



Connah's Quay Low Carbon Power

Applicant's Response to Deadline 6 Submissions

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1. Introduction

1.1 Overview

- 1.1.1 This document has been prepared on behalf of Uniper UK Limited in connection with the application (Application) that has been submitted to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ) for a Development Consent Order (a DCO) under Section 37 of the Planning Act 2008 (PA 2008) in respect of the Connah's Quay Low Carbon Power Project.
- 1.1.2 The Application was submitted to SoS on 5th August 2025 and accepted for examination on 28th August 2025. The Examination commenced on 13th January 2026.

1.2 Purpose of this Document

- 1.2.1 This document provides the comments of the Applicant in response to the submissions made by Interested Parties (IPs) at Deadline 6 of the Examination.
- 1.2.2 Accordingly, responses to the following IPs are contained in the subsequent sections of this document:
- Section 2 – Organisations / Business (Non-Landowners);
 - Section 3 – Landowners;
 - Section 4 – Members of the Public; and
 - Section 5: Local Authorities.
- 1.2.3 The Applicant has not commented on every point made within the IPs' submissions. Instead, the Applicant has sought to provide comments where it is helpful to the Examining Authority (ExA) or where it considers that it would be appropriate for the ExA to have the Applicant's view on the matter raised.
- 1.2.4 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by an IP, this is not an indication the Applicant agrees with the point or comment raised or opinion expressed.
- 1.2.5 When responding to Deadline 6 submissions, the Applicant has referenced the version of each document that was current at the time the relevant matter was originally addressed, with updated material cited only where necessary, to clarify or expand upon the Applicant's position, so that the evolution of the evidence base through the Examination is transparent to the ExA. However, where mitigation or controls are discussed that would ultimately be secured through the **Draft Development Consent Order (DCO) (EN010166/APP/3.1)**, the Applicant has referred to the latest version of the relevant securing document, as this is the version to be secured. Accordingly, where issues were addressed in the DCO submission or at Deadline 1, 2, 3, 4, 5 or 6 references are provided to those assigned in the examination library (e.g. APP-XXX, REPX-XXX, CR1-XXX). Where a matter

is being addressed in a document being submitted at Deadline 7, the document reference is provided (e.g. EN010166/APP/X.X).

2. Organisations / Businesses (Non-Landowners)

2.1 REP6-098 Natural Resources Wales (NRW)

2.1.1 NRW's Deadline 6 submission and the Applicant's response are set out in **Table 1** below.

Table 1: Response to NRW's Deadline 6 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
<p>Comments on any submissions received by Deadline 5 (NRW) [REP6-098]: Annex A Comments on the Examining Authority's Report on the Implications for European Sites (RIES)</p>	A.1.1		<p>RQ.6 [To NE, NRW and FCC] respond to the applicant's response to ExQ1.22.7 [REP4-081] as to whether following the applicant's updates, it is now content with the projects included in the in-combination assessment. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>Annex D, Paragraphs 55 to 59 of our Deadline 5 submission [REP5-069] includes our response to the Applicant's updates regarding this matter in REP4-081 and this is summarised below. We note that there are three installations that the Applicant has not included in their in combination assessment, as follows:</p> <ul style="list-style-type: none"> • Deeside Power • Knauf Mineral Rock Wool Facility • Arrow Bio Waste Recycling Facility <p>We have provided additional correspondence (via email dated 05/05/26) to the Applicant about the Deeside Power project, as follows. Deeside Power Station currently retains an Environmental Permit for the ceased operations. It is expected that the site will be surrendering this permit as part of the current permit variation application. It is understood that Deeside Power Station ceased to operate with aerial emissions, as permitted, in 2018. APIS (https://www.apis.ac.uk/FAQ/what-emission-sources-are-expected-be-included-apis-background-concentration-and-deposition-values) states that the background modelling includes "emissions from the National Atmospheric Emissions Inventory (NAEI) https://naei.beis.gov.uk/data." As Deeside Power Station ceased to operate in 2018 it is expected that emissions for this installation are unlikely to form part of the current APIS background. We advised the Applicant that they may wish to review APIS and NAEI data to confirm this is the case.</p> <p>Air Quality Assessments for both Knauf Mineral Rock Wool Facility and Arrow Bio Waste Recycling Facility either should be available publicly or have been supplied to the Applicant. We therefore advise that the Applicant should include these installations in their in combination assessment or provide satisfactory explanation for their exclusion. We also recommend confirming with FCC, and any other relevant Local Planning Authorities within the study area, as to whether any other</p>	<p>The Applicant submitted Additional Operational Air Quality Considerations [REP6-091] at Deadline 6 to provide commentary on the emerging schemes that NRW identified in their response.</p> <p>Based on the analysis undertaken in the Additional Operational Air Quality Considerations [REP6-091], no new or different adverse effects on integrity (AEoI) of Habitats sites have been identified beyond those set out within the Report to Inform Habitats Regulations Assessment (RIHRA) (EN010166/APP/6.12).</p>

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			<p>projects requiring planning permission should be considered for in-combination effects.</p>	
	A.1.2		<p>RQ.10 [To NRW and NE] the applicant's conclusion of no LSE with respect to the sites above were not disputed by ANCB during the examination. Can NRW and NE confirm it agrees with this conclusion?</p> <p>We agree that the proposed development will have no Likely Significant Effect (LSE) on Halkyn Mountain SAC and Alyn Valley Woods SAC.</p> <p>Regarding the River Dee and Bala Lake SAC, please refer to our response to RQ.31 below in relation to barge movements during the construction phase. We also note the Applicant's confirmation that the marine water quality impact pathway is to be taken to Appropriate Assessment in an updated RIHRA to be submitted at Deadline 6 (please see our response to RQ.28). Therefore, we are unable to agree that LSE for this site can be ruled out until the additional information has been submitted and reviewed.</p> <p>NRW defers to Natural England (NE) for their advice regarding the Mersey Estuary SPA and Ramsar site, as these are located entirely within England.</p>	<p>The Applicant notes and welcomes NRW's position on Halkyn Mountain Special Area of Conservation (SAC) and Alyn Valley Woods SAC.</p> <p>The Applicant has commented on NRW's response to RQ.31 on matters relating to barge movements within the River Dee and Bala Lake SAC in the response at Ref A.1.5 of this table.</p> <p>Natural England have also agreed with the Applicant's conclusions that there would be no adverse effects on integrity of the Mersey Estuary Special Protection Area (SPA) and Ramsar site as recorded in the Final SoCG between the Uniper UK Limited and NE (EN010166/APP/8.16), see items 1.13, 3.3 and 3.9.</p>
	A.1.3		<p>RQ.13 [To NRW and NE] review annex 1 of this RIES and appendix G of the RIHRA [REP4-054] and confirm its position in relation to each impact pathway on each designated site within the relevant column of annex 1 of this RIES. Where NRW and NE do not agree with the applicant's conclusions or any discrepancies are noted between appendix G and what is assessed in the RIHRA, please clearly set out your concerns and what amendments NRW/ NE would propose or specific information that would still be required.</p> <p>Please see Annex C of this letter. [NRW feedback on the RIES]</p>	<p>In footnote 13 on page 29 of NRW's Deadline 6 response, the Applicant notes that NRW have expressed '<i>concerns around increased vessel movements (see Annex A, RQ.58)</i>' on Dee Estuary SPA, but also noted that '<i>... we do not foresee this as likely to have an AEoI [but] we have advised that some more information is provided (see Annex A, RQ.58) to confirm this before we can finalise agreement</i>'. The precise number and size of barges cannot be confirmed until a contractor is appointed but, for the purposes of the environmental impact assessment, assumptions have been made using similar experience, of up to 30 two-way vessel movements across a 12-month period per Train in order to deliver supplies for the Proposed Development (this would be split across the three ports available for Abnormal Indivisible Load (AIL) deliveries depending on the demands of the AIL to be delivered to the Main Development Area). On each occasion the barge is expected to be present at the Quay for a few days, subject to the final navigational risk assessment.</p> <p>The River Dee is navigable to Chester Weir, upstream of the Proposed Development, and as recently as 2020 there have been active shipping facilities upstream of Connah's Quay, such as the Airbus offloading facility at Broughton. This is understood to currently be inactive since Airbus stopped manufacturing the A380 but could resume activity at any time. The Deeside wakeboard and waterski club is based at Connah's Quay; while small vessels, wakeboards and waterskis can be very disturbing to waterfowl and waders due to their loudness and rapid, sudden movements. The main Port in the Dee Estuary is the Port of Mostyn. This is a port with</p>

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				<p>multiple deep-water berths, dealing with general cargo, heavy lift, project cargo, bulk materials, and roll-on/roll-off (RoRo) units, and handling approximately 120 vessels annually¹. It is surrounded by extensive intertidal mudflats heavily used by winter waterfowl and waders associated with the Dee Estuary SPA designation. This illustrates that shipping movements are not inimical to the use of intertidal areas by SPA birds. Moreover, very few waterfowl and waders were recorded at Connah's Quay North. The following species were typically recorded on most survey visits in single figures: mallard, little egret, cormorant, redshank, herring gull and black-headed gull. These were recorded on the mudflats on the opposite bank of the river rather than at Connah's Quay North.</p> <p>Therefore, taking into account the small number of birds recorded near Connah's Quay North during surveys, the fact that shipping movements are not inherently incompatible with use of intertidal areas by waterfowl and waders (as shown by the existing usage and importance of the Dee Estuary), and the small number and duration of barge movements per year, which do not differ in profile from large number of regular existing vessel movements, the Applicant considers that there will be no likely significant effect. The Applicant notes that NRW's comments that '<i>...we do not foresee this as likely to have an AEOL</i>' indicating they do not actually have a concern of an issue from this impact pathway.</p>
	A.1.4		<p>RQ.28 Water quality: [To the applicant and NRW] the ExA requests an update on progress on this matter.</p> <p>In an email to the Applicant (dated 06/05/26) relating to the associated Statement of Common Ground (SoCG) Items 3.15 and 3.16 we provided further advice regarding this matter. In summary, our position is that, as the apparent measures relied upon by the Applicant function to avoid or reduce an adverse effect on a European site, they should not be taken into account at the Habitats Regulations Assessment (HRA) screening stage. The details of the mitigation (either proposed or existing) should be provided and the information containing those details should be sufficiently comprehensive to enable the Statutory Nature Conservation Body to advise on the efficacy of the mitigation.</p> <p>We welcome the Applicant's subsequent confirmation via email (dated 06/05/26) that they will update the RIHRA at Deadline 6 to carry through the water quality aspects to the Appropriate Assessment stage, as we have advised. Although we have not seen the updated RIHRA for Deadline 6, subject to this being addressed satisfactorily we expect that this matter could be considered resolved.</p>	<p>At Deadline 6, the Applicant agreed to make changes to the RIHRA (EN010166/APP/6.12) to consider matters relating to water quality within the Appropriate Assessment at the request of NRW and NE. In discussions prior to Deadline 7, NE have confirmed the amendments made by the Applicant have addressed their concerns, this is recorded in reference 2.4 of the Final SoCG between Uniper UK Limited and NE (EN010166/APP/8.16) submitted at Deadline 7. However, NRW have confirmed that they consider that further information is required within the Appropriate Assessment to address their concerns. The Applicant has not made further amendments to the RIHRA (EN010166/APP/6.12) at Deadline 7 for the following reasons:</p> <ul style="list-style-type: none"> • During construction, with the identified mitigation measures in place, there would not be any pollution and therefore there is nothing to assess in terms of changes to water quality parameters; and • During operation, the Applicant has committed to adhering to the limits set out in the existing abstraction and discharge environmental permits held for the location. On the basis that the existing permit would not have been granted if it was having an adverse effect on receiving water quality, it is appropriate to assume that discharges within the parameters of existing permits are acceptable.
	A.1.5		<p>RQ.31 Water quantity (benthic habitats): [To NRW] confirm your position on this matter? If this matter is not resolved, provide reasoning and clearly set out specific actions that, in your view,</p>	<p>The Applicant acknowledges NRW's advice regarding potential scour resulting from barge grounding during construction. The following technical</p>

¹ Shipnext (n.d.) Mostyn Port Data & Shipping Insights [online]. Available at: [Mostyn Port Data & Shipping Insights - Arrivals, Departures & Expected Vessels at Mostyn Port](#) (Accessed 07/06/2026)

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			<p>the applicant should take to resolve outstanding concerns on this matter.</p> <p>We note the previous concerns raised by NE regarding impacts from barges grounding on intertidal sediments within the River Dee and Bala Lake SAC and that they did not consider sufficient assessment had taken place regarding this. NE are now deferring to NRW for further advice due to the location of such impacts.</p> <p>We understand that the concern relates to an increase in the number of vessels accessing the site increasing from a small number to around 60 during construction, resulting in scour. Scour re-suspends sediment and can result in erosion and changes to infaunal community structure. The RIHRA concludes that the impact would be small and temporary. However, we concur with the concerns raised by NE and advise that there is still a lack of evidence to support the Applicant's conclusions regarding this.</p> <p>We therefore advise that the Applicant should provide a proportionate scour assessment covering the following points:</p> <ul style="list-style-type: none"> • Explanation of how the extent and depth of scour were determined: <ul style="list-style-type: none"> – Evidence that this assessment is informed by: <ul style="list-style-type: none"> • Vessel and barge operating conditions (e.g. size, draught, propulsion use, anchorage method). • Frequency and duration of barge access to the site. • Sediment characteristics at the grounding location (e.g. grain size, cohesion, mobility). • Information on expected recovery times following scour events. <ul style="list-style-type: none"> – Description of natural infill processes and how these relate to local sediment dynamics and hydrodynamic conditions. • Scour protection: <ul style="list-style-type: none"> – Clarification of whether scour protection measures are required. 	<p>information provides clarification of the conclusions presented in the RIHRA (EN010166/APP/6.12).</p> <p>The size, draught, propulsion used and anchorage methods of the barges to be used cannot be confirmed until a contractor is appointed, which will not be until after the DCO is made. However, for the purposes of the environmental impact assessment, precautionary worst-case assumptions have been made using similar experience, of up to 30 two-way vessel movements across a 12-month period per Train in order to deliver supplies for the Proposed Development (this would be split across the three ports available for AIL deliveries depending on the demands of the AIL to be delivered to the Main Development Area).. On each occasion the barge is expected to be present at the Quay for a few days, subject to the final navigational risk assessment. However, it is anticipated that the barge will be present for the minimum duration required. The River Dee & Bala Lake SAC is designated for the following features:</p> <ul style="list-style-type: none"> • Floating water-plantain – this species is not found in the lower reaches of the River Dee, instead being confirmed to the area around Bala Lake approximately 50 km upstream of the Proposed Development. As explained in Chapter 13: Water Environment and Flood Risk [CR1-032] tidal processes (assessed in detail in Chapter 16: Physical Processes [APP-054]) in the Dee Estuary are limited in their ability to transport material upstream. The system is partially mixed with a density-driven circulation: surface waters flow seaward, while deeper waters flow landward. Combined with the reduced tidal volume and salinity gradient; this circulation does not provide an effective mechanism for transporting contaminants or effects long distances upstream. Therefore, there is no credible pathway identified for Floating-water plantain to be impacted by grounding vessels. • Water courses of plain to montane levels with <i>Ranunculus</i> (floating water crowfoot) vegetation – this habitat is not present at Connah's Quay North and is generally not found in tidal parts of rivers. The same assessment made above for Floating water-plantain can be applied here. • Atlantic salmon, sea lamprey, brook lamprey and river lamprey – brook lamprey is non-migratory but the other three species breed in the freshwater sections of the River Dee and migrate downstream to reach the sea. They will therefore pass Connah's Quay North. However, barges grounding out at Connah's Quay North for short periods at a time will not block passage of these species through the River Dee, and any changes to bed morphology or suspended sediment would be localised and temporary and would not affect their movements as the water column is already sediment rich. • Otter – this species travels up and down the River Dee but barges grounding out at Connah's Quay North for short periods at a time will not block passage for this species, and any changes to bed morphology or

