



## Connah's Quay Low Carbon Power

# Applicant's Response to the ExA's schedule of changes to the draft DCO

Planning Inspectorate Reference: EN010166

Document Reference: EN010166/APP/9.37

Planning Act 2008 (as amended)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations  
2009 - Regulation 5(2)(q)

Revision 00

May 2026

Prepared for:  
Uniper UK Limited

Prepared by:  
Herbert Smith Freehills Kramer LLP

## Table of Contents

1.	Introduction .....	1
1.1	Overview .....	1
1.2	Purpose of this Document .....	1
2.	Response to the ExA's schedule of changes to the draft DCO .....	2
	Appendix A – Proposed amendments should the DESNZ Requirement Discharge Unit be adopted .....	6

# Applicant's Response to the ExA's schedule of changes to the draft DCO

# 1. Introduction

## 1.1 Overview

- 1.1.1 The Connah's Quay Low Carbon Power Development Consent Order (DCO) Application was submitted by the Applicant, Uniper UK Limited, to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ) on 5<sup>th</sup> August 2025 under Section 37 of the Planning Act 2008 (the PA 2008). The DCO Application was accepted for examination on 28<sup>th</sup> August 2025.
- 1.1.2 The Applicant is seeking a DCO for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the 'Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station') and supporting infrastructure (collectively the 'Proposed Development') on land at, and in the vicinity of, the existing Connah's Quay Power Station (Kelsterton Road, Connah's Quay, Flintshire, CH6 5SJ), North Wales (the 'Proposed Development Site'). The term 'Order limits' is used to describe the geographical boundaries within which the Proposed Development and associated powers would be exercised.
- 1.1.3 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.
- 1.1.4 Through a carbon dioxide (CO<sub>2</sub>) pipeline, comprising existing elements to be repurposed and new elements, the Proposed Development would make use of the CO<sub>2</sub> transport and storage network that will be owned and operated by Liverpool Bay CCS Limited, the onshore pipeline for which is currently under development as part of the HyNet Carbon Dioxide Pipeline project (referred to as the 'HyNet CO<sub>2</sub> Pipeline Project'). The CO<sub>2</sub> transport and storage network will transport CO<sub>2</sub> captured from existing and new industries in North Wales and North-West England to be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.

## 1.2 Purpose of this Document

- 1.2.1 This document outlines the Applicant's responses to the Examining Authority's (ExA's) schedule of changes to the **Draft DCO (EN010166/APP/3.1)**.

## 2. Response to the ExA's schedule of changes to the draft DCO

2.1.1 A response against each matter raised is provided within Table 1 below.

**Table: 1 (Response to the ExA's schedule of changes to the draft DCO)**

Article/ Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's Response
<b>Contents</b>			
Contents Part 2 Art 8	"8. Consent to transfer benefit of Order" to <b>8. Consent to transfer benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
<b>Articles</b>			
Art 2 Interpretation "undertaker"	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 2 Interpretation (6)	"contain letters.." to <b>contain letters.</b>	Typo	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 8 Consent to transfer benefit of Order	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 23 Authority to survey and	"make trial holes bore holes or pits" to <b>make trial holes, bore holes or pits</b>	Missing comma	The Applicant has made this amendment in the Deadline 6 version

Article/ Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's Response
investigate the land (1)(b)			of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 24 Protective works to buildings	Removal of whole article and subsequent renumbering of Articles, contents and referencing in protective provisions.	No buildings owned or leased by those other than the Applicant were highlighted as being within the Order limits. Therefore, remove whole Article unless further justification for this power is forthcoming.	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 27 Compulsory acquisition of rights and restrictive covenants (5)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Art 33 Acquisition of subsoil or airspace only	Removal of referencing to airspace and clarification that rights sought for subsoil only	No justification has been given by the Applicant for rights to airspace over land to be compulsorily acquired. Therefore, remove airspace rights from Article unless further justification for this power is forthcoming.	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> . Reference to airspace has been removed so it is clear this relates to subsoil only.
Art 51 Removal of human remains	Removal of whole article and subsequent renumbering of Articles and contents.	Extent of land to be excavated outside of the Applicant's ownership and knowledge is minimal. Existing procedures and processes under Burial Act 1857 are reasonable and not onerous given risk of encountering unknown human remains.	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .

