need to be restricted. Whilst distributing surface water runoff across multiple assets may help to reduce the additional attenuation volume required, the additional attenuation volume required would likely still be significant and may not be achievable within the proposed site layout. If this is deemed viable and removes the permanent loss of saltmarsh habitat it will be the preferred drainage solution. This is detailed within the **Outline Surface Water Drainage Strategy (EN010166/APP/6.5)**.

5) Consideration of imperative reasons of overriding public interest (IROPI)

5.1 Describe your proposed reasons for authorising, undertaking or giving effect to this plan or project despite (without prejudice) a negative assessment of its implications for European sites:

Imperative reasons

5.1.1 There is an imperative need for the Proposed Development. The primary policy framework for examining and determining the DCO application is provided by the National Policy Statements (NPSs) for energy, notably the Overarching NPS for energy (EN-1)[8] and the NPS for natural gas electricity generating infrastructure (EN-2)[9] (both dated 17 January 2024). Whilst the 2024 NPSs have effect for the Proposed Development, the 2025 NPSs[10] (laid before Parliament in November 2025 and came into force on 6 January 2026) are potentially capable of being important and relevant considerations in the decision-making process. The 2024 version of NPS EN-1 sets out the urgent need for low carbon infrastructure such as the Proposed Development.

5.1.2 Section 2.3 of NPS EN-1 highlights how critical the provision of new low carbon energy infrastructure will be to the UK in achieving net zero. It emphasises that this will require a 'step change' approach in the provision of energy infrastructure

[8] Department for Energy Security and Net Zero (DESNZ), 2024; Overarching National Policy Statement for Energy (EN-1) (online). Available at: https://assets.publishing.service.gov.uk/media/65a7864e96a5ec0013731a93/overarching-nps-for-energy-en1.pdf (Accessed 19/012/2025).
[9] DESNZ, 2024; National Policy Statement for Natural Gas Electricity Generating Infrastructure (EN-2) (online). Available at: https://assets.publishing.service.gov.uk/media/655dc15a544aea000dfb32 39/nps-natural-gas-electricitygenerating-infrastructure-en2.pdf (Accessed 10/12/2025).
[10] DESNZ, 2025; 2025 revisions to National Policy Statements: government response (online). Available at: https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-2025-revisions-to-national-policy-statements/outcome/2025-revisions-to-national-policy-statements-government-response-accessible-webpage (Accessed 10/12/2025).

to be able to meet the Government's objectives of a secure, reliable and affordable energy supply that supports sustainable economic growth.

5.1.3 EN-1 advocates the importance of technologies such as CCS in the decarbonisation of power generation and industrial processes necessary to achieve net zero. Section 2.4 of EN-1 sets out how the Government is developing business models and commercial frameworks to incentivise and support developers to finance the construction and operation of power stations with CCS technologies – power CCS. Paragraph 2.5.2 of EN-1 highlights how the UK has *"…highly diverse and flexible sources of gas supply and a diverse electricity mix…*" that integrates renewable and low carbon energy sources to meet supply and demand. The paragraph further underlines the role that gas-fired electricity generation with CCS/Carbon Capture Utilisation and Storage (CCUS) will have as part of this flexible and diverse energy mix to complement the renewables and nuclear sectors.

5.1.4 Part 3 of EN-1 explains the urgent need for significant amounts of new large scale energy infrastructure to meet the UK's energy objectives (e.g. secure, reliable and affordable). Electricity meets a significant proportion of the UK's overall energy needs and reliance on it will increase as the country transitions towards net zero. The UK needs to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events.

5.1.5 Section 4.2 of EN-1 deals with 'The critical national priority for low carbon infrastructure'. The Government has concluded that the need for new low carbon energy infrastructure, such as the Proposed Development, is so acute that it is a Critical National Priority (CNP). EN-1 confirms that for the purposes of CNP policy, low carbon infrastructure includes natural gas fired generation that is carbon capture ready. This means that the Proposed Development, being a low carbon CCGT generating station with CCP, has CNP status when it comes to Secretary of State decision making and specifically in reference to any residual impacts that remain following application of the mitigation hierarchy. This urgent need that exists for low carbon infrastructure is not open to debate or interpretation and the contribution that would be made by the Proposed Development to meeting that need should be afforded substantial weight by the Secretary of State in determining the DCO application (EN-1, paragraphs 3.2.6 and 3.2.7).

5.1.6 The urgent need for the Proposed Development and NPS policy is considered in detail at Section 7 of the **Planning Statement [APP-262]**.