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				<p>suspended sediment would be unlikely to affect their movements as the water column is already sediment rich. No holts have been identified at Connah's Quay North during ecology surveys for the Proposed Development.</p> <ul style="list-style-type: none"> • Bullhead – This species requires un-silted coarse (gravel / pebble / cobble) dominated substrate to spawn. Males guard sticky eggs on the underside of stones. Larger stones on a hard substrate providing clear spaces between the stream bed and the underside of pebbles / cobbles are therefore important. Elevated levels of fines can interfere with egg and fry survival. However, bullhead populations are generally concentrated in the freshwater (rather than tidal) sections of rivers. While they can tolerate mild salinity (up to 7ppt) the tidal parts of the River Dee and Dee Estuary have a salinity of between 33ppt (at the mouth) and 26ppt (at the head)². The salinity at Connah's Quay North will therefore be well above the tolerance level of bullhead. Additionally, the water column at Connah's Quay North is sediment rich with clay and silt fractions, which is also something to which bullhead is intolerant. On this basis, no credible pathway exists. • Infaunal – Whilst a precautionary assumption is made that infaunal communities may be present within the sediments adjacent to the Connah's Quay North Jetty, baseline evidence in the Chapter 12: Marine Ecology [REP4-021], from the Dee Estuary indicates that such assemblages are characteristic of estuarine mud and sandy mud habitats and are dominated by common, widespread and disturbance-tolerant taxa (e.g. Nematoda, <i>Peringia ulvae</i>, <i>Corophium volutator</i> and <i>Pygospio elegans</i>), with no protected or rare species recorded. The location of the barge grounding is situated on the outside bend of a meander where the flow velocity is greatest as is bed dynamism, this area is likely subject to regular natural disturbance and supports communities adapted to these conditions. Therefore, it is likely that any subsequent change in bed morphology or suspended sediment is expected to not adversely affect infaunal species. Any communities present would be expected to be tolerant of disturbance, and any changes in bed morphology or suspended sediment would be localised and temporary, with dynamic reworking by tidal processes. As such, the conclusion of no likely significant effect on infaunal communities can be drawn. <p>Having considered the qualifying features of the River Dee & Bala Lake SAC, the Applicant has identified no mechanism by which changes in sediment composition or scour at Connah's Quay North Jetty could affect any of those features. This conclusion is reinforced by the small annual number of barge movements, their brief presence at the quay on each occasion, and the highly dynamic nature of the estuarine environment along with the jetty piling hydrodynamic-sediment interaction that would limit localised long-term bed disturbance to likely fall within the bounds of</p>

² Halcrow. 2013. North West Estuaries Processes Reports - Dee Estuary. Prepared for Sefton Council.

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				<p>natural variability. Therefore, the infrequent barge movements would not likely give rise to significant changes in sediment composition or scour beyond that existing naturally at this location.</p> <p>On this basis, the Applicant concludes that the Proposed Development would have no likely significant effect on the River Dee & Bala Lake SAC, either alone or in combination with other plans or projects. Chapter 24: Cumulative and Combined Effects [REP6-021] shows that no other proposed schemes would interface with the Proposed Development to form a credible pathway for impact. Significant effects can therefore be excluded, and no appropriate assessment is required.</p>
	A.1.6		<p>RQ.33 [To NRW and NE] confirm the conservation status for all European sites taken to stage 2 of the HRA appropriate assessment.</p> <p>We wish to clarify that there is no defined “conservation status” for a European site. Favourable Conservation Status (FCS) is assessed across an Annex II species or Annex I habitat’s natural range, so cannot be applied at a site level. If features are in favourable condition at a site, it is likely they are making an appropriate contribution to FCS of the feature at the UK level. It is important to note that it is the designated features of a European site that are assessed as favourable or unfavourable, not the site itself. A feature cannot be in favourable condition, and thus cannot make an appropriate contribution to FCS, without meeting its conservation objectives.</p> <p>Site level indicative condition assessments were produced in 2018 for features in Wales’ European marine sites: marine SPAs and marine SACs, including the Dee Estuary SAC and SPA. Most of the assessments were updated in 2025. However, this did not include cross-border sites, such as the Dee Estuary SAC and SPA. NRW and NE plan to produce updated condition assessments by 2030 for cross-border sites.</p> <p>The indicative condition assessments for all Dee Estuary SAC and SPA site features can be found on our website: “Natural Resources Wales / Indicative feature condition assessments for European marine sites (EMS)”¹. The indicative condition assessments for these sites were based on the information collated and interpreted by NRW specialists and represent NRW’s opinion only.</p> <p>In relation to the saltmarsh qualifying feature of the Dee Estuary SAC, both the “Atlantic salt meadows” and the “Salicornia and other annuals colonizing mud and sand” features were assessed as favourable with medium confidence in 2018. However, nitrogen deposition (Ndep) was not a pressure assessed in 2018; this was also prior to the recent change in the Ndep critical loads for Atlantic salt meadows (from 20-30 KgN/ha/yr to 10-20 KgN/ha/yr).</p>	<p>The Applicant notes NRW’s response but has no further representation to make on this matter.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			Regarding the wintering curlew feature of the Dee Estuary SPA, the 2018 condition assessment concluded that the population on the Dee estuary was stable and was therefore given a favourable status with high confidence.	
	A.1.7		<p>RQ.35 Loss of Atlantic salt meadow: [To NRW and NE] clarify if your concerns are resolved. If not provide reasoning and clearly set out specific actions that, in your view, the applicant should take to fully resolve outstanding concerns on this matter.</p> <p>We note that a 'worst case' permanent loss of 5 m² of saltmarsh has been confirmed by the Applicant (EN010166/APP/6.12) and a 650 m² temporary loss. The Applicant has explained that the extent of temporary loss may alter following a National Vegetation Classification survey planned this summer. However, we note that any change to the worst-case would likely be lower due to other habitats being present within the surface water outfall area. Therefore, this is not expected to increase the 'worst-case' scenario assessed and, on that basis, we would consider our concerns resolved.</p>	The Applicant notes and welcomes NRW's position on this matter. The National Vegetation Classification (NVC) survey is planned to be undertaken before the end of August 2026. The results will be shared with parties noted to be included in the Saltmarsh Steering Group by email once available, as detailed in the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.19) .
	A.1.8		<p>RQ.37 Outfall scour: [To NRW] are NRW's concerns resolved by the applicant's response to D3 [REP4-081]? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>Annex D of our Deadline 5 submission [REP5-069] (para. 60) welcomed the Applicant's confirmation that the additional information supporting the Applicant's conclusion that the existing Surface Water Outfall is not contributing to an ongoing process of saltmarsh erosion, alongside comments by the Applicant that "it should therefore be possible for the proposed Surface Water Outfall to be designed such that any future risk of saltmarsh erosion is reduced to an acceptable level". Our concerns regarding this matter are therefore resolved.</p>	The Applicant notes and welcomes NRW's position on this matter.
	A.1.9		<p>RQ.38 Alignment with SMP: [To the applicant and NRW] the ExA requests an update on progress on this matter.</p> <p>We consider this matter to be resolved as far as it relates to the scope of our remit regarding the Shoreline Management Plan (SMP). The proposed development lies within the North West England and North Wales SMP 22 Policy Unit - Flint Marsh to Chester Weir to Sealand Rifle Range (Inner Dee estuary, both banks): 11A 5.3. The policy states 'Hold the Line- Manage flood risk by maintaining existing defences to an adequate standard. Possible localised managed realignment for flood storage or habitat creation- by constructing secondary set-back embankment, depending on the outcome of further studies.'</p>	The Applicant notes and welcomes NRW's position on this matter.

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			<p>The policy therefore supports the localised management realignment proposed in the Saltmarsh Creation Strategy. The Applicant has provided information to show that the managed realignment would not result in impacts to the wider channel morphology. The Saltmarsh Creation Strategy includes commitments for monitoring and adaptive management to detect and respond to any impacts on wider channel morphology/ adjacent salt marsh. We therefore have no further concerns regarding the SMP.</p>	
	A.1.10		<p>RQ.39 Adequacy of saltmarsh creation measure: [To NRW] the ExA requests an update on progress on this matter.</p> <p>We wish to clarify that we have not agreed in principle [REP3-062] that both of the Applicant's proposed measures (extended duration of management and new saltmarsh creation area) could be effective in adequately addressing the permanent and temporary loss of Atlantic salt meadow, as is stated in the RIES. Our response to ExQ1 9.17 was in relation to the proposals for the managed retreat of Atlantic salt meadow (new saltmarsh creation area) only. We understand that only the new saltmarsh creation area has been proposed to address the impact of saltmarsh habitat loss and our latest comments on this proposed measure are contained in Annex D of this letter.</p> <p>We have however raised concerns regarding extending use of the extant Conservation Areas Management Plan in addition to the new saltmarsh creation measure as mitigation for the Ndep impact from the proposals (saltmarsh habitat degradation). As advised in our Deadline 5 submission [REP5-069], the extant management agreement is already a legal requirement of the Section 36 consent for the existing power station and was established to serve a wider conservation purpose at the site. We welcome that this would be replaced by an updated version following decommissioning of the old power station, as an embedded design measure of the proposals. However, we do not consider use of the existing Connah's Quay Conservation Areas Management Plan to be appropriate to mitigate the potential impacts of saltmarsh loss or degradation. We also advise that any new management actions to be applied as mitigation within the Connah's Quay Conservation Areas Management Plan locations would have to demonstrate additionality to existing obligations.</p>	<p>The Applicant has not considered the continued management of the Connah's Quay conservation areas following decommissioning of the existing Connah's Quay Power Station as mitigation within the RIHRA (EN010166/APP/6.12). This was clarified in the RIHRA [REP6-048] submitted at Deadline 6.</p> <p>The Applicant understands that this is not a matter that NRW intend to comment on within their Deadline 7 submission.</p>
	A.1.11		<p>RQ.44 [To NRW and NE] do NRW or NE have any additional comments in relation to the Hilde Orleans case law?</p> <p>We have reviewed the relevant caselaw, and in particular, the decision in Hilde Orleans, which discusses Article 6(3). In that matter, the CJEU emphasised that an Appropriate Assessment must contain complete, precise and definitive conclusions which are capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site. Any positive effects arising from a future creation of a</p>	<p>The Applicant's position on this matter as to whether what is proposed constitutes mitigation or compensation remains, on the facts of that which is proposed, unchanged from the Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086] which applies the relevant caselaw. The Applicant does not agree that reasonable scientific doubt remains regarding the effectiveness of the proposed measures. The requirement for the Competent Authority to be satisfied that 'no reasonable scientific doubt remains', as summarised in Table 2-1 of the RIHRA (EN010166/APP/6.12), underpins the Appropriate Assessment. The</p>

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			<p>new habitat which are intending to compensate for the loss of habitat in the protected site, are difficult to predict with any degree of certainty and would only become apparent several years into the future. In that particular case, the benefits from the creation of new nature reserves were considered uncertain.</p> <p>The judgement in Hilde Orleans reinforces the position which we have maintained throughout the examination, that it must be possible to conclude, beyond reasonable scientific doubt, that the proposed measures will be effective, to be determined at the Appropriate Assessment stage. From our understanding, reasonable scientific doubt is likely to still remain at the point of the Appropriate Assessment, and, as such, it cannot be concluded with certainty that the proposed measures will amount to mitigation when following case law such as Hilde Orleans.</p>	<p>Applicant considers that the evidence presented in the RIHRA (EN010166/APP/6.12) is sufficient to support the conclusions of the Appropriate Assessment.</p> <p>Without prejudice to that position, the Applicant has submitted a Notice of a proposed without prejudice HRA derogation in Wales (EN01066/APP/9.2) even if the measures were to be treated as compensation rather than mitigation and a compelling case for derogation in light of the measures proposed.</p>
	A.1.12		<p>RQ.45 [To NRW] are NRW's concerns resolved by the updated CMS [REP4-056]? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>Please see Annex C of our Deadline 5 submission [REP5-069] for our comments on the updated Curlew Mitigation Strategy (CMS), including the remaining actions to resolve our outstanding concerns.</p> <p>We are also awaiting further existing data from the Applicant, as follows:</p> <ol style="list-style-type: none"> 1. Survey data from the Deeside Naturalists' Society for the years 2022 to 2025 (Jan to Dec) covering (1) the 2 development fields and (2) compartments 1 and 2. The data shall differentiate spatially between birds observed on the development fields and the compartments. 2. Ornithological survey data from Uniper for the same years and same areas as in 1 above. It is understood that, as part of the ongoing management plan from previous developments, Uniper employed an ornithologist to survey the development area (or parts of it). Any survey data for birds within the development fields and/or compartments 1 and 2 should be provided. 3. Until this data has been received and we have had the opportunity to review, we are unable to conclude whether the land at the application site is functionally linked for any other species features. 	<p>The Applicant notes NRW's comments and responds as follows:</p> <ol style="list-style-type: none"> 1) The Applicant provided the available Deeside Naturalist Society (DNS) data requested in the updated Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-028] submitted at Deadline 6. To clarify, the DNS data do not hold any observations of birds for the fields within the Main Development Area. All DNS data provided relates to land within the compartments of the existing Conservation Areas Management Plan. 2) The Applicant has provided all the data available and relevant to the application in Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-028], which was further summarised in Further Information on Wetland Bird Count Data Report [REP5-065]. To re-iterate, this includes two years' worth of survey data, specifically including the Order limits, as well as a wealth of third party data for areas adjacent the Order limits. Figure 1, provided in Appendix 1 of this document, shows the spatial context of each dataset held by the Applicant and used in the relevant assessment. 3) The data provided demonstrates that the land identified within the Order limits as functionally linked land (FLL) for Curlew is not functionally linked for any other species features, as has been the case presented by the Applicant throughout its Application. <p>In discussions between the Applicant and NRW ahead of Deadline 7, NRW confirmed that the information provided by the Applicant satisfies their concerns.</p>
	A.1.13		<p>RQ.48 [to NE and NRW] are you satisfied that acid deposition from increased exhaust emissions during construction of the proposed development would not result in AEol on the Dee Estuary SAC, SPA and Ramsar site?</p>	<p>The Applicant notes and welcomes NRW's position on this matter.</p>