Article/ Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's Response
		Therefore, remove whole Article unless further justification for this power is forthcoming. Note recent removals from DCOs where similar defined Order Limits have been established.	
Art 51 Removal of human remains (5) (b)	"practicable alter such re-interment" to <b>practicable after such re-interment</b>	Typo, if retention of whole Article justified by the Applicant	The Applicant has removed this article and so the typo no longer needs correcting.
<b>Schedules</b>			
Sch 1 Authorised development 14 Site wide works (e)	"including bunds" to <b>including creation of bunds</b>	Clarity of new works versus alteration of existing	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 2 (19) Abnormal indivisible loads (1)	by the relevant planning authority <b>and highway authority.</b>	To ensure highway authority approval where it might not rest solely with local authority	The Applicant has updated the <b>Draft DCO (EN010166/APP/3.1)</b> . at Deadline 6 to require that approval under Requirement 19(1) is approved by the relevant planning authority in consultation with the highway authority. This means that there is still one single approving body but that the highway authority must be consulted as part of the discharge of Requirement 19.
Sch 13 Protective Provisions Part 1 (2)	winks	Possible typo	The Applicant has updated the <b>Draft DCO (EN010166/APP/3.1)</b> . at

Article/ Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's Response
"apparatus" (d)(i)			Deadline 6 to correct this typo from 'winks' to 'works'.
Sch 13 Protective Provisions Part 2 (39)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 13 Protective Provisions Part 5 (48)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 13 Protective Provisions Part 5 (58) (3) (b)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 13 Protective Provisions Part 10 (118) (2)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 13 Protective Provisions Part 10 (128) (3) (b)	"benefit of order" to <b>benefit of the Order</b>	Consistency with referencing the Order	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .
Sch 13 Protective Provisions Part 11 (142) (4) (b)	manhole is to be to be treated to <b>manhole is to be treated</b>	Typo	The Applicant has made this amendment in the Deadline 6 version of the <b>Draft DCO (EN010166/APP/3.1)</b> .

# Appendix A – Proposed amendments should the DESNZ Requirement Discharge Unit be adopted

## Proposed Approach

- 2.1.2 The Applicant notes the possibility that a specialist DESNZ unit will be established to discharge requirements for energy infrastructure projects and so has included drafting to be adopted within the **Draft DCO (EN010166/APP/3.1)** should the Secretary of State consider that such DESNZ unit would have the potential to discharge requirements for the Proposed Development.
- 2.1.3 The proposed drafting below would enable the functioning of the DESNZ unit, if and when established, in respect of applications to discharge requirements. The drafting then provides that it would be at the selection of the Applicant in each case. Where the DESNZ unit is the determining body, then the body named in the Requirement would become a requirement consultee.
- 2.1.4 This new proposed drafting has been prepared in light of the Nuclear Regulatory Review 2025 (known as the "Fingleton Review"), which has made various recommendations for nationally significant infrastructure projects. Under the heading "Establishment of Central Government Discharging Function for DCOs", the Fingleton Review states the following in relation to the discharge of DCO requirements and includes Recommendation 30: "*DESNZ should establish a unit which discharges DCO Requirements. Guidance issued by MHCLG should be updated to endorse the use of this unit as the discharging authority for DCOs relating to nuclear development. Local authority involvement in the discharge of conditions can be secured through a requirement for consultation prior to submission to the Department.*"
- 2.1.5 The Government published a policy paper on 13 March 2026, entitled "Building our nuclear nation: government response to the Nuclear Regulatory Review 2025" ("Fingleton Response") in which it formally responded to the Fingleton Review. In relation to Recommendation 30 from the Fingleton Review the Fingleton Response stated: "*The government accepts this recommendation. DESNZ will establish a new unit within its Infrastructure Planning Delivery team to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments. This will speed up decisions on the meeting of post-consent requirements. This will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion.*" Given the endorsement of Recommendation 30 of the Fingleton Review by the Government, and the potential expansion of the DESNZ unit into energy projects generally the Applicant considers that it is prudent to seek to anticipate the establishment of this DESNZ unit by providing for it in the drafting suggested below.