5.1.7 As confirmed above, the 2025 NPSs are potentially capable of being important and relevant to the Proposed Development. In July 2024 the Government launched a review of the energy NPSs (which included EN-1), and the Government held a public consultation between 24 April and 29 May 2025. The

NPS updates (including the updates to EN-1) were laid in Parliament on 13 November 2025 for a 21-sitting day 'consideration period', following which they were published and came into force on 6 January 2026. The two main changes to EN-1 that are of relevance to the Proposed Development include the following, and reinforce the importance and need for it to be delivered:

- New text has been added at paragraph 3.3.44 of the 2025 version of EN-1, which confirms that "Power CCUS is important for Clean Power 2030 as it reduces the role for unabated gas generation and de-risks the delivery pressures on renewable deployment. Additionally, power CCUS will be vital to ensuring security of electricity supply in the 2030s, delivering a secure power system that meets the needs of the economy over the longer term." This change therefore further reinforces the important role that power CCUS projects such as the Proposed Development have in the security of electricity supply.
- Paragraph 3.3.64 of the section 'The need for electricity generating capacity' of the 2025 version of EN-1 now confirms that the need case for CNP infrastructure, such as the Proposed Development (together with the national security, economic, commercial and net zero benefits), will outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy in all but the most exceptional circumstances. This change further reinforces the presumption in favour of granting consent for CNP infrastructure, such as the Proposed Development.

5.1.8 Further to the above, a number of other important energy and climate change policy documents have been published in recent years, including most recently the Government's Clean Power 2030 Action Plan. These policy documents provide further support as to the urgent need for new energy infrastructure, including gas fired power stations that are equipped with carbon capture (power CCUS) in order to provide security of supply, add resilience to the energy network, support the deployment of renewables and ultimately support the Government's Clean Power 2030 mission and the transition to net zero by 2050. The Proposed Development is consistent with the key objectives of Government energy and climate change policy. It would deliver low carbon long-duration flexibility that provides security of supply and support a renewables-based energy system.

5.1.9 Energy and climate change policy is considered in detail at Section 4 of the **Planning Statement [APP-262]**.

5.1.10 Taking account of the above, the Proposed Development is essential and urgent and there are imperative reasons for it to proceed.

In the public interest

5.1.11 The Proposed Development would have a number of very clear and significant benefits that are in the public interest. These include the following:

- EN-1, Part 3 confirms the urgent need that exists for significant amounts of new large-scale energy infrastructure to meet the Government's objectives of secure, reliable and affordable energy supplies, including the need for low carbon energy infrastructure. A clear benefit of the Proposed Development is that it would make a major contribution to meeting the need for new energy infrastructure identified in EN-1 by delivering up to 1,380 MWe of low carbon electricity generation. The urgent need that exists for low carbon infrastructure is not open to debate or interpretation and the contribution that would be made by the Proposed Development to meeting that need should be afforded substantial weight in the Secretary of State's decision-making.
- UK Government energy and climate change legislation and policy is a matter that is both important and relevant to Secretary of State decision making on the Applicant's development consent application. A number of important energy and climate change policy documents have been published since 2020, including most recently the Government's Clean Power 2030 Action Plan. These policy documents provide further support to the urgent need for new energy infrastructure, including gas fired power stations that are equipped with carbon capture (power CCS/CCUS) in order to provide security of supply, add resilience to the energy network. The Proposed Development, which is a power CCS project, is consistent with the key objectives of UK energy and climate change policy. The Proposed Development would deliver low carbon, flexible, dispatchable generation, providing security of electricity supply and has the potential to be deployed as early as 2030 thereby supporting the Government's Clean Power 2030 objectives on the transition to net zero. The Proposed Development would make a valuable contribution to the delivery of important energy and climate change policy objectives which should therefore be afforded substantial weight.
- The Proposed Development would connect with one of the Government's selected CCS/CCUS clusters, the HyNet Cluster, with the captured CO_2 from the CQLCP Abated Generating Station being transported via the HyNet CO_2 Pipeline to permanent offshore storage facilities in Liverpool Bay. The Proposed Development would therefore act as an important enabler in the development of the HyNet Cluster in line with the Government's objectives of decarbonising the UK's industrial and power generation sectors.
- The Connah's Quay site also has excellent proximity to the HyNet Cluster and its associated CO_2 transport infrastructure minimising the extent of CO_2 connection infrastructure needed and any associated effects. The majority of the site is within the ownership or control of the Applicant and the Proposed Development would make use of brownfield land within the operational boundary of the existing Connah's Quay Power Station. The Proposed Development would also be able to make use of the existing electricity grid, natural gas supply and water supply infrastructure at the existing Connah's Quay Power Station, thereby minimising the need for new connections and

third party land. The location of the site also affords important efficiencies in terms of the operation and maintenance of the Proposed Development and the potential to draw upon the existing skilled workforce.

- The Proposed Development would have benefits for the national and local economy in terms of employment (direct and indirect/induced) and supply chain opportunities. It is estimated that the Proposed Development would require an average of 608 gross direct full-time employment (FTE) construction jobs on-site per day during a simultaneous phase construction period, with a peak workforce of 1,600.
- In terms of Gross Value Added it is estimated that the construction workforce of the Proposed Development would contribute directly £33.24m to the national economy during the construction phase.
- The Proposed Development would achieve a Net Benefit for Biodiversity.

5.1.12 Having regard to the above, the Proposed Development would have a number of very clear and significant benefits that are in the public interest at the local, regional and national level.

Overriding the harm that would be caused to the European sites

5.1.13 As evidenced above, there is an urgent need for significant amounts of new large scale energy infrastructure to meet the UK's energy objectives (e.g. secure, reliable and affordable). Electricity meets a significant proportion of the UK's overall energy needs and reliance on it will increase as the country transitions towards net zero. The UK needs to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events.