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			<p>The Appendix 8-D: Air Quality Operational Assessment report indicates that acid deposition Process Contribution (PC) at the defined Traffic Ecological receptors for the Dee Estuary SAC/SPA/Ramsar site (TE8a, TE8b and TE8c) for the proposal alone is less than 1% of the acid critical load and the Predicted Environmental Concentration (PEC) is less than the critical load. Table D7 indicates that acid deposition PC at TE8a is greater than 1% of the critical load (2.3%), however the PEC is less than the critical load.</p> <p>Due to the temporary nature of the emission and the acid deposition is predicted not to exceed the acid critical load for the Dee Estuary SAC, SPA and Ramsar site, we agree that the proposal would not result in an Adverse Effect on Integrity (AEoI) on the above sites due to acid deposition from construction exhaust emissions.</p>	
	A.1.14		<p>RQ.51 [to NRW and the applicant] can NRW and the applicant provide an update on the discussions with NRW regarding further habitat improvements to contribute to additional mitigation? and can the applicant explain how these measures would be secured?</p> <p>In respect of further habitat improvements to either mitigate or compensate for the atmospheric Ndep emissions impact to the Annex I saltmarsh habitat, we have identified three locations within the Dee estuary for further appraisal as to their suitability for saltmarsh enhancement measures, subject to feasibility and third-party landowner/manager agreement. We shared outline details of these sites with the Applicant via email on 24/02/26. However, we have not received any further correspondence from the Applicant regarding this.</p> <p>Further to this, paragraph 10, Annex A of our Deadline 5 submission [REP5-069] referenced ongoing work that we have commissioned to investigate the placement of 'polders' in the Dee estuary following a recent case study of these being implemented in the Severn Estuary SAC at Rhymney Great Wharf, to help create new areas of intertidal habitat. The Applicant subsequently asked for details about the likely costings of such works, which we supplied via email on 27/04/26. We have not received any further correspondence regarding this since then.</p> <p>On 01/05/26 the Applicant submitted a technical note to us regarding potential funding of saltmarsh management measures within the Dee estuary. We subsequently provided our comments on this to the Applicant on 12/05/26, as follows:</p> <p>"If it could be demonstrated that the proposed management would be additional to everyday or planned management by the landowner/manager under any statutory duties, we consider that funding appropriate management activities could be a feasible option to</p>	<p>The Applicant acknowledges NRW's feedback and made further amendments to the Draft Deed of Development Consent Obligations [REP6-084] at Deadline 6 to address the comments provided and subsequent correspondence with NRW on this matter, as summarised below. These amendments have been reflected in the Unilateral Undertaking Development Consent Obligations (EN010166/APP/9.42) entered into by the Applicant and submitted at Deadline 7.</p> <p>At the request of NRW, the Draft Deed of Development Consent Obligations [REP6-084] was amended at Deadline 6 to include a requirement for a Nitrogen Management Plan to be approved by FCC before Work No. 1(a) or (b) may be operated that must include the following elements unless otherwise agreed with FCC in consultation with NRW:</p> <ul style="list-style-type: none"> (a) timings of management schedules for a 30-year period commencing on the date on which Work No. 1(a) or (b) is first operated; (b) an outline of the management units and associated actions; (c) details of any monitoring and adaptive management, such measures to be additional to any existing management undertaken by FCC pursuant to any existing statutory duties; and (d) recording and reporting of the management undertaken. <p>Amendments made at Deadline 6 to the Draft Deed of Development Consent Obligations [REP6-084] are reflected in the Deadline 7 revision.</p> <p>In response to NRW's comment that the proposed funding appears to be too low, the Applicant increased the Saltmarsh Management Contribution amount from £13,440 to £135,315, index linked. Details of the calculation approach are provided in paragraph 10.3.22 of the RIHRA (EN010166/APP/6.12).</p>

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			<p>consider further. However, more detail would be needed about the management activities proposed, their extent/location and whether this would target appropriate saltmarsh species.”</p> <p>“The proposed funding appears to be too low, for example there are options for saltmarsh management under the countryside stewardship scheme in England which have higher payments than that proposed (see: £724 per hectare (ha) per year in “CCT3: Manage coastal saltmarsh and its vegetation” - GOV.UK). However, it is difficult to fully advise on the appropriateness of any proposed funding without more information about the type of management proposed. The cost of the management would depend on what is being undertaken and may depend on whether the landowner already has the equipment and staff to undertake the management duties or whether there are any capital costs. As an approximation for mowing, for example, costs could be based on the area that needs management, staff costs, and mowing equipment costs. We therefore advise that the actual cost of onsite management for a specific action should be investigated, for example, mowing or grazing with “no fence” livestock collars. However, this would also need to be discussed and agreed with the relevant landowner/manager, unless it was part of a wider project with them.”</p> <p>The Applicant has since responded to our feedback on 18/05/26 and has updated their calculation based on a £724 per hectare value which increases the contribution. We advise that the rate of inflation over the 30-year management period would have to be addressed to ensure management actions continue to be financially viable over this timescale.</p> <p>Plans showing potential areas to receive saltmarsh management enhancement via the additional funding have also been provided, by the Applicant on 20/05/26, totalling approximately 20ha; all areas are within the Dee Estuary SAC. Specific management actions and locations are yet to be identified. We advise that a schedule for timings for actions should be provided, allowing for management actions to be spread throughout the 30-year period, however an element of flexibility relating to actions and should be factored in to include for contingency plans.</p> <p>We consider that appropriate enhancement measures could include:</p> <ul style="list-style-type: none"> • Mowing coarse grasses to enable greater plant diversity • Support for cattle grazing such as ‘no-fence collars’ and infrastructure such as stock handling pens. <p>Additionality to existing management obligations would need to be established for all management actions and specific locations where perhaps management may be part of the normal management</p>	<p>Paragraph 10.3.22 of the RIHRA (EN010166/APP/6.12) explains that the saltmarsh management “<i>will be undertaken to improve the health and quality of saltmarsh beyond that which would otherwise be achieved by existing required management, thus rendering the saltmarsh within the Dee Estuary more resilient to other pressures such as atmospheric nitrogen deposition.</i>”</p> <p>Paragraph 10.3.23 of the RIHRA (EN010166/APP/6.12) states that “<i>It is not possible to precisely identify the type or quantity of management that would need to be delivered to respond to any increase in nitrogen deposition, in advance of the impact arising, as it must be ‘adaptive management’ reacting to how the additional nitrogen deposition affects aspects such as vegetation growth rate and abundance of less desirable plant species. These cannot be forecast for a specific parcel of land as they are influenced by a range of factors other than nitrogen deposition. However, in broad terms an approximately 1% increase in existing nitrogen deposition, can be expected to translate, at most, into a similar scale of increase in (for example) grazing intensity (e.g. stocking for longer or with more animals), mowing intensity/frequency (if the area is not grazed) or similar.</i>”</p>

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			<p>practices. We welcome the Applicant's confirmation that such actions "would be additional to everyday or planned management by the landowner/manager under any statutory duties, the legal agreement will require these funds to be used to address any additional management burden."</p> <p>We advise that appropriate measures could be formalised within a Nitrogen Management Plan to be produced by the Applicant and secured with a Section 106 Agreement to mitigate the Ndep impacts on the Atlantic salt meadows within the Dee Estuary SAC. The following elements should be included in such a plan:</p> <ul style="list-style-type: none"> • Timings of management schedules for a thirty-year period • Outline of the management units and associated actions • Details of any monitoring/ adaptive management • Recording and reporting the management undertaken <p>The Applicant should provide justification for the type and quantity of management measures to be completed under additional funding and how this will maintain the integrity of the European sites network to the satisfaction of the Competent Authority.</p>	
	A.1.15		<p>RQ.52 [to NRW] can NRW provide details of the additional mitigation measures it is seeking?</p> <p>Please refer to our response to RQ.51 above in respect of additional measures that NRW consider could be acceptable to either mitigate or compensate for the atmospheric Ndep emissions impact to the Annex I saltmarsh habitat.</p> <p>However, please note that our advice is based on the following information limitations:</p> <ul style="list-style-type: none"> • We note that further in-combination effects assessment is likely to be required to inform the HRA process (see RQ.6 above), which could alter the predicted extent of saltmarsh to be affected in-combination with other projects. • The EPR application is currently being determined and includes a detailed review of the submitted air quality information. Again, any further updates to air quality information following this process could affect the outcome of our advice regarding quantifying mitigation/compensation measures that we consider acceptable. • Compensation/mitigation for nitrogen deposition and habitat degradation is novel, and we have not found any previous cases which could be used as a reference point in this situation. 	<p>Mitigation for nitrogen deposition impacts through habitat management simply involves increasing the intensity of existing management measures. All existing mid to upper saltmarsh (Atlantic salt meadow) must be managed (grazed or mown) in order to prevent the sward being taken over by more competitive plant species and to avoid the sward becoming too tall and dense. The grazing or other management activities keep the sward short and open and enable the more desirable, less competitive, plants from being forced out of the sward. Nitrogen deposition is a form of fertilisation. Given the small scale of forecast increase due to the Proposed Development (an approximate 1% increase in current rates of nitrogen deposition) any negative effect on nitrogen deposition on the saltmarsh sward can be avoided by a commensurate small increase in management intensity or frequency thus removing the additional vegetative growth that would otherwise arise. This involves increasing the frequency or intensity of existing management; it is not a novel solution. Since it prevents the adverse effect on integrity (a reduction in the abundance of positive indicator species and/or an increase in grass cover and other undesirable species) from arising by removing the excessive growth that causes these changes, it is mitigation rather than compensation. NRW have accepted this position for the SAC contribution for the nitrogen deposition impacts on the Deeside and Buckley Newt Sites SAC.</p> <p>As noted in their Comments on any submissions received by Deadline 5 [REP6-098] in response to RQ.9, NRW "<i>concur that where an adverse effect on site integrity (AEoI) has been concluded from the project alone that an in-combination assessment is not required for those impacts.</i>"</p>

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				<p>With regard to the in combination effect, no change in the contribution or number of other plans or projects would change the mitigation requirements on the Proposed Development. Considering other plans and projects is important in ensuring that an adverse effect on integrity is not dismissed purely because the contribution of the Proposed Development is small. <u>However</u>, once an adverse effect on integrity requiring mitigation has been identified, the developer is only responsible for mitigating <u>their contribution</u> to the in combination effect. The contribution of the Proposed Development to nitrogen deposition (including the area affected) has been confirmed through the Applicant's modelling and cannot be affected by the contribution of other plans or projects.</p> <p>In discussion between the Applicant and NRW ahead of Deadline 7, NRW have no objections to the principle of what is proposed, but state they are unable to agree on the adequacy of the contribution, in the context of the in-combination effects assessment, or confirm if the proposals constitute mitigation or compensation. The Applicant responds to these points as follows:</p> <ul style="list-style-type: none"> • As to the adequacy of the contribution, the Applicant is clear that the identified contribution is more than sufficient to address any predicted increase in management burden: <ul style="list-style-type: none"> – at the request of NRW, the Applicant has utilised the management payment associated Countryside Stewardship Higher Tier scheme for saltmarsh to calculate the contribution; – whilst the Applicant considers it should in fact only be required to mitigate the predicted impacts of the Proposed Development, the contribution has been calculated on the area of saltmarsh predicted to experience nitrogen deposition over 1% of the critical load when the Proposed Development is considered in combination with other modelled schemes. This area is 445 ha, even though this covers areas for which other schemes would be responsible – the financial contribution that has been secured therefore is highly precautionary; and – the Applicant has calculated the contribution on a worst case scenario that assumes that all 445 ha would experience the same impact, which would not occur in practice. • As to the question of any further updates of the in-combination assessment to address emerging schemes more recently identified, the Applicant considers that any such uplift is not justified in principle because: <ul style="list-style-type: none"> – the assessment took account of development proposals known of at the time. Any further applications submitted after the Application for the Proposed Development and to be consented subsequently will be required to demonstrate their own contribution is acceptable, in-

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				<p>combination with the Proposed Development and other schemes and to address their own impacts;</p> <ul style="list-style-type: none"> - it is therefore appropriate and logical to have a natural cut-off date within any such assessment in respect of emerging proposals, where schemes submitted after this date are not required to be considered; - and - for the reasons set out above, it is considered the value of the contribution is highly conservative when compared to the predicted impact of the Proposed Development anyway. <ul style="list-style-type: none"> • As to whether the proposals constitute mitigation, the Applicant notes: <ul style="list-style-type: none"> - the management actions taken under the fund would be additional to any existing management actions that take place within the identified areas; - the management actions and/or monitoring would be undertaken to the benefit of the saltmarsh within the relevant area; and - any changes in saltmarsh composition may not be attributable to the Proposed Development given the additional contribution of the Proposed Development is small (1.4%). <p>Without prejudice to the above, the Applicant has submitted a Notice of a proposed without prejudice HRA derogation in Wales (EN01066/APP/9.2) even if the measures were to be treated as compensation rather than mitigation and a compelling case for derogation in light of the measures proposed.</p> <p>Notwithstanding any future comments NRW may wish to make on the separate permitting application, the Applicant understands that, for the purposes of this DCO application, NRW has not raised any specific concerns in relation to the air quality model that require addressing.</p>
	A.1.16		<p>RQ.55 [to NRW] taking into account updates to the RIHRA [REP4-054] as a result of the changes made to the emission source parameters, are NRW satisfied that the measures proposed to mitigate nitrogen deposition effects on the Deeside and Buckley Newt Sites SAC are adequate? If not, please explain what further information is required.</p> <p>In our Deadline 4 response [REP4-091, Annex A] we noted that the Applicant's predicted in-combination nitrogen deposition process contribution had reduced from 2.1% of the critical load to 1.8% at this site as a result of the changes made to the emission source parameters.</p> <p>We are satisfied that a Section 106 Agreement between the Applicant and Flintshire County Council is an appropriate method of securing the proposed financial contribution towards the mitigation measures to control any increase in nitrophilous species, such as bramble, nettles</p>	<p>The Applicant acknowledges NRW's feedback and made the following further amendments to Appendix 1 of the Draft Deed of Development Consent Obligations [REP6-084] at Deadline 6 to address the comments provided and subsequent correspondence with NRW on this matter:</p> <ul style="list-style-type: none"> • monitoring years updated to 1, 5 and 10, reduced to 10-yearly intervals if by year 10 there is no significant increase in frequency of negative indicators such as nettle, cleavers or bramble; • reference to monitoring for frequency and abundance of negative indicator species (bramble, cleavers and nettles) added; and • aquatic management increased from 2 ponds to 3 ponds. <p>Amendments made at Deadline 6 to the Draft Deed of Development Consent Obligations [REP6-084] are reflected in the Deadline 7 revision.</p>

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			<p>and cleavers. We have received draft copies of the additional site management mitigation proposals to be secured by Section 106 Agreement and provided feedback to the Applicant about this on 27/02/26 and 08/05/26. While we are mostly satisfied with the adequacy of the mitigation measures, we are unable to fully confirm this at Deadline 6 as we have not yet received feedback from the Applicant regarding our remaining comments dated 08/05/26, as follows:</p> <ul style="list-style-type: none"> • It may be beneficial to reduce the time between surveys to 5 years at least initially to identify any sudden increases in nitrogen-demanding species outcompeting woodland species. We would suggest Phase 1 surveys in year 1, 5 and 10, and then if there is no major increase in species such as nettle, cleavers or bramble, then increase the frequency to 10-yearly intervals. • In addition to the Phase 1 surveys, we advise monitoring of N-demanding species at the same time (e.g. bramble, cleavers and nettle); Phase 1 surveys will probably not show much change, but monitoring the frequency and cover of these three species might help target mitigation management. • It is also worth considering the potential for grazing of the woodland by cattle (perhaps with collars) to control bramble if it suddenly increases in cover, potentially due to elevated N levels. • Three ponds should be cleared per annum based on FCC's annual GCN surveillance measures. We advise that you liaise with FCC's ecologist for further information regarding this. • GCN monitoring should be included to inform whether management of the ponds is being effective and to demonstrate no detriment to the maintenance of GCN Favourable Conservation Status and No Adverse Effect on Site Integrity for the GCN feature of the site. 	<p>These amendments have also been reflected in the Unilateral Undertaking Development Consent Obligations (EN010166/APP/9.42) entered into by the Applicant and submitted at Deadline 7.</p> <p>NRW have reviewed these changes and the Applicant has received acknowledgement that the requested changes have been made.</p>
	A.1.17		<p>RQ.56 [to NRW] are NRW satisfied with the applicant's approach and conclusions in regard to the assessment of noise disturbance to the qualifying features of the Dee Estuary SPA and Ramsar site during construction of the proposed development? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>Except for barge movements (please see our response to RQ.58 below), we are satisfied with the Applicant's approach and conclusion for noise disturbance on the qualifying features of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site during construction.</p> <p>We have previously advised the use of the TIDE Waterbird Disturbance Mitigation Toolkit to assess the impact of noise disturbance on the qualifying features of the Dee Estuary SPA and Ramsar site.</p>	<p>The Applicant notes NRW's position on this matter. The Applicant has provided further discussion of barge movements, as requested in NRW's response to RQ.58.</p>