- 2.1.6 The drafting allows for the undertaker to elect whether it utilises the DESNZ unit or not (once established) which is considered an appropriate approach given it is unknown at this stage how any DESNZ unit will operate and how effective it will be. This is reflected by the Government's response to the Fingleton Review which states that: *"This [the DESNZ unit] will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion."*
- 2.1.7 Such an approach is appropriate as there is a balance to be struck with, on the one hand putting in place a mechanism by which a new unit aimed at more effectively enabling projects post consent can be utilised and supported, whilst on the other ensuring that a nationally significant infrastructure project, with critical national priority, is not held up unnecessarily during the bedding-in period whilst the new unit becomes fully operational and effective.
- 2.1.8 The proposed drafting also allows the undertaker to seek discharge of requirements where it feels the local planning authority would be better placed to have that role. As the Fingleton Review acknowledges, for the discharge of requirements for most DCOs at present *"Local authorities are chosen for their local knowledge"*. The local knowledge and expertise of the local authorities may mean that in some instances they are better suited to being the discharging authority, and, coupled with the above point, given the proposed DESNZ unit is aimed at achieving greater efficiencies for nationally significant projects, it is appropriate that the discharging authority can be selected based on what is likely to be the most efficient avenue for discharge of a requirement.
- 2.1.9 This approach follows that of the promoter in the recent Sea Link examination, which currently awaits determination.

## Proposed Drafting Amendments

Row	Provision	Change	Reasoning
1.	Article 2 (Interpretation)	Insert: “DESNZ unit” means a group or body set up by or on behalf of the Secretary of State for the purpose of providing any consent, agreement or approval required by requirements contained in development consent orders including the Requirements; “	Provides a clear definition of the relevant DESNZ unit.
2.	Article 51 (procedure in relation to certain approvals etc.)	51.—(1) Where an application is made to or request is made of any authority or body named in any of the provisions of this Order (including where the relevant planning authority is the DESNZ unit for the purposes of a Requirement) for any consent,	Makes clear that the procedure in relation to approvals applies to the DESNZ unit as well as other named discharging authorities in the Order.

Row	Provision	Change	Reasoning
		agreement or approval required or contemplated by any of the provisions of the Order, such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed.	
3.	Schedule 2 (Requirements), Part 1, Paragraph 1	Insert: "From the date of receipt by the undertaker of written notice from the Secretary of State that the DESNZ unit has been established, for the purposes of each Requirement in this Schedule 2 (requirements) or any document referred to in any requirement, the "relevant planning authority" or as the case may be the "highway authority" shall mean either the DESNZ unit or the body that would otherwise have been the relevant planning authority or highway authority if not for the establishment of the DESNZ unit."	Clarifies the trigger for the DESNZ unit having the potential to authorise discharge of requirements in the Order.
4.	Schedule 2, Part 2 (Discharge of Requirements), Paragraph 26	Insert as new sub-paragraph (1) and renumber all existing subparagraphs accordingly: "(1) Where notice has been received by the undertaker pursuant to paragraph 1(2) of Schedule 2 (requirements)— (a) the undertaker may make an application for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement) or any document referred to in any requirement to either, at the undertaker's discretion, the DESNZ unit or the body that would otherwise have been the discharging authority (being either the relevant planning authority, highway authority or discharging authority pursuant to the	Sets out the procedure for the DESNZ unit approving requirements in the Order as applicable.

Row	Provision	Change	Reasoning
		<p>Requirements, as appropriate) if not for the establishment of the DESNZ unit; and</p> <p>(b) in the case of Requirements (including part of a Requirement) pursuant to which the undertaker has made such application to the DESNZ unit as the discharging authority the DESNZ unit must consult with the body that would otherwise have been the discharging authority as though it was named as a body to be consulted in that Requirement and such body shall be treated as a "requirement consultee" for the purposes of this Part of this Schedule."</p>	
5.	Schedule 2, Part 2 (Discharge of Requirements), Paragraph 28 (fees)	(1) Unless otherwise agreed with the relevant planning authority or in circumstances where the discharging authority is the DESNZ unit, where an application or a request for comments is made to a relevant planning authority for any consent, agreement or approval required by a requirement, a fee must be paid to the relevant planning authority as follows—	Confirms that a fee isn't required to be paid to the relevant planning authority where the requirement is discharged by the DESNZ unit.