5.1.14 As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and, in accordance with NPS EN-1 (paragraph 4.1.5), weigh its benefits and adverse impacts (the adverse effects as assessed in the ES) against each other (the 'planning balance').

5.1.15 Without prejudice to the Applicant's principal case, to the extent that the Proposed Development would result in some adverse effects, as may be expected with certain types of nationally significant infrastructure, these adverse effects do not outweigh the significant benefits to the UK, including the provision of safe and secure low carbon electricity supplies for which there is a nationally recognised urgent need; the Proposed Development would make a substantial contribution towards meeting this need. As evidenced above, the proposals would preserve places of environmental interest in contributing towards a Net Benefit for Biodiversity.

5.1.16 In contrast, the area of Atlantic salt meadow to be lost on a temporary basis is very small (650 m^2) and represents a very small proportion (less than 0.003%) of the 2,045.20 ha of Atlantic salt meadow within Dee Estuary SAC/SPA/Ramsar as set out in the JNCC citation for the SAC: UK0030131.pdf. The Dee Estuary is one of 13 SACs for which Atlantic salt meadow is a primary reason for site selection. The Dee Estuary designation represents approximately 7% of the more than 29,000 ha of the Atlantic salt meadow habitat type in the UK ((Atlantic salt meadows (Glauco-Puccinellietalia Maritime)) - Special Areas of Conservation), which is found mostly in the large, sheltered estuaries of south-east, south-west and north-west England and in south Wales. Smaller areas of saltmarsh are found in Scotland. Therefore, the habitat to be lost represents 0.0002% of Atlantic salt meadow in the UK. With regard to the functionally-linked habitat for curlew that would be lost, this receives no direct protection as it lies entirely outside the Dee Estuary SPA/Ramsar boundary. The habitat to be lost supported a peak count of 60 curlews, during January 2024. Therefore, the habitat to be lost supports a maximum of 1.5% of the Dee Estuary SPA/ Ramsar site curlew population, and this maximum was only recorded in one month. The imperative reasons of public interest therefore clearly override the harm caused to the SAC/SPA.

~~5.1.17 Similarly, while the area of saltmarsh to be affected by nitrogen deposition from the operational facility is large (approximately 245 ha or 10% of the 2,566.3 ha of saltmarsh in the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site) the nitrogen due to the Proposed Development is small (a maximum 0.13 kgN/ha/yr, with most saltmarsh being subjected to smaller quantities), which is only slightly above the level (0.10 kgN/ha/yr) at which it could be dismissed as imperceptible, particularly given that as a precaution the lower critical load for saltmarsh (that applicable to upper saltmarsh) has been applied to the entire affected area. Areas of lower (pioneer) saltmarsh would be affected to a smaller extent.~~

~~5.1.18 The botanical effect of additional nitrogen on saltmarsh would most likely take the form of a shift in species richness away from less nitrogen tolerant species and towards more common nitrogen tolerant species such as *Elytrigia repens*. However, the botanical effect of additional nitrogen is dependent on a range of factors including existing exposure. For example, Caporn, et al., 2016[11] examined the effect of different incremental additions of nitrogen deposition on parameters such as species richness. While saltmarsh was not included in the study, other habitats that are notably more sensitive to nitrogen deposition such as acid grassland and heathland were included.~~

~~5.1.19 The study noted that for some parameters such as species richness the botanical impact of further nitrogen reduced relative to the background nitrogen deposition~~

~~[11] Caporn, S., Field, C., Payne, R., Dise, N., Britton, A., Emmett, B., Stevens, C. (2016). Assessing the Effects of Small Increments of Atmospheric Nitrogen Deposition (Above the Critical Load) on Semi NaturalHabitats of Conservation Importance. Natural England Commissioned Report 210. Natural England.~~

~~rates, possibly because nitrogen was already present in excess at higher deposition rates. This is contextually relevant as the modelling for the Proposed Development identifies background nitrogen deposition at 16.3 kg N/ha/yr, approximately 63% above the lowest part of the critical load range for saltmarsh. The Proposed Development is therefore responsible for a worst-case 0.8% increase in nitrogen deposition to saltmarsh in the Dee Estuary SAC/SPA/Ramsar site.~~

~~5.1.20 The study also indicated that the minimum nitrogen dose required to cause a change in species richness of 1 species (other than in nitrogen impoverished sand dunes) was 0.4 kg N/ha/yr. For this reason, National Highways Design Manual for Roads and Bridges (DMRB) guidance on Air Quality Volume LA105[12] directs those undertaking assessments for highways schemes that if the forecast impact is less than 0.4 kg N/ha/yr, no significant effect would arise. DMRB guidelines have no direct applicability to schemes with stack emissions, and NE and NRW do not necessarily subscribe to the DMRB approach. However, the published research and DMRB guidance nonetheless point towards the relatively small likely ecological implications of the forecast 'in-combination' impact.~~

~~5.1.21~~5.1.17 In summary, the Proposed Development's very clear and significant benefits (as summarised above), a number of which should be afforded substantial weight, clearly outweigh its limited adverse residual impacts. Notwithstanding this, the Proposed Development is CNP infrastructure (as confirmed by EN-1), and CNP policy places a clear presumption in favour of granting consent for such infrastructure even where residual effects remain after the application of the mitigation hierarchy. There is a clear and compelling case in favour of the Proposed Development.