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			<p>Noise modelling results produced by the Applicant confirmed that with acoustic fencing, at no point in any habitats site would noise levels exceed 60 dB during 'site enabling works', 'main civils works', and 'plant installation works'.</p> <p>For works where noise levels will exceed 60dB even with the use of acoustic fencing (water connection works and surface water outfall works), the Applicant has committed to completing these works outside the sensitive period of the Dee Estuary SPA (September to March).</p> <p>The Applicant also states that at no point within the Dee Estuary / Aber Dyfrdwy SPA / Ramsar site are L_{Amax} noise levels during construction forecast to exceed the baseline levels measured by the Applicant and as stated in the TIDE toolkit.</p> <p>Low noise level effects are defined as noise which is unlikely to cause a response in birds; noises less than 55dB are included in this category along with noise between 55-72dB in some highly disturbed areas e.g. industrial or urban, may feature a low level of disturbance provided noise was regular to allow habituation. This would apply in this case.</p> <p>We also note that additional measures to minimise noise are planned and will be finalised at the detailed design stage.</p> <p>Therefore, with use of the proposed mitigation measures, we agree with the conclusion of no likely significant noise disturbance effects would arise alone or in-combination with other plans or projects.</p>	
	A.1.18		<p>RQ.58 [to NRW] are NRW content with the applicant's conclusions regarding the assessment of noise and visual disturbance from increased barge movements during construction on the qualifying features of the Dee Estuary SPA and Ramsar site? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>We note the previous concerns raised by NE regarding increased barge movements during construction on the qualifying features of the Dee Estuary SPA and Ramsar site, and that NE are now deferring to NRW for further advice due to the location of such impacts.</p> <p>We understand that the concern relates to an intensification of barge movements during construction and the Applicant's statement that there would be no "meaningful difference" to background noise conditions. We concur with the concerns raised by NE and their advice for the Applicant to provide further clarity regarding the meaning of the phrase</p>	<p>The Applicant notes this advice and provides a response below, which builds on the Applicant's response to Ref A.1.3, in this table.</p> <ol style="list-style-type: none"> 1. For the purposes of the environmental impact assessment, an assumption has been made, based on similar experience, of up to 30 two-way vessel movements across a 12-month period per Train in order to deliver supplies for the Proposed Development (this would be split across the three ports available for AIL deliveries depending on the demands of the AIL to be delivered to the Main Development Area). When considered against existing commercial and recreational vessel activity within the Dee Estuary (Ref A.1.3), this represents a small and temporary increase. The scale of change is therefore minor in the context of baseline variability and does not materially alter overall disturbance levels. 2. Movements would be intermittent, short-term, and constrained by tidal windows. On each occasion the barge is expected to be present at the Quay for a few days, subject to the final navigational risk assessment. Vessels would follow established navigation routes already used by established traffic. As such, the spatial and

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			<p>no "meaningful difference" as well as information on barge movement numbers, which should include.</p> <p>4. 1) Details on the number / percentage increase of vessels planned to be used.</p> <p>5. 2) Details on the timing and route of vessel movement through the SPA.</p> <p>6. 3) Clarification on whether the noise modelling and contour maps include noise from vessel loading/unloading and vessel movement.</p>	<p>temporal pattern of activity does not introduce any new or unusual disturbance pathways, when compared to existing baseline conditions.</p> <p>3. For the reasons set out above, noise modelling which supported the assessments did not include noise from vessels loading or vessel movements.</p> <p>The Applicant's use of the term 'no meaningful difference' reflects that:</p> <ul style="list-style-type: none"> Noise and visual disturbance from barge movements are comparable in character, duration, and scale to existing vessel movements; Changes would be temporary and intermittent rather than continuous; and Baseline conditions already include variable vessel, port, and recreational activity. <p>Vessel movement and loading / unloading activities would be limited in number, short in duration and similar to existing activities. On this basis, any incremental change in noise would not give rise to a likely significant effect on the qualifying features of the Dee Estuary SPA and Ramsar site.</p> <p>Accordingly, the Applicant maintains that there would be no AEol of the Dee Estuary SPA and Ramsar site. The Applicant notes that NRW's comments in Annex C of their submission that '<i>...we do not foresee this as likely to have an AEol</i>' indicating they do not actually have a concern of an issue from this impact pathway.</p>
	A.1.19		<p>RQ.59 [to NRW] are NRW satisfied with the applicant's approach and conclusions in regard to the assessment of lighting on the qualifying features of the Dee Estuary SPA and Ramsar site during operation of the proposed development? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>We are satisfied with the Applicant's approach and conclusions regarding lighting.</p> <p>We are satisfied that there will be no direct lighting of the Dee Estuary SPA and Ramsar site, and with the existing bund and 250m gap, disturbance to qualifying features associated with the Dee Estuary SPA and Ramsar site will be minimal and therefore AEol can be ruled out for lighting during operation.</p>	<p>The Applicant notes and welcomes NRW's position on this matter.</p>
ExQ2s				
Annex B – NRW's responses to the Examining	B.1.1		<p>Question Reference: ExQ2 6.1</p> <p>Examining Authority Question: Nitrogen and ammonia deposition</p>	<p>The Applicant has nothing further to add beyond its response to ExQ2 6.1 in the Applicant's Response to ExQ2 [REP6-087] on this matter, although it should be noted that the managed realignment is no longer</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
<p>Authority's second round of questions (ExQ2)</p>			<p>In the applicant's reply to ExQ1 6.9 it is noted that it is proposed to realign the flood defences to allow saltmarsh to be created to compensate for the potential nitrogen and ammonia deposition at the Dee Estuary SAC/SPA/Ramsar site and the Deeside & Buckley Newts SAC. What is the assessment of this benefit of new saltmarsh versus the proposed increased in deposition of nitrogen and ammonia deposits over the wider sites? It is noted that the extent of saltmarsh creation is assessed against the proposed footprint of habitat loss from the construction works for the outfall, but given its provision to offset the nitrogen and ammonia deposition also, where is the measure of this effectiveness? Also this proposal appears to conflict slightly with the later statement in ExQ1 6.18 where it is stated that, firstly the saltmarsh is not being created but allowing natural processes to prevail and reinstate saltmarsh; and that secondly the saltmarsh creation is not behind undertake to address air quality impacts. Please can this be clarified and also advise if it's the Applicant's wish for the newly reinstated saltmarsh to be considered to address multiple impacts.</p> <p>NRW Response: We note the reference to the Deeside and Buckley Newt Sites SAC in the ExA's question in relation to the proposed realignment of flood defences to compensate for potential nitrogen and ammonia deposition. However, we understand that the Applicant only proposes this to offset the predicted nitrogen deposition impacts on the Dee Estuary SAC/SPA/Ramsar site, not the Deeside and Buckley Newt Sites SAC. The final bullet point of the Applicant's response to ExQ1 6.9 [REP3-059] refers to the separate proposed measures for the Deeside and Buckley Newt Sites SAC (referred to in the response as by its SSSI name: "Connah's Quay Ponds and Woodlands").</p>	<p>being proposed to address air quality impacts on the Dee Estuary SAC/SPA/Ramsar site. Appropriate mitigation measures for the predicted nitrogen deposition impact from the Proposed Development on the Dee Estuary SAC/SPA/Ramsar site are proposed in the form of a financial contribution to Flintshire County Council for the management of saltmarsh habitats, as detailed in the Draft Deed of Development Consent Obligations (EN01066/APP/9.25) (and mirrored in the Deed of Unilateral Undertaking of Development Consent Obligations (EN010166/APP/9.42)).</p>
	<p>B.1.2</p>		<p>Question Reference: ExQ2 9.1</p> <p>Examining Authority Question: Gronant fields site ([REP5-032] Ref: 6.13.4)</p> <p>Noting the existing survey records for the bird species at the Gronant fields site, what impact is the intention to dedicate the site to relocation of species from the Connah's Quay site likely to have on the existing species use, and how will the planned works to develop the Gronant files site and make it more attractive to the displaced species impact these existing species.</p> <p>Please update with the continued appropriate evidence of the existing use of the Gronant field sites by other species, in particular scheduled species and what are the likely impacts on these existing species of the planned relocation of additional species to the site.</p> <p>Please verify if the Gronant fields site is already behaving as functionally linked land or not.</p>	<p>As noted in the Applicant's Response to ExQ2 [REP6-087], the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) has been updated to summarise further details of baseline data for the Gronant Fields site provided by NRW (for the period between October 2015 and October 2017 and between March 2022 and March 2026) as well as data on the Applicant's most recent surveys, which continue to show that the Gronant Fields site does not support significant numbers of any waterbird species (Curlew or otherwise) associated with the Dee Estuary SPA. For example, teal is another SPA species that was regularly recorded during the winter 2025/6 with a peak count of 18 on 4 December 2025. In addition, Shellduck, Oystercatcher and Black-tailed Godwit have been recorded to be utilising the Gronant Fields site in the last 5 years as outlined in Appendix B of the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13).</p> <p>The Applicant re-iterates the focus of the offsetting area defined in the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) is on the provision of suitable habitat for non-breeding curlew. However, the Applicant acknowledges that habitat management at Gronant Fields also needs to be compatible with providing</p>

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			<p>If works are required to the Gronant fields site to make it suitable for the use of Curlew as proposed in the Curlew Management Strategy, will this work require separate permissions, how will these be secured and what are the risks that they may not proceed if the proposed development application is successful but the proposed works to the Gronant fields site cannot be achieved?</p> <p>NRW Response: Please refer to Annex C of our Deadline 5 response [REP5-069] for our recent comments on the proposed use of the Gronant Fields site, including further clarification on how the CMS considers other qualifying bird species of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site.</p> <p>Gronant Fields are not functionally linked land, they are already part of the Dee Estuary SPA and Ramsar site.</p> <p>We shared WeBS data for the Gronant Fields site with the Applicant on 13/05/26, following their request for this information. Data is available from October 2015 to March 2026. However, data was not recorded between October 2017 and March 2022. There is therefore a data gap of five years, with six years of data available in total. Field counts are separated into sub-compartments, field parcels 93 to 108 being those applicable to the Applicant's Gronant Fields site.</p> <p>We consider that these data, once analysed by the Applicant, in combination with their own data, may be used to inform responses to the ExA's questions about existing bird use of the site and functional linkage.</p> <p>From a preliminary investigation of the WeBS data, we have identified that curlew have been found in eight of the field parcels, evenly spread across the site. Abundance is often relatively low, therefore there appears to be a good opportunity to enhance the land for curlew. Other notified bird species recorded within the site include, but are not limited to, mallard, oystercatcher, redshank, black-tailed godwit, and lapwing.</p> <p>We would expect the future management options to accommodate these and other notified bird species, by suitable habitat management in areas not dedicated to curlew. Whilst we accept that the primary driver for the management of this land is the loss of FLL for curlew, as the land is already designated for a range of other nationally and internationally important bird species, including those mentioned above, the curlew monitoring and management plan should also consider these species.</p> <p>With regard to separate permissions in addition to the DCO and associated requirements, in previous similar cases we have found it</p>	<p>and maintaining conditions for other qualifying waterbird species and, whilst it is not the purpose of the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) to address this, the Applicant can confirm that the wider habitat enhancements outlined in the Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy [REP6-052] would benefit other qualifying bird species. These benefits would be delivered through the Gronant Fields Landscape Ecological Management Plan (LEMP).</p> <p>The Applicant notes NRW's comments on the Section 16 management agreement under the Wildlife and Countryside Act 1981 and confirms it is in the final stages of obtaining the relevant Section 28 consent from NRW in relation to enacting Phase 1 of the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13). The Applicant will continue to engage with NRW, including on the necessity of any future voluntary Section 16 management agreement with NRW for Gronant Fields.</p> <p>For clarity, as noted in the response to ExQ2 9.1 within the Applicant's Response to ExQ2 [REP6-087], Appendix C of the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) identifies that the only consent required ahead of phase 1 taking place would be to secure a Site of Special Scientific Interest (SSSI) assent / consent under the Wildlife and Countryside Act 1981, for which an application is currently being progressed. The Curlew Implementation and Monitoring Plan must be approved before any stage of Work No. 1 or any site clearance works required in connection with Work No. 1 may commence and then, once approved, it must be implemented as approved and maintained for the lifetime of the authorised development (pursuant to Schedule 16 of the Draft DCO (EN010166/APP/3.1)). Whether or not any such permissions or consents will be needed for phase 2 works will depend on the nature of any works that are considered to be required following discussions with the Curlew Steering Group.</p>

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			<p>useful to regularise relevant Wildlife and Countryside Act permissions with a Section 16 management agreement, as this avoids the need for any additional Section 28 permissions that may occur on an ad hoc basis. We have previously advised for this approach to be considered in this case.</p>	
	B.1.3		<p>Question Reference: ExQ2 11.1</p> <p>Examining Authority Question: Surface water collection, discharge, and protection of the environment ([CR1-022] Ref: 6.2.5.3.40 & [REP4-038] Ref: 5.3 OSWDS)</p> <p>In the applicant's reply to ExQ1 11.3 it is advised that "There are no open watercourses located on the Main Development Area. The nearest downstream watercourses are located beyond the north-east boundary, within the adjacent Dee Estuary / Aber Dyfrdwy SAC, which is within an area of saltmarsh". Old Rockcliffe brook appears to cross the main development area and Oakenholt brook appears to in close proximity also to the north of the main development area. It is understood that these brooks may not be open channel watercourses and possibly culverted through the site, but the given the area is already disturbed by these features would it not be possible to divert surface water collection from the proposed development and connect or discharge to these watercourses rather than constructing a new headwall within the estuary. What is the capacity of these brooks to receive additional flows, and if culverted what would be the impact of increasing the culvert sizes as opposed to constructing the proposed outfall within the estuary?</p> <p>NRW Response: We note that the watercourses identified are classed as "ordinary watercourses" under the Flood and Water Management Act 2010. Therefore, we advise consultation with the relevant Lead Local Flood Authority for information regarding their capacity to receive additional flows and the impact of increasing culvert sizes.</p>	<p>Further to the Applicant's response to ExQ2 11.2 provided in the Applicant's Responses to the ExA's second written questions (ExQ2) [REP6-087], the Applicant can confirm that the changes introduced to Appendix 13-D: Outline Surface Water Drainage Strategy [REP2-012] at Deadline 2 have not yet been discussed with the SuDS Approval Board (SAB) at FCC. Discussions to date were to inform the Outline Surface Water Drainage Strategy for the Main Development Area, with meeting notes for the two SAB meetings (held in June 2024 and April 2025) included as Annex E of Appendix 13-D: Outline Surface Water Drainage Strategy [REP2-012]. As the principles of the strategy have remained unchanged throughout examination, there has been no reason to further engage the SAB.</p> <p>The Applicant will continue to engage the SAB as further information relating to the detailed drainage design for the Proposed Development becomes available. This would include engagement once information on the capacity of the existing network is available to establish whether any deviation from the principles of the strategy already discussed with the SAB is required.</p>
	B.1.4		<p>Question Reference: ExQ2 11.2</p> <p>Examining Authority Question: Flood risk ([CR1-032])</p> <p>What is the risk of multi-variate coastal overtopping from the combined action of high tides, surge, waves including wind waves, swell waves and long period waves at the site; and does this present a different flood risk scenario to the extreme water level assessment presented?</p> <p>Given the exposed coastal nature of the proposed development, what is the risk of overtopping and breach of the flood defences and does this exacerbate the flood risk scenario?</p> <p>It is noted in the applicant's reply to ExQ1 that a range of climate change scenarios has been considered but with regards to the</p>	<p>The Applicant notes NRW's response and has nothing further to add to its response to ExQ2 11.2 provided in Applicant's Response to Applicant's Responses to the ExA's second written questions (ExQ2) [REP6-087].</p>

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			<p>assessing credible maximum scenarios for nationally significant infrastructure projects as set out in government guidance, can the applicant confirm that the full range of scenarios has been considered, specifically including the H++ sea level rise assessment for critical national infrastructure.</p> <p>NRW Response: Whilst the extreme sea level values used in the modelling work include surge profiles for the high tides, waves are not included. A multiple-variable scenario accounting for waves would produce a different scenario.</p> <p>We advised the authors of the FCA/hydraulic model (email dated 03/10/2024) – “For Coastal and Estuarine sites, NRW will require assessment of wave overtopping. It is up to the developer to justify why an assessment isn’t required and should be appropriately documented if this is the case.” We then went on to advise (response on 17/10/2024) that “...It’s unlikely that wave overtopping is a significant risk at the site and that overtopping risk (and associated breach) from still water level is likely to be the dominant risk...”.</p> <p>As the defences are not owned/maintained by NRW (or another Flood Risk Management authority) an undefended scenario was assessed as part of the modelling works to inform the FCA. It was agreed that a breach scenario would not be required because the defence does not afford complete protection to the site.</p> <p>The consequences of flooding associated with breaches in linear/complete defences would usually be considered as being severe.</p> <p>We consider that the Applicant is best placed to advise on this. We previously advised the Applicant that they should approach the determining body to ascertain which climate change allowance scenarios should be considered.</p>	
	B.1.5		<p>Question Reference: ExQ2 11.3</p> <p>Examining Authority Question: Foul water services ([CR1-020] Ref: 6.2.4.2.50 & [CR1-32] 6.2.13.3.10) Why is the part of the existing foul water treatment at the site “sub-optimal” and being collected and taken away for disposal and can the applicant advise how this will not be the same situation for the proposed development?</p> <p>NRW Response: We note that this question relates to the Applicant’s existing foul water disposal and hence consider them to be best placed to advise about this, along with how this would relate to the proposed development.</p>	<p>The Applicant notes NRW’s response and has nothing further to add to its response to ExQ2 11.3 provided in Applicant’s Response to Applicant’s Responses to the ExA’s second written questions (ExQ2) [REP6-087]. The Applicant awaits further comments from NRW on the new environmental permit application which has been submitted as part of the permitting process.</p>

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			With regards to permitting foul water discharge from the proposed installation, due to the tidal regime and time limits on discharge, a combined foul and process water discharge has previously been deemed acceptable for this site, and this same arrangement will be determined as part of the new EPR application.	
	B.1.6		<p>Question Reference: ExQ2 14.1</p> <p>Examining Authority Question: Shoreline management It is noted that the proposal to realign the defences to south of the proposed development within the C&IEA is contrary to the preferred policy within the shoreline management plan. What implication does this have for other stakeholders and signatories to the shoreline management plan, what is the risk that the rate of inundation of the set back site will accelerate as is common where managed realignment activity takes place and what does this mean for rates of coastal erosion adjacent to the site of the proposed managed realignment?</p> <p>NRW Response: Please refer to our response to RQ.38 in Annex A above in relation to our remit regarding the SMP.</p>	The Applicant notes and welcomes NRW's position outlined in response to RQ.38 in A.1.9 of this table.
Annex D NRW's Comments on the Updated Saltmarsh Creation Strategy	D.1.1		<p>In relation to the direct habitat loss associated with the new surface water outfall, NRW has reviewed the updated "Saltmarsh Creation Strategy" [REP5-035] and as detailed in the Applicant's response to Deadline 4 submissions [REP5-062].</p> <p>Overall, we welcome the amendments made to the Saltmarsh Creation Strategy (SCS). Our remaining comments are as follows.</p>	Commentary on each of NRW's individual points is provided below (Ref's D.1.2, D.1.3, D.1.4).
	D.1.2		We agree with the Applicant that, given that the Saltmarsh Creation Area is set back from the channel edge it is sheltered from waves and therefore the wave data suggested would not provide any benefit to its design development (Ref. 18, REP5-062). However, we advise that collation of tidal current velocity data within the Saltmarsh Creation Area would help inform culvert/ breach design and potential adaptive management if the breach needed to be altered.	The Applicant welcomes NRW's agreement on this point and can confirm that Section 6.3 of the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.19) has been updated at Deadline 7 to note that tidal current velocity data will be collected to inform the next stages of design development of the Saltmarsh Creation Area.
	D.1.3		We note that the Applicant is considering whether to include a controllable inlet (culvert) into the Saltmarsh Creation Area (Ref. 19, REP5-062). We agree that, although modelling could inform designs of a breach/culvert, using the results of surveys proposed to finalise the Saltmarsh Creation Area would be a proportionate approach. Additionally, we note that Sections 5.4.26 - 5.4.28 of the SCS outline appropriate monitoring to detect whether adjustments in the breach/design of the culvert are needed, with provisions for corrective actions.	<p>The Applicant acknowledges the request to include "Adjustment of breach / culvert design to manage velocity / sediment accretion" within paragraph 5.4.27 and has added reference to this in Section 7.5 of the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) at Deadline 7. The change in paragraph number relates to the structural changes to the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) introduced at Deadline 6 by the Applicant.</p> <p>Section 5.2 of the previous Saltmarsh Creation Strategy [REP5-034] was replicated at Deadline 6 in paragraph 3.3.4 of the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) to include reference to both potential design options. Section 6.5 was also added to</p>

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			<p>However, we advise that an additional bullet point regarding this should be added to paragraph 5.4.27 of the SCS which states "Adjustment of breach/culvert design to manage velocity/sediment accretion."</p> <p>We also advise that Section 5.2: Implementation should be altered accordingly if it is decided to use a controllable inlet instead of "setting back the embankment" and further information provided about how it will be operated, its dimensions and details of how any associated impacts will be monitored and reported.</p>	<p>the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) to demonstrate these are options being considered by the Applicant.</p>
	D.1.4		<p>We recommended that post-breach tidal data were collected to inform whether tidal levels had been achieved (Ref. 20, REP5-062). However, we note that the Applicant believes the existing surveys would provide sufficient information. We still consider that tide gauge monitoring would be beneficial to detect whether the managed realignment site is hydrodynamically functioning as intended. We would welcome further discussions with the Applicant to discuss further details of the final scope of post-intervention surveys during the development of the Saltmarsh Implementation and Monitoring Plan.</p>	<p>The Applicant acknowledges NRW's response and notes the scope of the final Saltmarsh Implementation and Monitoring plan will be developed in consultation with NRW. Engagement with NRW will continue following the close of the examination to develop the final Saltmarsh Implementation and Monitoring plan, no changes have therefore been made by the Applicant to the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) in response to this point.</p>
Annex E NRW's Comments on the Applicant's Updated Documents Regarding Definition of 'In Perpetuity' For Habitats Regulations Assessment	E.1.1	Curlew Mitigation Strategy	<p>NRW has reviewed the following updated documents regarding the Applicant's definition of 'in perpetuity' relating to Habitats Regulations Assessment.</p> <ul style="list-style-type: none"> • Report to inform Habitats Regulations Assessment (Tracked) Rev 03 [REP5-031] • Curlew Mitigation Strategy (Tracked) Rev 02 [REP5-033] • Saltmarsh Creation Strategy (Tracked) Rev 01 [REP5-035] • Chapter 11: Terrestrial and Aquatic Ecology [REP5-012] <p>Overall, we welcome the amendments regarding this and consider the matter to be largely resolved. However, to ensure it is clear that the Functionally Linked Land is to be reinstated to its existing or materially similar condition for curlew we have advised that paragraph 3.5.5 of the Curlew Mitigation Strategy (and any other references to the same matter within related documents) should be amended. We are currently in discussion with the Applicant regarding this.</p>	<p>At Deadline 6, the Applicant made further amendments to the definition of 'in perpetuity' relating to the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) at the request of NRW. These additions were to define the term 'suitability' and to clarify that curlew would be a particular focus of any reinstatement works within the Main Development Area. The Applicant believes NRW is now satisfied with the definition provided.</p>

2.2 REP6-097 Natural England

2.2.1 Natural England's Deadline 6 submission and the Applicant's response are set out in **Table 2** below.

Table 2: Response to Natural England's Deadline 6 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Comments on any submissions received by Deadline 5 (Natural England) [REP6-097]: Annex 1 - Comments on documents submitted at Deadline 5	A.1.1	Report to Inform Habitats Regulations Assessment (Rev03)	<p>We note that an update to the Report to Inform Habitats Regulations Assessment has been provided.</p> <p>The updates provided in this iteration do not alter our position, which remain as set out previously – the measures proposed to address the direct loss of Dee Estuary SAC saltmarsh and to offset the loss of land functionally linked to the Dee Estuary SPA and Ramsar site are compensation, not mitigation. We do however, acknowledge that the decision as to how this should be treated lies with the Examining Authority and Secretary of State as Competent Authority.</p> <p>Our position regarding the impacts resulting from aerial nitrogen deposition on the saltmarsh of the Dee Estuary SAC remains as previously set out. We maintain that measures proposed to address this impact are insufficient but continue to discuss how this can be progressed towards a mutually satisfactory conclusion with the applicant and Natural Resources Wales. We have provided at Annex 5 of this letter detail on the further information we consider necessary to address these outstanding concerns.</p>	<p>Regarding the request for additional information provided in Annex 5 in relation to the air quality assessment, the Applicant has addressed this matter in its response to A.5.1 of this table. Natural England confirmed in advance of Deadline 7 that the additional information provided by the Applicant has addressed a number of matters in relation to air quality, however the parties still remain in discussion on the Draft Deed of Development Consent Obligations (EN01066/APP/9.25) (mirrored in the Deed of Unilateral Undertaking of Development Consent Obligations (EN010166/APP/9.42)). A response to these points is provided in response to A.1.15 in Table 1.</p>
	A.1.2	Curlew Mitigation Strategy	<p>Curlew Mitigation Strategy</p> <p>NE welcomes (1) the developer's Steering Group proposal to direct adaptive management for Gronant Fields, (2) the ground investigations proposed in para 5.6.3 CMS and (3) the 10 [not 5] years of monthly monitoring of Gronant Fields (which should be for Curlew and all qualifying SPA species as well as monitoring the grassland and water-level management on site). NE highlights the following points:</p> <ol style="list-style-type: none"> 1. If 10 years of monitoring is to take place, then Gronant Fields should be managed long-term based on the results of the 10 years of monitoring instead of the proposed 5 years of monitoring (para 5.5.3 CMS). A suggestion could be, alongside annual adaptive management, to have a 5 year and 10-year review of longer-term management, based on the results of the ongoing monitoring 2. Para 5.5.3 CMS has deleted the words 'water-depth management' from the adaptive management works. This should be included to ensure that the Gronant Fields site provides appropriate habitat in terms of both grassland and hydrological features; 	<p>The Applicant notes NE's comments. Regarding points 1-3, the Applicant provides the following responses:</p> <ol style="list-style-type: none"> 1) Both the adaptive and long term management will be reviewed by the Curlew Steering Group as monitoring data becomes available. The management term will be set depending upon the response of the habitat to the management prescriptions and presence of target bird species, i.e., Curlew, but it is anticipated that within 5 years sufficient information should be available to inform longer term management and monitoring. 2) The Applicant acknowledges that amendments were made to the previous paragraph 5.5.3. However, details related to control of water levels within the site are included in Section 6.2 of the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) and so this element of adaptive management is still provided for within the document. The Applicant therefore considers the plan sufficiently covers the management of grassland and hydrological features. 3) At present the Gronant Fields site does not support qualifying bird features of the SPA, predominantly as active grazing management had ceased. Therefore, no current use of the existing invertebrate prey resource occurs and as such, there would be no direct competition for the resource from any displaced birds. Irrespective of this, monitoring of soil invertebrates will form part of the ongoing monitoring. The purpose of the