5.2 Provide copies or a summary of any formal or informal advice you have received from NE or NRW, or any other statutory adviser, relevant to the consideration of IROPI:

5.2.1 Not applicable at this stage

5.3 Summarise how you have taken this advice into account:

5.3.1 Not applicable at this stage

~~[12] National Highways. LA 105 – Air Quality. Design Manual for Roads and Bridges. Available at: https://www.standardsforhighways.co.uk/search/html/af7f4cda-08f7-4f16-a89f-e30da703f3f4?standard=DMRB~~

5.4 If a priority SAC habitat or species could be adversely affected by the plan or project, indicate which of the following public interests the reasons relate to:

5.4.1 No Habitats Directive priority habitats or species will be adversely affected.

6) Consideration of the necessary compensatory measures

6.1 Provide an overview of the compensatory measures that have been secured, and which will be undertaken should the plan or project proceed:

Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~

6.1.1 Given the works area is surrounded by Atlantic salt meadow, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting. This includes consideration of factors such as the proximity of sources of regeneration (including from the substrate which can be re-laid following works) and the fact the location and distribution of Atlantic salt meadow communities within the SAC is not static but changes naturally as a result of environmental conditions.

6.1.2 To address this loss further, and ensure no overall net loss within the SAC/SPA/Ramsar site, it is proposed to allow natural coastal processes to resume south of the existing Connah's Quay Power Station along a currently defended frontage and in an area not otherwise proposed for managed realignment as part of other strategies. Under current circumstances the Atlantic salt meadow within Conservation Area 3 (known as Station Saltings, south of the existing Connah's Quay Power Station) will reduce in extent due to sea level rise and presence of the landward defences, resulting in coastal squeeze and loss of SAC Atlantic salt meadow habitat. The intention is to bring part of the defences inland thus restoring natural coastal processes. This would allow the Atlantic salt meadow to naturally retreat to such an extent that any losses due to the Proposed Surface Water Outfall (the vast majority of which would be temporary) would be more than offset by the reduction in coastal squeeze allowed by the realigned defences south of the existing Connah's Quay Power Station. This would not avoid coastal squeeze altogether as that would require the removal of such defences, but it would substantially delay the rate of squeeze and the period at which any reduction in Atlantic salt meadow extent due to sea level rise would occur.

6.1.3 Therefore, the coastal defences south-east of the existing Connah's Quay Power Station adjacent to Compartment 3 would be set back to create a 1,300 m^2 area into which the Atlantic salt meadow in Conservation Area 3 can expand. The Management Plan for the Conservation Areas (Ref 65 in the **RIHRA EN010166/APP/6.12)**) indicates that between 2010 and the date of the Management Plan (2015) some previously exposed mud around Compartment 3 had been colonised by common saltmarsh grass (*Puccinella maritima*) indicating natural Atlantic salt meadow colonisation and extension can occur in this area if suitable conditions are created.

6.1.4 Setting back the embankment would reduce long-term losses of Atlantic salt meadow in the Dee Estuary due to coastal squeeze and thus ensure no net loss of Atlantic salt meadow in the Dee Estuary by enabling the Atlantic salt meadow in the existing area to expand landwards. Provided this is done before the existing area of Atlantic salt meadow is lost it would allow the Atlantic salt meadow (which would be a naturally shifting community without hard defences) to move naturally inland to a greater extent by managed realignment than the loss due to the new outfall and therefore avoid a net loss. It would therefore not conflict with the conservation objectives regarding extent or proportions.

6.1.5 Regarding the effect of the Direct Loss of/ Damage to Qualifying Habitat, the Proposed Development would include managed retreat of the existing embankment between the existing Connahs Quay Power Station and Dee Estuary/ Aber Dyfrdwy SAC / SPA / Ramsar site to create an approximately 1,300 m^2 area of retreat to allow natural migration inland of SAC saltmarsh that would otherwise be reduced in extent (and ultimately entirely lost) due to coastal squeeze.

~~6.1.6 It is considered that the positive effects of these measures would also offsetprovide additional enhancement in respect of the relatively subtle ecological effect of the small forecast operational nitrogen deposition on the Dee Estuary/ Aber Dyfrdwy SAC / SPA / Ramsar. The area being created is more than 200 times larger than the area to be permanently lost due to the new outfall and it will allow a 0.13 ha area to persist that would otherwise be lost to coastal squeeze. It is considered that allowing an entire area of saltmarsh to persist in the face of sea-level rise will not only address the direct loss of habitat due to the outfall but also mitigate any subtle qualitative botanical changes that may arise across the wider saltmarsh in the Dee Estuary as a result of nitrogen deposition (for example, minor shifts towards more competitive grass species) during operation of the Proposed Development. The Applicant emphasises that such botanical changes may not occur in practice.~~