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			<p>3. The carrying capacity of Gronant Fields in terms of invertebrate prey resource still needs to be clarified to cater for both the existing wader (and other SPA waterbird) populations and the additional population assumed to use the site as a result of displacement from the development location. However, it is our view as set out in 1) above that this mitigation doesn't fulfil the same function as the area lost to the development.</p> <p>Otherwise, the points raised by NE in the original written opinion on the Curlew Mitigation Strategy remain.</p>	<p>offsetting land at Gronant Fields is to mitigate for the loss of foraging and roosting habitat for Curlew within the Main Development Area of the Order limits; the provision at Gronant Fields provides both these functions and therefore fulfils the requirements of the land lost within the Order limits for Curlew.</p>
	A.1.3	Curlew Mitigation Strategy	<p>We note that Natural England are included in the proposed Steering Group for the Curlew Mitigation Strategy. While we would be happy to provide technical advice as requested, given the site lies within Wales, and in line with the position set out previously, we defer to NRW, and do not wish to participate as a formal member of the Steering Group.</p>	<p>The Applicant notes NE's position on this matter and has updated the Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) at Deadline 7 to reflect this request.</p>
	A.1.4	Saltmarsh Creation Strategy	<p>We note that an updated Saltmarsh Creation Strategy has been submitted. As the saltmarsh to be directly lost from the cooling water outfall works, and the proposed saltmarsh creation areas, lie entirely within Wales we defer to NRW's advice on this strategy and have no detailed comment to make.</p>	<p>The Applicant notes and welcomes NE's position on this matter.</p>
	A.1.5	Applicant's Legal Submissions on Mitigation vs Compensation	<p>We have previously stated that because Gronant Fields lies within the Dee Estuary Special Protection Area (SPA) the proposal to use it to offset the loss of functionally linked land at the development site must be considered compensation – this is incorrect.</p> <p>We do, however, remain of the view that the proposals constitute compensation under the Habitat Regulations. Our rationale for this view is set out below:</p> <p>The key question is whether the proposal prevents or cancels out the loss of FLL in that SPA locality. If redistribution of curlew is acceptable from an ornithological perspective, it may be acceptable. Curlew are known for their site loyalty, meaning it is unlikely that the SPA affected birds would fly 21 km to adopt a new site at Gronant Fields. That means that the development would result in the loss of suitable curlew habitat and therefore the loss of curlew population.</p>	<p>Firstly, the Applicant would re-iterate that the purpose of the offsetting measures is to ensure there is no net loss in the overall foraging and roosting habitat for the SPA non-breeding Curlew population, rather than to ensure the relocation of specific birds currently foraging on the extant FLL within the Order limits to the replacement habitat provided.</p> <p>It is not the case that loss of suitable Curlew habitat within the Order limits will result in the loss of the Curlew population. Whilst Curlew may show some degree of site fidelity to non-breeding grounds, i.e., if a particular area of habitat is suitable then birds return year-on-year (assuming that suitability remains), the species is migratory, with long distance movements undertaken between breeding and wintering grounds, including various staging or stop over locations on route. As such, the suggestion that birds may not fly 21 km is flawed.</p> <p>The Applicant notes that NRW support the selection of the Gronant Fields site for the off-setting measures. This position is recorded in reference 3.11 of the Final Statement of Common Ground between Uniper UK Limited and NRW (EN010166/APP/8.2) where the following is stated: <i>"We note that the distance of Gronant Fields from the application site is around 21km and confirm that proximity is not, in itself, determinative. Rather, the focus is on providing ecological equivalence and functional connectivity. The replacement habitat must be capable of supporting an equivalent or greater number of overwintering curlew, such that there is no adverse effect on the integrity of the Dee Estuary SPA or its Conservation Objectives"</i>.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Annex 2 - Questions from the Report on Impacts to European Sites	A.2.1	Report to Inform Habitats Regulations Assessment (Rev03)	<p>RQ.1 [To NE] Other than the sites listed above, the ExA is not aware of any representations from IPs identifying any additional UK European sites for inclusion in the applicant's RIHRA. NE are requested to advise if they consider that additional sites or qualifying features could be affected by the proposed development.</p> <p>Natural England does not consider there to be any other sites or qualifying features that could be affected by the development beyond those already identified in the RIHRA.</p>	The Applicant notes and welcomes NE's position on this matter.
	A.2.2	In-combination assessment	<p>RQ.5 [To NE and NRW] provide its views on the applicant's explanation [REP4-081] in relation to the study area used for identifying projects for the in-combination assessment.</p> <p>We are satisfied that the applicant's explanation regarding the study area used for identifying projects to include in an In combination assessment is acceptable.</p>	The Applicant notes and welcomes NE's position on this matter.
	A.2.3	In-combination assessment	<p>RQ.6 [To NE, NRW and FCC] respond to the applicant's response to ExQ1.22.7 [REP4-081] as to whether following the applicant's updates, it is now content with the projects included in the in combination assessment. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>Annex 24 of the Environmental Statement sets out the list of projects considered in the in-combination assessment. We understand this list is not up-to-date and the applicants are updating this list and isopleth maps to reflect suggestions from NRW. The final list of projects considered in-combination should be clearly set out within the RIHRA. We have provided detail of the information we consider necessary to fully address remaining concerns at Annex 5 of this letter.</p>	<p>At Deadline 6, the Applicant provided an additional Appendix I of the RIHRA [REP6-048] at the request of the ExA which shows the locations of the other schemes considered within the in combination assessment. This is retained in the Deadline 7 revision.</p> <p>Further to this, the Applicant also provided Additional Operational Air Quality Considerations [REP6-091] to consider emerging schemes identified in discussion with NRW.</p>
	A.2.4	Loss of functionally linked land	<p>RQ.9 [To NE and NRW] in relation to loss of FLL, are you in agreement with the applicant that as a result of an AEOI being concluded from the project alone, that an in-combination assessment is not required.</p> <p>We concur that where an adverse effect on site integrity has been concluded from the project alone that an in-combination assessment is not required for those impacts</p>	The Applicant notes and welcomes NE's position on this matter.
	A.2.5		<p>RQ.10 [To NRW and NE] the applicant's conclusion of no LSE with respect to the sites above were not disputed by ANCB during the examination. Can NRW and NE confirm it agrees with this conclusion?</p>	<p>The Applicant notes and welcomes NE's position on this matter in relation to Mersey Estuary SPA and Ramsar site, and the River Dee and Bala Lake SAC.</p> <p>The Applicant also notes NE defer to NRW in relation to Halkyn Mountain SAC and Alyn Valley Woods SAC, and confirms NRW agree that the Proposed</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>As per the updated SoCG we agree that the proposed development will have no likely significant effect on the Mersey Estuary SPA and Ramsar site, and the River Dee and Bala Lake SAC. Given Halkyn Mountain SAC and Alyn Valley Woods SAC lie entirely within Wales, Natural England defers to NRW's advice on these sites, as per the position set out in our Deadline 2 response.</p>	<p>Development will have no likely significant effect on Halkyn Mountain SAC as recorded in item 3.20 of the Final SoCG between the Applicant and NRW (EN010166/APP/8.2). NRW have not commented on Alyn Valley Woods SAC during the examination process.</p>
	A.2.6		<p>RQ.13 [To NRW and NE] review Annex 1 of this RIES and appendix G of the RIHRA [REP4-054] and confirm its position in relation to each impact pathway on each designated site within the relevant column of annex 1 of this RIES. Where NRW and NE do not agree with the applicant's conclusions or any discrepancies are noted between Appendix G and what is assessed in the RIHRA, please clearly set out your concerns and what amendments NRW/ NE would propose or specific information that would still be required.</p> <p>Please refer to Annex C of this letter</p>	<p>The Applicant considers that all notes included in Annex C stating 'Awaiting updated RHIRA or Additional Information at D6' have been resolved by the amendments within the RIHRA [REP6-048] submitted at Deadline 6, which are retained in the Deadline 7 revision.</p> <p>The Applicant has the following comments where Annex C reports 'No Agreement':</p> <ul style="list-style-type: none"> • Dee Estuary SAC, Atlantic Salt Meadows – Direct loss of/ damage to qualifying habitat – the Applicant remains of the view that the creation of the managed retreat constitutes mitigation but has produced a Notice of a without prejudice HRA derogation in Wales (EN010166/APP/9.2) to inform the ExA's recommendation and the SoS's decision if it is concluded that the measures constitute compensation. • Dee Estuary SPA, Wintering bird Spp. – Loss of FLL - the Applicant remains of the view that the habitat enhancement at Gronant Fields constitutes mitigation but has produced a Notice of a without prejudice HRA derogation in Wales (EN010166/APP/9.2) to inform the ExAs recommendation and the SoOS's decision if it is concluded that the measures constitute compensation • Dee Estuary Ramsar site, Atlantic salt meadows - Direct loss of/ damage to qualifying habitat – the Applicant remains of the view that the creation of the managed retreat constitutes mitigation but has produced a Notice of a without prejudice HRA derogation in Wales (EN010166/APP/9.2) to inform the ExA's recommendation and the SoS's decision if it is concluded that the measures constitute compensation. • Dee Estuary Ramsar site, Atlantic salt meadows - Atmospheric pollution – operational traffic and stack emissions – the Applicant amended the mitigation at Deadline 6 to include a financial payment to management of saltmarsh within the Dee Estuary SAC/SPA/Ramsar site commensurate to the impact of the Proposed Development. • Dee Estuary Ramsar site, Mudflats et al. - Atmospheric pollution – operational traffic and stack emissions - the Applicant amended the mitigation at Deadline 6 to include a financial payment to management of saltmarsh within the Dee Estuary SAC/SPA/Ramsar site commensurate to the impact of the Proposed Development. • Dee Estuary Ramsar site, Ramsar Criterion 5 & 6 - Loss of FLL - the Applicant remains of the view that the habitat enhancement at Gronant Fields constitutes mitigation but has produced a Notice of a without prejudice HRA derogation (EN010166/APP/9.2) to inform the ExA's

Source Document	Reference	Topic	Source Document Text	Applicant's Response
				<p>recommendation and the SoS's decision if it is concluded that the measures constitute compensation.</p> <ul style="list-style-type: none"> Dee Estuary Ramsar site, Ramsar Criterion 5 & 6 - operational traffic and stack emissions - the Applicant amended the mitigation at Deadline 6 to include a financial payment to management of saltmarsh within the Dee Estuary SAC/SPA/Ramsar site commensurate to the impact of the Proposed Development.
	A.2.7	Loss of functionally linked land	<p>RQ.16 [To NE] do NE consider the FLL lost to be FLL for redshank, wigeon and teal in addition to curlew? Can NE confirm the qualifying features of the Dee Estuary SPA and Ramsar site it considers should be assessed in relation to loss of FLL.</p> <p>To date insufficient survey data has been submitted to be able to answer this question with certainty. The non-breeding waterbird assemblage feature of the Dee Estuary SPA/ Ramsar site consists of over 20,000 individuals from numerous different species. Many of them use the proposed development site as supporting habitat as well as surrounding areas. We advise impact should be measured through consideration of the assemblage as a whole, not just those species which qualify as interest features individually. We have set out at Annex D to this letter the bird data we feel is necessary to resolve the outstanding bird concerns relating to this issue. We note the applicant has been asked to provide this information</p>	<p>The Applicant submitted an updated version of Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-027] at Deadline 6 to include further data supplied by the DNS. The DNS data did not include any records of birds within the Main Development Area. Figure 1: Bird Survey Areas provided in Appendix 1 to this document shows the spatial context of each dataset held by the Applicant and used in the relevant assessment. Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-027] and clarification note, Further Information on Wetland Bird Count Data Report [REP5-065], provide over five years of bird data directly relevant to the assessment of the potential impact of the Proposed Development on birds. The Applicant has also undertaken two years worth of survey specifically in relation to the Proposed Development. These surveys and data sets show that the land within the Order limits is not used by "many" of the 20,000 plus individual waterbirds associated with the Dee Estuary SPA, as suggested. Species associated with the Dee Estuary SPA that have been recorded within the Order limits are clearly set out in Table 1 of Further Information on Wetland Bird Count Data Report [REP5-065]. These consist of only five waterbird species, and with the exception of Curlew, all in numbers representing <0.1% of the SPA population.</p> <p>As noted in reference A.1.12 in Table 1, in discussions between the Applicant and NRW ahead of Deadline 7, NRW confirmed that the information provided by the Applicant satisfies their concerns.</p>
	A.2.8		<p>RQ.17 [To NE] Are NE satisfied with the applicant's response to this matter? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>We are satisfied with the applicant's response, and this point will be marked as agreed in the next iteration of the Statement of Common Ground. Provided all impacts from the development are mitigated/ compensated for, impact on birds associated with the Mersey Estuary SPA are likely to be minimal.</p>	<p>The Applicant notes and welcomes NE's position on this matter.</p>
	A.2.9		<p>RQ.19 [To NRW and NE] the ExA requests an update on progress on this matter.</p> <p>In line with the position set out in the Statement of Common Ground between Uniper and Natural England, as this is an issue that affects</p>	<p>The Applicant notes and welcomes NE's position on this matter.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			protected species in Wales we defer to NRW on this matter, and have no further comment.	
	A.2.10		<p>RQ.20 [To NE] can NE clearly set out specific actions that, in your view, the applicant should take to fully resolve outstanding concerns on this matter.</p> <p>Following discussions with Uniper we have received further information providing clarifications regarding the operational air quality assessment framework. Many of the previous concerns have been addressed or clarified through the updated documentation. Subject to the final agreed assessment documents clearly setting out the source assumptions, traffic methodology and in combination approach that is applied, this point can be resolved. We have set out at Annex 5 to this letter the information we feel is required to fully resolve outstanding air quality concerns.</p>	Following the provision of updated relevant application documents at Deadline 6, Natural England have confirmed in advance of Deadline 7 that the additional information provided by the Applicant has addressed a number of matters in relation to air quality, however the parties still remain in discussion on the Draft Deed of Development Consent Obligations (EN01066/APP/9.25) (mirrored in the Deed of Unilateral Undertaking of Development Consent Obligations (EN010166/APP/9.42)). A response to these points is provided in response to A.1.15 in Table 1 .
	A.2.11		<p>RQ.25 [To NE] what further evidence is required for the applicant to justify their conclusion that the critical levels of ammonia and nitrogen would not be exceeded at River Dee and Bala Lake SAC from exhaust emissions during construction?</p> <p>Following discussions with Uniper we have received an updated construction traffic assessment and clarification regarding Welsh and English designated units. Subject to the final HRA documents clearly reflecting these conclusions consistently, we are satisfied that no further evidence is required and the point can be resolved.</p>	Following the provision of updated relevant application documents at Deadline 6, Natural England have now confirmed this matter is resolved. This is recorded in the Final SocG between Uniper UK Limited and NE (EN01066/APP/8.16) submitted at Deadline 7.
	A.2.12	Report to Inform Habitats Regulations Assessment	<p>RQ.29 [To the applicant and NE] the ExA requests an update on progress on this matter.</p> <p>Through discussions with Uniper we understand that an updated RIHRA will be submitted at D6, where this impact will be carried forwards to appropriate assessment. We welcome this, and will await sight of the updated RIHRA before confirming our position</p>	Following the provision of updated relevant application documents at Deadline 6, Natural England have now confirmed this matter is resolved. This is recorded in the Final SoCG between the Uniper UK Limited and NE (EN01066/APP/8.16) submitted at Deadline 7, see reference 2.4.
	A.2.13		<p>RQ.30 [To NE] confirm your position on this matter? If this matter is not resolved, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>This point has been agreed and resolved.as set out at point 5.1 of the SoCG. Given this point is primarily about fish species in close proximity to the development site being protected from abstraction, meaning any impacts will be in Wales, we defer to NRW on this matter.</p>	The Applicant notes NE defer this matter to NRW.
	A.2.14		<p>RQ.35 [To NRW and NE] clarify if your concerns are resolved. If not provide reasoning and clearly set out specific actions that, in</p>	The Applicant notes NE defer this matter to NRW.

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>your view, the applicant should take to fully resolve outstanding concerns on this matter.</p> <p>As per Section 2.2 of the Statement of Common Ground between Uniper and Natural England – as the saltmarsh to be lost lies within Wales we defer to NRW's advice on this matter and have no further comment.</p>	
	A.2.15		<p>RQ.40 [To NE] can NE confirm if it is requesting 2 years of ornithological surveys for the whole of the proposed development site or certain areas of concern?</p> <p>We acknowledge that 2 years of survey data have been presented, but as the data presented in these surveys is spatially different it cannot be easily compared. We would like to see a minimum of 2 years survey data for the development site, along with data for Components 1 and 2 of the Dee Estuary SPA. Please see Annex D of this letter for a clear description of the data required to address our remaining concerns. We are also aware that further bird survey data will be submitted by Uniper at Deadline 6 which may cover these points.</p>	<p>The survey data presented by the Applicant and described in Section 4 of Further Information on Wetland Bird Count Data Report [REP5-065] provide two years of data for the relevant areas of the development site (i.e. the Main Development Area). In addition to the surveys of the development site, survey data, both from the Applicant's surveys and third party data sets, have been provided for both the Connah's Quay Nature Reserve Compartments 1 and 2 and parts of the wider Dee Estuary SPA.</p> <p>As noted in reference A1.12 in Table 1, in discussions between the Applicant and NRW ahead of Deadline 7, NRW confirmed that the information provided by the Applicant satisfies their concerns.</p>
	A.2.16		<p>RQ.42 [To NE] are NE satisfied with the applicant's response on this matter [REP1-062]? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>We are satisfied this issue has been resolved.</p>	<p>The Applicant notes that NE are satisfied with the approach to the identification of impacts on FLL and note this is resolved</p>
	A.2.17		<p>RQ.43 [To NE] Can NE confirm if this matter is resolved? If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>As per Section 1.10 of the SoCG we are satisfied this issue is resolved. As Gronant Fields lie within Wales we defer to NRW regarding the further detailed design required to ensure Gronant Fields functions to address the identified impacts at the development site.</p>	<p>The Applicant notes NE defer this matter to NRW.</p>
	A.2.18		<p>RQ.44 [To NRW and NE] do NRW or NE have any additional comments in relation to the Hilde Orleans case law?</p> <p>We have previously stated that because Gronant Fields lies within the Dee Estuary Special Protection Area (SPA) the proposal to use it to offset the loss of functionally linked land at the development site must be considered compensation – this is incorrect. We do, however, remain of the view that the proposals constitute compensation under the Habitat Regulations. Our rationale for this view is set out below:</p>	<p>As discussed in the response to A.1.5 in this TableTable 1, the Applicant's position on this matter remains that what is proposed is mitigation for the reasons that have been set out and summarised in various submissions, including the Applicant's Legal Submissions on Mitigation vs Compensation [REP4-086]. Without prejudice to that, the Applicant has also set out its derogation case which deals with the justification for the scheme if the measures are treated as compensation.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>The key question is whether the proposal prevents or cancels out the loss of FLL in that SPA locality. If redistribution of curlew is acceptable from an ornithological perspective, it may be acceptable. Curlew are known for their site loyalty meaning it is unlikely that the SPA affected birds would fly 21 km to adopt a new site at Gronant Fields. That means that the development would result in the loss of suitable curlew habitat and therefore the loss of curlew population.</p>	
<p>Annex 4 - Information required to address outstanding ornithology issues</p>	<p>A.4.1</p>		<p>To fully address our outstanding concerns regarding impacts to the Dee Estuary SPA and Ramsar site at the development site we request the following data is provided:</p> <ol style="list-style-type: none"> 1. Survey data from the Deeside Naturalist Society for the years 2022 to 2025 (Jan to December) covering (1) the 2 development fields and (2) compartments 1 and 2 as identified on the map below. The data shall differentiate spatially between birds observed on the development fields and the compartments. 2. Ornithological survey data from Uniper for the same years and same areas as in question 1 above. It is understood that, as part of the ongoing management plan from previous developments, Uniper employed an ornithologist to survey the development area (or parts of it). Any survey data for birds within the development fields an/or compartments 1 and 2 should be provided. 	<p>The Applicant notes NE's comments and responds as follows:</p> <ol style="list-style-type: none"> 1) The Applicant provided the available DNS data requested in the updated Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-028] submitted at Deadline 6. To clarify, the DNS data do not hold any observations of birds for the fields within the Main Development Area. 2) The Applicant has provided all the data available and relevant to the Application in Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-028], with the latest amendments made at Deadline 6 to include additional data from the DNS. , The data within Appendix 11-D: Ornithology Baseline Survey and Information Report [REP6-028] covering the Main Development Area was further summarised in Further Information on Wetland Bird Count Data Report [REP5-065]. To re-iterate, this includes two years' worth of survey data specifically including the Order limits, as well as a wealth of third party data for areas adjacent the Order limits. <p>As noted in reference A.1.12 in Table 1, in discussions between the Applicant and NRW ahead of Deadline 7, NRW confirmed that the information provided by the Applicant satisfies their concerns.</p>
	<p>A.5.1</p>		<p>To fully address the remaining concerns regarding air quality impacts from the proposed development, we consider the following information should be provided by the applicant:</p> <p><u>In-combination assessment</u> Please provide a concise table identifying:</p> <ul style="list-style-type: none"> • all plans/projects included within the operational in-combination assessment; • the basis for inclusion/exclusion; and • the relevant search area and approach applied. <p><u>Operational ammonia and nitrogen deposition conclusions</u> Please provide a clear summary of:</p> <ul style="list-style-type: none"> • operational effects of the project alone; • operational effects of the project -combination with other plans and projects; • the key affected receptors/features; and • the resulting conclusions for the Dee Estuary SAC/SPA/Ramsar. 	<p>The Applicant submitted an updated version of the RIHRA [REP6-048] at Deadline 6, which includes:</p> <ul style="list-style-type: none"> • Clarification on approach to 'in combination' assessment with other plans or projects. • Clarification of those locations which are in England, since Natural England have confirmed they will defer to NRW regarding impacts in Wales. • Confirmation that construction or demolition traffic to the Proposed Development is not expected to use roads located within 200 m of any European sites or parts of European sites in England. • Confirmation regarding Habitats sites where adverse effects on integrity from predicted nitrogen deposition/ammonia above 1% of the critical load resulted in a conclusion of no likely significant effect or no adverse effect on integrity. These are: <ol style="list-style-type: none"> 1. a section of the Dee Estuary SAC/SPA/Ramsar site in Wales during construction. Natural England have confirmed they will defer to Natural Resources Wales regarding impacts in Wales. NRW have accepted the Applicant's conclusion.

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p><u>Integrity conclusion reasoning</u> Please provide clear explanations of:</p> <ul style="list-style-type: none"> • how the conclusion of no adverse effect on site integrity has been reached considering predicted nitrogen deposition/ammonia contributions above 1% screening thresholds; • the relevance of existing baseline conditions; • how the conclusions relate to the conservation objectives of the site. <p><u>Mitigation/compensation measures</u> Please provide clear details of any proposed mitigation, compensation or site management measures relied upon within the HRA conclusions, including:</p> <ul style="list-style-type: none"> • the measures proposed; • how they will be secured; • delivery mechanism/governance; • duration; and • relationship to the identified effects. <p><u>Consistency across final documents</u> Please ensure:</p> <ul style="list-style-type: none"> • consistent figures and terminology; • aligned conclusions; • and clear cross-referencing between the AQ assessment, appendices and HRA conclusions. 	<p>2. The Mersey Estuary SPA/Ramsar site. The Applicant has provided a fuller discussion of the air quality data and a fuller explanation as to why no likely significant effect will arise including sensitivity of designated features and relevance of baseline conditions.</p> <ul style="list-style-type: none"> • Clarity over the operational effects on the project alone and in combination with other plans or projects on the Dee Estuary SAC/SPA/Ramsar. This involves confirmation of how this relates to the English part of the Dee Estuary SAC/SPA/Ramsar site. • Fuller details regarding the approach to mitigation for air quality impacts on Dee Estuary SAC/SPA/Ramsar site during operation. <p>The above is retained in the Deadline 7 revision.</p> <p>Chapter 11: Terrestrial and Aquatic Ecology [REP6-019] was also been updated for Deadline 6 to include a table setting out the air quality assessment for each English designated site including SSSIs, as requested by Natural England.</p> <p>Following review of the Deadline 6 documents, Natural England have now confirmed that the information provided has resolved a number of, but not all, matters. This is recorded in the Final SocG between the Applicant and NE (EN01066/APP/8.16) submitted at Deadline 7. The Applicant and NE still remain in discussion on the Draft Deed of Development Consent Obligations (EN01066/APP/9.25) (and mirrored in the Deed of Unilateral Undertaking of Development Consent Obligations (EN010166/APP/9.42)). A response to these points is provided in response to A.1.15 in Table 1.</p>

2.3 REP6-099 Royal Society for the Protection of Birds (RSPB)

2.3.1 RSPB's Deadline 6 submission and the Applicant's response are set out in **Table 3** below.

Table 3: Response to RSPB's Deadline 6 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
RSPB Response to the Examining Authority's Second Written Questions/Report on the Implications for European Sites (RIES) [REP6-099]	1.1	Noise and Vibration	<p>RQ. 60 [to the Deeside Naturalist Society and RSPB] are you content that your concerns regarding the noise and visual disturbance assessment have been addressed by the applicant? If not, please provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>We consider the approach to operational phase disturbance has been adequately addressed and are satisfied with the deferral of the detailed scheme of management and monitoring, subject to noise levels being maintained within the limits specified within the Design Principles Document [Rep4 060].</p> <p>We remain concerned that the Applicant has not provided sufficient information on mitigation measures to address noise disturbance to estuarine birds during the construction phase. The Framework CEMP [REP5 024] indicates that additional mitigation measures to minimise noise would be considered, if necessary, at the detailed design stage once a Principal Contractor(s) is appointed. We consider it would be far better (or more desirable) to present full details of mitigation at the examination rather than deferring to post consent stage.</p> <p>We recommend that the matter should be further addressed through monitoring of noise levels and bird responses during construction to ensure that the impacts on birds remain infrequent, highly localised and mild, without a significant impact on bird distribution in the wider area.</p>	<p>The Applicant considers that sufficient evidence of the application of suitable mitigation measures, such as acoustic fencing, has been provided that is proportionate to the stage of design of the Proposed Development. As set out in Chapter 9: Noise and Vibration [REP3-014] and supporting Appendix 9-C: Construction Noise Effects and Assumptions [CR1-091], the Applicant has defined worst case scenarios on which the assessment is based and found no likely significant effect in terms of noise disturbance to birds. These assumptions are based on experience gained on similar developments and using professional judgement. For example, it has assumed all plant is running all day which in reality is unlikely to be the case. Reference 3.13 of the Final SoCG between Uniper UK Limited and NRW (EN010166/APP/8.16) demonstrates that NRW is satisfied that appropriate mitigation, monitoring, and seasonal controls on construction activities will ensure that noise disturbance to birds is effectively managed and will not result in an AEol on the Habitats site.</p> <p>Bird response during construction will be monitored through the presence of Ecological Clerks of Works as required within the Framework CEMP (EN010166/APP/6.5). Under the existing Conservation Areas Management Plan, there will continue to be monitoring carried out within the relevant compartments located outside of the Main Development Area. Such monitoring is secured as mitigation under the section 36 consent for the existing Connah's Quay Power Station and so would continue regardless of the construction of the Proposed Development but would, nonetheless, identify bird responses on an ongoing basis.</p>

2.4 REP6-100 Welsh Government

2.4.1 Welsh Government's Deadline 6 submission and the Applicant's response are set out in **Table 4** below.

Table 4: Response to Welsh Government's Deadline 6 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Deadline 6 Submission (Welsh Government) [REP6-100]	1.1	Strategic Road Network	<p>The Welsh Government, in its capacity as the Overseeing Organisation for the Strategic Road Network (SRN), notes that the Applicant has not yet identified a definitive abnormal load route to the site, nor demonstrated its suitability in accordance with Welsh Government Procedure & Advice Guidance (PAG) "Pulling Together – Best Practice for Transporting Abnormal Loads in Wales".</p> <p>The submitted information appears to rely on a shortlist of potential routes and does not provide sufficient evidence that abnormal loads associated with the Proposed Development can be safely accommodated on the trunk road network.</p> <p>The Welsh Government therefore requires that a detailed Abnormal Load Transport Strategy be produced and submitted to the Welsh Government for approval in writing by the Welsh Ministers as Overseeing Organisation for the SRN prior to the imposition of a suitably worded condition.</p> <p>As a minimum the Strategy shall include:</p> <ul style="list-style-type: none"> (a) identification of the route or routes to be used for all abnormal loads; (b) evidence demonstrating that the selected routes are suitable, including structural assessments of all affected highway structures; (c) swept path analysis and, where necessary, trial run evidence demonstrating that the largest loads can safely traverse the route; (d) details of any highway works or temporary measures required to facilitate abnormal load movements; (e) a Traffic Management Plan (TMP) for abnormal load movements, including convoy arrangements, escort requirements, timing of movements, contingency planning and stakeholder engagement. <p>Subject to the approval of the above, the development shall thereafter be carried out in full accordance with the approved Abnormal Load Transport Strategy and Traffic Management Plan.</p>	<p>The Applicant has prepared Appendix A of the Framework Construction Traffic Management Plan (CTMP) (EN010166/APP/6.6) to inform any cautions which may impact the viability of AIL route options and where potential interventions or accommodation works may be required. The AIL delivery options were assessed against an overall height including trailer of 6.0 m, an overall delivery width of 6.0 m including supports and a delivery length housed on the trailer of 30 m. Focussing on the options in Wales, based on these assumptions, it demonstrates:</p> <ul style="list-style-type: none"> • Both the AIL route from the Port of Mostyn and the Connah's Quay North Jetty are viable options for AIL deliveries to the site, but cautions/ accommodations will be required to transfer the AIL to the Main Development Area from both locations. • Cautions/accommodations would take the form of minor highway adjustments, management of vegetation along the highway structure and the removal of street furniture including the likes of traffic signals, street lighting etc.. • The Applicant acknowledged that further details on these would be required prior to AIL deliveries being made to provide assurance to relevant highway authority that the movements are acceptable. <p>Requirement 19 of the Draft DCO (EN010166/APP/3.1) states:</p> <p>(1) The transport of abnormal indivisible loads in connection with the construction of the authorised development must not commence until a detailed abnormal indivisible load risk assessment and method statement have been submitted to and approved by the relevant planning authority in consultation with the highway authority.</p> <p>(2) The transport of abnormal indivisible loads in connection with the construction of the authorised development must be carried out in accordance with the detailed abnormal indivisible load risk assessment and method statement as approved pursuant to subparagraph (1).</p> <p>Requirement 19 of the Draft DCO (EN010166/APP/3.1) already provides for the strategy which the Welsh Government require to be provided and ensures that the Welsh Government, as highway</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
				authority for the strategic road network, would be consulted on the form of the final documentation to be approved under such Requirement.

2.5 REP6-103 to REP6-107 Climate Emergency Science Law (CESL)

2.5.1 The Applicant has summarised CESL's Deadline 6 submission and responded in **Table 5** below.

2.5.2 CESL set out three main allegations arguments in their representation, which the Applicant responds to in turn below. None of these allegations is well-founded. In summary, the Applicant reaffirms the position that the **Environmental Statement (ES) (EN010166/APP/6.2)** and sensitivity analysis submitted to date is entirely in line with best practice and consistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and all other applicable legal requirements for the Proposed Development.