Loss of Functionally Linked Land

~~6.1.7~~6.1.6 The Applicant's intention is to deliver 26 ha of habitat creation and improvements at Gronant Fields at Prestatyn which are approximately 21.2 km from the Main Development Area and within the SPA / Ramsar site. The land would be managed in accordance with the **Outline Curlew ~~Mitigation Strategy~~Implementation and Monitoring Plan (EN010166/APP/6.13)** until the Proposed Development is decommissioned and the 26 ha of FLL within the Order limits is reinstated to its existing or a materially similar condition that is suitable[13] to function as FLL for curlew, unless otherwise agreed with the relevant discharging authority in consultation with NRW~~. for 80 years (this being the standard HRA definition of 'in perpetuity') or until the Proposed Development is decommissioned, whichever is the sooner~~x. Wet features would be relatively easy to enhance and create, such as network of blind linear foot drains, and control of water level within the fields ~~which~~ would further enhance the value of the site for non-breeding Curlew, as well as other wintering waders, in providing feeding areas as well as roosting areas during high tide. Full details of this habitat enhancement are provided in the **Outline Curlew ~~Mitigation Strategy~~Implementation and Monitoring Plan (EN010166/APP/6.13)**. The nature of the next stage of enhancement and management measure would confirmed by the Curlew Steering Group.

~~6.1.8~~6.1.7 The **Commitments Register (EN010166/APP/6.10)** provides further information on the relevant securing mechanisms for all relevant measures. The remaining parts of this section address the specific information requirements identified in the Derogation template.

The objectives, target features (the affected habitats and species) and the ecological processes and functions to be compensated

Atlantic salt meadows

~~6.1.9~~6.1.8 The target feature will be '1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)', although given how saltmarsh develops this will begin as pioneer saltmarsh 1310 *Salicornia* and other annuals colonizing mud and sand, which is also an SAC qualifying habitat. The objective will be to lower ground levels over 1,300 m^2 of land owned by the Applicant adjacent to the Dee Estuary SAC/SPA/Ramsar site (the managed retreat area). The objective will be to lower ground levels to or below that of the existing Atlantic salt meadow in front of the managed retreat area. The existing Atlantic salt meadow will expand inland (initially colonising the mud as pioneer saltmarsh and developing over time to Atlantic salt meadow) under natural coastal processes to occupy the managed retreat area. This will enable a net increase in the amount of qualifying saltmarsh

[13] neutral type grassland with regular sheep grazing to maintain sward height.

and ultimately Atlantic salt meadow that is more than double that being lost due to the Proposed Development (approximately 650 m^2), and more than 200 times greater than that being lost permanently (approximately 5 m^2), and will enable an entire area of saltmarsh that would otherwise be lost in time to sea level rise to persist notwithstanding a small increase in nitrogen deposition. In the long-term it will also enable the existing area of Atlantic salt meadow in front of the managed retreat area to persist in the face of forecast sea level rise, when it would otherwise be gradually eroded and turned to mudflat.

Functionally-linked land for curlew

~~6.1.10~~6.1.9 The target feature will be 'A160 curlew *Numenius arquata'*. The objective will be to improve the habitats suitable for curlew, and thus the numbers of curlew that can be supported, of 26 ha of existing land within the SPA boundary at Gronant Fields at Prestatyn, owned by the Applicant. This will be achieved by implementation of a suitable grazing/mowing regime to maintain an optimal sward height and the conversion of three fields of cultivated land to permanent wet grassland. Following the first stage of the implementation of the Curlew habitat offsetting measures and a period of both ornithological and surface/ground water monitoring, the Curlew Steering Group would confirm the nature of the next stage of enhancement and management measures. Full details of this habitat enhancement are provided in the **Outline Curlew ~~Mitigation Strategy~~Implementation and Monitoring Plan (EN010166/APP/6.13)**.

6.2 The precise extent of the compensatory measures - for example, surface areas, population numbers

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.2.1 The extent of the compensatory area is 1,300 m^2.

Functionally-linked land for curlew

6.2.2 The extent of the compensatory area is 26 ha.

6.3 The precise location of compensation areas - include maps, and digitised data provided as an ESRI Shapefile

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.3.1 The precise location of the compensation area is shown on Sheet 2 of the Appendix A of the **Outline Landscape and Ecology Management Plan (EN010166/APP/6.9)**.

Functionally-linked land for curlew

6.3.2 The location of this habitat enhancement is provided in Appendix A of the **Outline Curlew ~~Mitigation Strategy~~Implementation and Monitoring Plan (EN010166/APP/6.13)**.

6.4 The current status and condition of the compensation areas – for example existing habitats and their status, type of land, existing land uses

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.4.1 The compensation area currently consists of a mixture of bracken and modified grassland in poor condition as detailed in **Appendix 11-C Botanical Technical Appendix (EN010166/APP/6.4)**.

Functionally-linked land for curlew

6.4.2 The compensation area currently consists of grassland and there are three fields of cultivated land in the south-west corner. The fields appear not to have been managed since 2024 and cultivated land has been colonised by arable weeds. The grassland is periodically inundated and resembles a rush-pasture in its structure and composition. Most of the fields at the site are located adjacent to water filled ditches. Some of these ditches support tall emergent plants, particularly common reed (*Phragmites australis*) which is beginning to colonise the adjacent fields. There is a pond in the central part of the site and several ephemeral pools which temporarily holds rainwater. There is a fragmented hedgerow adjacent to a ditch in the central-east part of the site. Further details of the habitats present are included in Appendix B of the **Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (EN010166/APP/6.14)**.

6.5 Time schedule for implementing the compensatory measures (including their long-term implementation), indicating the expected results and when they will be achieved

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.5.1 The creation of the managed retreat area would occur prior to the construction of the proposed Surface Water Outfall, if such outfall is deemed required ~~and prior to any nitrogen deposition impact from the operational plant~~. The Applicant will prepare a Saltmarsh Implementation and Monitoring Plan, which is secured by Part 2 of Schedule 16 of the **Draft Development Consent Order (EN010166/APP/3.1)**, to be prepared in general accordance with the **Outline Saltmarsh Implementation and Monitoring Plan ~~Creation Strategy [REP3-026]~~(EN010166/APP/6.16)**. Part 2 of Schedule 16 provides that:

- ~~tThe authorised development may not be commenced~~no stage of Work No. 5 (as defined in Schedule 1 of that draft Order) may be commenced until a plan for the work of the Saltmarsh Steering Group has been submitted to and approved by the Secretary of State; and
- ~~-~~no stage of Work No. 5 ~~(construction of a surface water discharge)~~ may be commenced ~~or any stage of Work No. 1(a) (combined cycle gas turbine plants) be brought into commercial use~~ until that Saltmarsh Implementation and Monitoring Plan has been submitted to and approved by the ~~relevant planning authority~~Secretary of State, in consultation with NRW.

~~6.5.1~~6.5.2 Professional judgment is that fine mud and silt would begin to develop as soon as the ground levels are lowered, and saltmarsh (1310 *Salicornia* and other annuals colonizing mud and sand) would then develop across the managed retreat area approximately five years following this. Over time this would mature to Atlantic salt meadow. Given mature Atlantic salt meadows are present immediately seawards of the managed retreat (thus protecting the retreat area from heavy tidal influence) the vegetation is likely to quickly develop into saltmarsh habitat. As noted on the JNCC page for Dee Estuary SAC (Dee Estuary/ Aber Dyfrdwy - Special Areas of Conservation), '*high accretion rates found in the estuary are likely to favour further development of this type of vegetation'*.

Functionally-linked land for curlew

6.5.3 The habitat for the Curlew offsetting area will be established prior to the commencement of construction works at the areas of the Main Development Area for which offsetting is required, to ensure that the mitigation provision is available prior to any displacement occurring. ~~Requirement 11~~Part 1 in Schedule ~~2~~ 16 of the **Draft Development Consent Order (EN010166/APP/3.1)** provides that:

- ~~The authorised development may not be commenced~~no stage of Work No. 1 or any site clearance works required in connection with Work No. 1 may commence until a plan for the work of the Curlew Steering Group has been submitted to and approved by the Secretary of State; and
- ~~-~~no stage of Work No. 1 (as defined in Schedule 1 of that draft Order) or any site clearance works required in connection with Work No. 1 may commence until a Curlew ~~Mitigation~~Implementation and Monitoring Plan has been approved by the ~~relevant planning authority~~Secretary of State, in consultation with NRW.

~~6.5.2~~6.5.4 That Curlew ~~Mitigation~~Implementation and Monitoring Plan must be in general accordance with the **Outline Curlew Implementation and Monitoring Plan ~~Mitigation Strategy~~ (EN010166/APP/6.13)** and include (amongst other things) an implementation timetable demonstrating that replacement curlew habitat will be available before removal or disturbance of curlew habitat on functionally linked land as a result of the authorised development.

~~6.5.3~~6.5.5 Professional judgment is that the habitat will be available (i.e. functional and able to support curlew) within the first 12 months; achievement of appropriate sward height through grazing and creation and vegetation colonisation of water features (foot drains) would also be achieved within 12 months. Optimal conditions are likely to take between 3-5 years and will involve adjustments such as adjusting the water management regime, building up the soil invertebrate densities and getting the full benefits of changed grazing management.

6.6 Methods and techniques for implementing the compensatory measures, evaluation of their feasibility and expected effectiveness

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.6.1 Atlantic salt meadows are a relatively common habitat to create, noting that saltmarsh progresses from pioneer saltmarsh (1310 *Salicornia* and other annuals colonizing mud and sand) to mature Atlantic salt meadow over time. In the time it takes for pioneer saltmarsh to mature to Atlantic salt meadow this will increase the diversity of valuable saltmarsh communities present on this frontage. Large-scale restoration includes the flooding of 300 hectares of land at Steart Marshes in Somerset by the Wildfowl & Wetlands Trust, providing flood protection for properties, supporting fish and birds while also retaining its use for grazing. The RSPB's Wallasea Island project in Essex used soil from the Crossrail scheme to raise the land and flood almost 170 hectares of arable land to create saltmarsh, mudflats and lagoons (Saltmarsh-factsheet-Oct2023.pdf). In the case of the Proposed Development, a relatively small amount of saltmarsh requires creation

(1,300 m^2) and it has been agreed with NRW in a meeting on 19/11/2025 that the habitat will be allowed to colonise naturally (rather than being planted) from the existing area of Atlantic salt meadow immediately seawards of the managed retreat area. The presence of an existing area of Atlantic salt meadow immediately seawards of the managed retreat area provides high confidence that this habitat will establish in the managed retreat area as part of the restoration of natural coastal processes following the managed retreat.

Functionally-linked land for curlew

6.6.2 Methods and techniques for implementing the compensatory measures, evaluation of their feasibility and expected effectiveness are detailed within the **Outline Curlew Implementation and Monitoring Plan ~~Mitigation Strategy~~ (EN010166/APP/6.13)**. The proposals consist primarily of improved habitat management and installation of foot drains to ensure adequate habitat structure and conditions through periodic wetting of fields during winter. While details remain to be developed as of detailed design, such habitat enhancement/restoration proposals are commonly deployed on fields to improve their value for wintering birds and have been introduced by organisations such as the RSPB and as commitments in other DCOs such as for the East Yorkshire Solar Farm. Throughout engagement in 2025 prior to submission of the DCO application, NRW confirmed with the Applicant that the site for the compensatory habitat is in a suitable location for curlew to make use of it and curlews have been identified as being present in the area. There is therefore high confidence in the deliverability and likelihood of success.

6.7 Costs and financing of the compensatory measures, including their design, establishment, and maintenance for the necessary duration

6.7.1 The financing of the measures including maintenance would be delivered by the Applicant and would be secured as part of the DCO. The land is already in the Applicant's ownership.

6.8 Responsibilities for implementing the compensatory measures

6.8.1 The Applicant would be responsible for implementing the compensatory measures. This would be secured as part of the DCO. The land is already in the Applicant's ownership.

6.9 How the compensatory measures will be monitored and by whom, including timescales, and where necessary (for example, if there are uncertainties concerning the effectiveness of the measures) assessment of results and what you will do if the compensatory measures do not work as planned

Atlantic salt meadows (Direct Loss of/ Damage to Qualifying Habitat ~~and air quality (nitrogen deposition) impact~~)

6.9.1 The measures will be monitored by the Applicant or its appointed consultants. The Applicant will prepare a Saltmarsh Implementation and Monitoring Plan, which is secured by ~~requirement 22 in Schedule 2~~Part 2 of Schedule 16 of the **Draft Development Consent Order (EN010166/APP/3.1)**, to be prepared in general accordance with the **Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16)~~Creation Strategy [REP3-026]~~**. ~~Requirement 22~~Part 2 of Scheule 16 provides that:

- ~~The authorised development may not be commenced~~no stage of Work No. 5 (as defined in Schedule 1 of that draft Order) may be commenced until a plan for the work of the CSG has been submitted to and approved by the Secretary of State; and
- ~~-~~no stage of Work No. 5 ~~(construction of a surface water discharge)~~ may be commenced or any stage of Work No. 1(a) (combined cycle gas turbine plants) be brought into commercial use until that Saltmarsh Implementation and Monitoring Plan has been submitted to and approved by the ~~relevant planning authority~~Secretary of State, in consultation with NRW.

~~6.9.1~~6.9.2 The **Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) ~~Creation Strategy [REP3-026]~~** sets out an indicative programme of monitoring for the first five years following the realignment of the existing embankment and associated elevation changes. This monitoring would comprise:

- Annual Unmanned Aerial Vehicle (UAV) orthomosaic + elevation model;
- Annual Real-time Kinetmatic – Global Navigation Satellite System (RTK-GNSS) ground control & transects;
- Annual quadrat-based vegetation survey;
- Sediment elevation monitoring (marker horizons / pins) on a quarterly basis for two years and then bi-annually for three years; and
- Annual creek network mapping from UAV.

~~6.9.2~~6.9.3 Following the initial five year period, monitoring should not be required so frequently. The precise subsequent monitoring frequencies can be agreed with the

Saltmarsh Steering Group, but it is likely that periodic botanical monitoring will be required to track the development of pioneer saltmarsh to mature Atlantic salt meadow habitat, ~~on a three-year basis for 80 years (this being the standard HRA definition of 'in perpetuity') or~~ until the Proposed Development is decommissioned~~, whichever is the sooner~~. Following the successful establishment of the saltmarsh, as agreed by the Saltmarsh Steering Group, management of the Saltmarsh Creation Area will be added to the Connah's Quay Power Station Conservation Areas Management Plan.

~~6.9.3~~6.9.4 The **Outline Saltmarsh Implementation and Monitoring Plan ~~Creation Strategy [REP3-026]~~(EN010166/APP/6.16)** also makes provision for the following corrective actions to encourage the development of saltmarsh should natural colonisation of the Saltmarsh Creation Area be unsuccessful:

- Further changes to levels within the Saltmarsh Creation Area;
- Structures to manage velocity or sediment accretion;
- Seeding the area with target species; and
- Translation of curves within other areas of the Connah's Quay Nature Reserve threatened by erosion associated with the tidal regime within the wider reserve.

~~6.9.4~~6.9.5 Criteria for successful establishment of pioneer saltmarsh (1310 *Salicornia* and other annuals colonizing mud and sand) maturing to Atlantic salt meadow (such as presence of key species, absence of undesirable species, and suitable substrate and wetness conditions) will be discussed with the Saltmarsh Steering Group.

Functionally-linked land for curlew

~~6.9.5~~6.9.6 The measures will be monitored by the Applicant or its appointed consultants in accordance with the Curlew ~~Mitigation~~Implementation and Monitoring Plan to be prepared pursuant to ~~Requirement 11~~Part 1 of Schedule 16 of the **Draft Development Consent Order (EN010166/APP/3.1)**. Monitoring will be undertaken by a suitably qualified ornithologist. Criteria for success (such as the number of curlew recorded each month throughout the winter compared to baseline levels) will be agreed with NRW through the development of the Curlew ~~Mitigation~~Implementation and Monitoring Plan (prepared pursuant to ~~Requirement 11~~Part 1 Schedule 16 of the **Draft Development Consent Order (EN010166/APP/3.1)**) and will be used as the basis for monitoring. Once the site is confirmed to be supporting sufficient curlew populations on a sufficiently regular basis, there will be further monitoring until the Proposed Development is decommissioned and the 26 ha of FLL within the Order limits is reinstated to its

existing or a materially similar condition that is suitable[14] to function as FLL for curlew, unless otherwise agreed with FCC in consultation with NRW~~throughout the lifetime of the Proposed Development, or for 80 years, whichever is the sooner~~.

6.10 Enforcement of the necessary compensatory measures if required - how they will enforce them, and who will enforce them

6.10.1 As explained above, the relevant commitments are proposed to be secured through the **Draft Development Consent Order (EN010166/APP/3.1)** and **the Deed of Development Consent Obligations (EN01016/APP/9.25)**. If the DCO application is granted by the Secretary of State and the Order is made, the obligations within the Order will be binding on the undertaker, as defined in Article 2(1) of the Draft Development Consent Order, when carrying out the authorised development. The relevant planning authority (in this case Flintshire County Council) will be responsible for enforcing the terms of the Order pursuant to the Planning Act 2008.

6.10.2 Further information on securing mechanisms for all mitigation and compensation measures related to the Proposed Development is provided within the **Commitments Register (EN010166/APP/6.10)**.

6.11 The process that will be used to confirm that the measures have been successfully completed

6.11.1 Criteria for success will be agreed with NRW and will be used as the basis for monitoring.

6.12 Provide copies of the advice you have received from NE or NRW relating to the proposed compensatory measures:

6.12.1 In point 3.6 on page 6 of its Relevant Representation (**Relevant Representations | Representation by Natural England [RR-026]**) NE states that *'Natural England advise the Curlew Mitigation Strategy at Gronant Fields, Connah's Quay Conservation Area and the provision of new naturally colonising saltmarsh to address the direct loss of qualifying saltmarsh must be regarded as compensatory measures under the HRA framework'*. This is then picked up throughout its Relevant Representation such as points NE02, NE24, NE25, NE28 and is repeated in NE's Written Representation (**Written Representations | Representation by Natural England [REP1-072]**). ~~Within point NE47 of their Relevant Representation **[RR-026]** in relation to the creation of 1,300m^2 of saltmarsh to mitigate effects associated with nitrogen deposition, NE state that "*It~~

[14] neutral type grassland with regular sheep grazing to maintain sward height.

~~*is not justified why proposals to address this impact are referred to as mitigation, rather than compensation".*~~

6.12.2 In its Relevant Representation (**Relevant Representations | Representation by Natural Resources Wales [RR-027]**) NRW commented in paragraphs 2.1.17 and 2.1.26 regarding the managed retreat for Atlantic salt meadow and the curlew habitat creation at Gronant Fields that '*We acknowledge that such proposals could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness being certain and that the mitigation measures will be in place before the commencement of the associated impacts on the affected site'*. This point is repeated in NRW's Written Representation (**Written Representations | Representation by Natural Resources Wales [REP1-073]**) however at paragraph 2.1.36 clarified *"… we wish to highlight that at no point have we agreed that the proposed measures should be considered as mitigation rather than compensation*". Further developing paragraph 2.1.5 of NRW's Relevant Representation **[RR-027]**, paragraph 2.1.13 of their Written Representation **[REP1-073]** states "*We note that the Applicant considers this would 'offset' the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations and considers it as mitigation for HRA purposes. However, the proposed area of new saltmarsh would be located outside of the SAC and hence lack its standard of statutory protection*".

6.12.3 The Applicant has responded to both NE and NRW's advice within the **Applicant's Response to Relevant Representations [REP1-062]** and the **Applicant's Response to Deadline 1 Submissions [REP2-019]**. Progress made on these matters throughout examination is recorded in the ~~Draft~~ Final Statements of Common Ground with NE **(EN010166/APP/8.16)** and NRW **(EN010166/APP/8.2)**.

6.12.4 Note that the affected areas for which this Derogation case is made are in Wales. The Applicant's view is therefore that **NRW should be considered the lead Country Conservation Agency on these matters.**

7) Further information considered relevant to this notification

7.1 Give any further details that you feel are relevant to this notice:

7.1.1 This Derogation Notice is provided on a without prejudice basis at the request of the Examining Authority.