Table 5: Response to CESL's Deadline 6 submission

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
CESL's Deadline 6 submissions [REP6-103 to REP6-107]	1.1	Alleged Deficiency 1: Failure to describe and assess ex-territorial upstream Scope 3 emissions [Reg 5(2) / Sch 4 para 5 / Reg 30(2)(b)(i)(aa)]	<p>Issues raised:</p> <ul style="list-style-type: none"> The Environmental Statement (ES) (EN010166/APP/6.2) does not separately describe or assess ex-territorial emissions which are the largest operational emissions category. The ES (EN010166/APP/6.2) provides no methodology for evaluating the significance of upstream emissions outside the UK, nor any conclusion on their significance. CESL notes that without this the ES (EN010166/APP/6.2) is unable to reach a Reg 30(2)(b)(i)(aa) "reasoned conclusion" on the material majority of the project's lifecycle climate impacts. The assessment uses the UK carbon budgets, even though these are acknowledged to be structurally incapable of measuring the dominant emission category. Failure is compounded by our ES (EN010166/APP/6.2) assertion that post-2050 residual emissions will be "balanced" via agriculture and LULUCF removals. This is contrary to the CCC's Seventh Carbon Budget and the Government's own Carbon Budget and Growth Delivery Plan. 	<p>The first allegation by CESL involves a contention that there has been a failure to describe and assess ex-territorial upstream Scope 3 emissions. This allegation involves a clear and obvious misreading of the information that has already been provided and a distortion of the analysis that has been provided. This occurs in a number of ways.</p> <p>In paragraph 17 of their submission, CESL refer to paragraph 20.6.54 of Chapter 20: Climate Change [APP-058]. They assert that the Applicant is claiming claim that post-2050 residual emissions will be balanced and claim this is misleading. Chapter 20: Climate Change [APP-058] does not claim that there will be a direct balancing of the Proposed Development's emissions. Instead, it correctly identifies that analysis of emissions against any UK carbon budgets would be meaningless beyond the net zero target date of 2050. This is consistent with and reflects the 7th Carbon Budget documentation in Table 7.5.1 itself, where electricity emissions in 2050 (which are not zero) are not compared against overall UK emissions because these will be zero at a national level³. This affirms the correctness of the Applicant's approach that, firstly, there will be offsetting / removals to balance out residual emissions in the electricity sector in 2050 to achieve net zero at a national level, and secondly that there is no meaningful comparison that can be made between the Proposed Development's emissions and carbon budgets beyond 2050.</p> <p>In B.3.1 of their submission, CESL contend that the upstream emissions cannot be assessed to reach a 'reasoned conclusion' as the emissions are ex-territorial and therefore not accounted for in the UK carbon budgets which have been used for part of the significance test in Chapter 20: Climate Change [APP-058].</p> <p>Again, this misrepresents the Applicant's assessment. The ES (EN010166/APP/6.2) applies three key considerations to</p>

³ Committee on Climate Change (2025). The Seventh Carbon Budget [online]. Available at: [The Seventh Carbon Budget](#) (Accessed 08/06/2026)

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
				<p>establish an overall evaluation of significance of emissions, as set out in paragraph 20.6.51 of Chapter 20: Climate Change [APP-058]:</p> <ul style="list-style-type: none"> • overall magnitude of emissions and alignment to Carbon Budgets; • the relative emissions impact of the project against a 'without-project baseline'; and • alignment with UK policy and best practice. <p>The application of these considerations to assess emissions is entirely consistent with sources of contextual information suggested by the Institute of Sustainability and Environmental Professionals (ISEP) greenhouse gas guidance⁴. It is self-evidently not the case, as asserted in paragraph 14 of CESL's submission, Responses to the ExA's second written questions (ExQ2) [REP6-103], that a comparison with UK carbon budgets is the primary basis for an evaluation of significance. Within Chapter 20: Climate Change [APP-058] total emissions - including those occurring beyond the geographic borders of the UK and Wales - have been assessed against the UK's national carbon budgets very much as a worst-case approach in order to consider the whole-life impact associated with the Proposed Development. But this highly conservative approach has been used as there is no reliable way to differentiate between territorial and extra-territorial emissions within the natural gas supply chain. It results in a highly precautionary assessment, not no assessment as wrongly claimed by CESL.</p> <p>The comparison against UK and Welsh carbon budgets, together with an assessment of absolute and relative emissions impact, are more than sufficient to reach a reasoned conclusion on the overall evaluation of the Proposed Development's greenhouse gas (GHG) impacts and significancs, and the Applicant therefore is entirely satisfied that a proper assessment has been carried out and that the conclusions of the ES (EN010166/APP/6.2) remain valid.</p>
	1.2	Alleged Deficiency 2: Failure to assess absolute lifecycle GHG emissions	<p>Issues raised:</p> <ul style="list-style-type: none"> • The ES (EN010166/APP/6.2) assessment methodology is a substitution/displacement comparison with a counterfactual unabated CCGT, not an assessment of the project's absolute lifecycle GHG emissions. 	<p>In section B.3.2 of their submission, CESL assert that an approach of comparing the emissions from the Proposed Development with a counterfactual unabated CCGT is not appropriate as there is a need to assess absolute emissions. In this regard, CESL again purport to raise a concern regarding ex-territorial upstream emissions being compared against carbon budgets and question the Well-To-Tank (WTT) methodology. This</p>

⁴ Institute of Environmental Management and Assessment (2022) Assessing Greenhouse Gas Emissions and Evaluating their Significance. 2nd edn. Lincoln: IEMA. Available at: <https://nsip-documents.planninginspectorate.gov.uk/published-documents/TR010056-001649-APP-A-J35958-IEMA-Greenhouse-Gas-Guidance-2022Feb-9317-1.pdf> (Accessed: 6 June 2026).

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
		[Reg 5(2) / Sch 4 para 5 / Whitehaven]	<ul style="list-style-type: none"> Notes how the Applicant is obliged to assess the absolute GHG emissions of the project, regardless of whether those emissions might (counterfactually) be higher or lower than a displaced alternative – <i>reference to Whitehaven [2024]</i>. Acknowledges how the Applicant includes a table of absolute emissions within the ES (EN010166/APP/6.2) but notes how the ES (EN010166/APP/6.2) does not constitute an assessment of absolute lifecycle GHG emissions for the purposes of Reg 5(2)/Sch 4 para 5, because: <ul style="list-style-type: none"> the absolute emissions figure is not the object of significance assessment in its own right; it does not separately identify UK and ex-territorial emission components; it relies on the structurally deficient WTT methodology; the D5 sensitivity analysis repeats the substitution methodology rather than remedying it. 	<p>is part of an allegation that there has been a failure to assess absolute lifecycle GHG emissions.</p> <p>First, and importantly, it is clear that CESL's basic allegation is obviously wrong. It is clear from the ES (EN010166/APP/6.2) that the impacts and likely effects of the project in terms of absolute lifecycle GHG emissions have been identified and assessed and that analysis clearly presented in absolute terms, as can be seen from section 20.6 of Chapter 20: Climate Change [APP-058], where absolute emissions are presented in Table 20-8. CESL's basic assertion to the contrary is therefore simply incorrect.</p> <p>Secondly, and in addition to that absolute assessment, a counterfactual scenario has been presented as part of the process of assessing significance in line with the requirements of the ISEP guidance. The logic and basis for selecting an unabated gas-fired CCGT generator is discussed in more detail in the Applicant's response at Deadline 6 [REP6-086] to CESL's submission at Deadline 5 [REP5-072].</p> <p>As discussed in paragraph 20.6.51 of Chapter 20: Climate Change [APP-058], the absolute emissions from the Proposed Development, the comparative emissions relative to the counterfactual scenario, and consideration of consistency with UK policy and best practice, have all been used to inform the evaluation of significance assessment of the Proposed Development. They are all set out in Table 1 of the ISEP guidance on the assessment of GHG emissions as sources of information by which the significance of GHG impact of a project should be evaluated. Once again, far from there being any deficiency in the assessment that has been undertaken, the Applicant has provided a thorough and comprehensive assessment that enables an evaluation of the significance of the emissions against each of the identified considerations. CESL's submissions fundamentally misrepresent the information and assessment that has been carried out.</p>
1.3	1.3	Alleged Deficiency 3: Failure to describe material uncertainty and apply current knowledge in the	<p>Issues raised:</p> <ul style="list-style-type: none"> The ES (EN010166/APP/6.2) fails to identify, describe and assess the material uncertainty associated with LNG supply-chain emissions despite that uncertainty being capable of materially affecting the magnitude of the project's lifecycle greenhouse gas emissions. The ES (EN010166/APP/6.2) uses a single DESNZ WTT emission factor for all upstream gas supply chain emissions, applied as a fixed ratio (0.165) to Scope 1 combustion emissions. CESL notes numerous issues with the DESNZ figure, including the reliance on Qatar LNG, and how the majority of LNG is more likely to come from the US (more carbon intensive). 	<p>The third allegation is one said to involve a failure to describe "material uncertainty" and to apply current knowledge in respect of the assessment of LNG supply-chain emissions. Once again, any fair and proper reading of the information, including the sensitivity testing, that has been presented by the Applicant demonstrates that there is no substance at all in this allegation.</p> <p>In section B.3.3 of their submission, CESL assert that the sensitivity analysis submitted by the Applicant [REP5-063] is insufficient because it relies on the Department for Energy</p>

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
		assessment of LNG supply-chain emissions [Reg 5(2) / Sch 4 paras 5 and 6 / Reg 14(3)(b)]	<ul style="list-style-type: none"> Notes how the Applicants sensitivity analysis tests variation in LNG share but not variation in LNG emissions intensity. The analysis does not enable the decision-maker to understand the range of lifecycle emissions outcomes that could arise from differing LNG supply-chain intensities. The ES (EN010166/APP/6.2) neither acknowledges the structural limitations of the DESNZ WTT factor identified above, nor discloses the consequential uncertainty in the lifecycle emissions outcome. 	<p>Security and Net Zero (DESNZ) WTT emission factor to undertake sensitivity analysis of potential changes in supply of LNG. This is essentially a repeat of a similar misconceived argument already addressed in paragraph 58 of the Applicant's previous response to CESL's submission [REP5-066].</p> <p>In summary, the DESNZ WTT emissions factors remain the official standard used to reflect and account for upstream emissions. This is pointed out in section 1.5 of the sensitivity analysis. These factors represent or embody current knowledge and represent an entirely reasonable and rational basis on which to forecast the potential change in supply scenarios, and their use is explicitly endorsed within the guidance document issued by ISEP.</p> <p>Furthermore, and in any event, as noted in the sensitivity analysis submitted by the Applicant at Deadline 5 [REP5-063], a recent study published by the International Energy Agency (IEA) on emissions and abatement options in the supply of LNG⁵ has now provided a global average upstream emissions factor for LNG that aligns extremely closely with the corresponding value published by DESNZ. The IEA study effectively corroborates the LNG WTT emissions factor applied by the Applicant within its sensitivity analysis [REP5-063].</p> <p>Regarding the additional WTT emissions data for LNG in the 2024 Energy and Environmental Research Associates (EERA) study submitted by CESL at Deadline 6 [REP6-106], this is also closely aligned with both the DESNZ factor applied by the Applicant in the Sensitivity Analysis submitted at Deadline 5 [REP5-063] and the more recent global average figure provided in the 2025 IEA study discussed above. Data provided in Table 6 and Figure 1 of the EERA study [REP6-106] shows that the DESNZ and IEA WTT emissions factors for LNG are higher than the mean values for 7 out of 8 of the countries listed in the EERA study. Only LNG from the USA has a higher upstream carbon intensity than the value applied by the Applicant in the Sensitivity Analysis [REP5-063].</p> <p>The Applicant observes that not only is the upstream LNG WTT emissions factor applied in the Sensitivity Analysis [REP5-063] consistent with other data sources, including that provided by CESL, but that any increase in the upstream intensity of fuel gas would apply equally to both the Proposed Development and to the counterfactual unabated gas-fired generator that it would</p>

⁵ International Energy Agency (IEA) (2023). Assessing emissions from LNG supply and abatement options [online]. Available at: <https://www.iea.org/reports/assessing-emissions-from-lng-supply-and-abatement-options> (Accessed: 08/06/2025)

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
				<p>displace. The Proposed Development will continue to deliver substantive reductions in operational carbon intensity against any unabated generator, as clearly demonstrated in the Applicant's Sensitivity Analysis [REP5-063].</p>
	1.4	Summary	[The Applicant provides a summary in the response column]	<p>In section B.6 of their submission, CESL reflect their misconceived analysis by requesting that the following amendments are made:</p> <ul style="list-style-type: none"> • A full lifecycle sensitivity analysis using realistic and current upstream LNG emission intensity data, with separate identification of territorial and ex-territorial components; • An absolute emissions assessment against a no project baseline as the primary basis for significance conclusion; and • A methodology for assessing the significance of ex-territorial emissions. <p>For the reasons summarised above, the requests are misconceived or misrepresent what has already been provided and there is no requirement to update either the sensitivity analysis submitted at Deadline 5 [REP5-063] or the assessment presented in Chapter 20: Climate Change [APP-058].</p> <p>As set out in paragraph 1.5.1 in the sensitivity analysis submitted by the Applicant at Deadline 5 [REP5-063], the GHG assessment presented in Chapter 20: Climate Change [APP-058] is a realistic and reasonable worst-case assessment for the operation of the Proposed Development and does not require any amendment.</p> <p>The sensitivity analysis submitted by the Applicant at Deadline 5 [REP5-063] is supplemental and provided without prejudice to the original assessment. This has been carried out in line with DESNZ reporting methodology and in fact assesses a highly unrealistic scenario within which 100% of the fuel supply of the Proposed Development enters the UK in the form of LNG. The upstream intensity of LNG applied within the Applicant's Sensitivity Analysis [REP5-063] is consistent with both data supplied by the International Energy Agency and with data from the EERA submitted by CESL at Deadline 6 [REP6-106].</p> <p>Even within this extreme scenario, the Proposed Development still operates with a substantially lower carbon intensity relative to an unabated gas-fired CCGT that would, of course, also be required to consume the same 100% LNG fuel supply.</p>

Source Document	Reference	Topic	Summary of Source Document Text	Applicant's Response
				<p>The absolute emissions have been assessed against a without-project baseline, with all emissions (including those occurring beyond UK and Welsh boundaries) contextualised against carbon budgets, once again very much as a worst-case scenario. This highly conservative comparison against carbon budgets has contributed to the overall evaluation of significance described within Chapter 20: Climate Change [APP-058].</p> <p>Two further considerations have also contributed to the evaluation of significance of the GHG impact of the Proposed Development: namely a comparison of emissions against those of a reasonable counterfactual generator, and an assessment of alignment with UK policy. Each of these approaches is not just valid and reasonable, but in line with methods set out by ISEP guidance, and they are unaffected by the split of emissions within and beyond the UK and Welsh geographic boundaries.</p> <p>The Applicant therefore considers that both the GHG assessment presented in Chapter 20: Climate Change [APP-058] and the sensitivity analysis submitted at Deadline 5 [REP5-063] are fully consistent with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and are aligned with published best practice for GHG assessments.</p>

2.6 REP6-108 Deeside Naturalists' Society (DNS)

2.6.1 DNS's Deadline 6 submission and the Applicant's response are set out in **Table 6** below.

Table 6: Response to NRW's Deadline 5 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Deeside Naturalists' Society Deadline 6 Submission [REP6-108]	1.1	Impact on Curlews and other birds using the 'functionally linked land'	<p>Firstly, we have read detailed comments especially from NRW, NE and RSPB on the impact of the development on Curlews, which are broadly similar to the key points we have made from the start of the consultation process.</p> <p>The loss of land that Curlews use for feeding, principally in autumn and winter, will be significant. Every effort needs to be made to mitigate for the loss of these feeding areas by retaining and enhancing habitat on-site and providing suitable alternative habitat elsewhere. Given that the land selected to provide the alternative habitat is some distance away we consider it especially important that on-site mitigation opportunities are maximised as Curlews are known to be faithful to their traditional wintering sites and it cannot be expected that those currently using the functionally linked land will necessarily use the alternative habitat.</p> <p>We wish to make three key points about this:</p>	The Applicant has provided a response to each of these comments below.
	1.2	Impact on Curlews and other birds using the 'functionally linked land'	<p>1. There is scope to mitigate for some of this impact in Compartment 1 (11 ha. conservation area) of the existing site, principally by bringing the land back into favourable condition for feeding Curlews. This can be put in place by Uniper through a revision of the site conservation management plan, which is currently under review, so it is an ideal time to do this.</p> <p>Recommendation: Uniper to be required to include enhanced management for Curlews in Compartment 1 within the current revision of the management plan. This to be continued for the life of the development.</p>	The Applicant acknowledges this suggestion and confirms that it is currently updating the existing Conservation Areas Management Plan in consultation with NRW and the RSPB. With regards to Compartment 1, the Applicant is proposing changes to the management within this area within the updated Conservation Areas Management Plan. These changes were discussed with the DNS at a meeting on 4 June 2026. However, the Applicant notes that the measures within the existing Conservation Areas Management Plan are to mitigate the effects of the existing Connah's Quay Power Station and not the Proposed Development. Whilst the measures will be continued under the Proposed Development following the decommissioning of the existing Connah's Quay Power Station, the existing Conservation Areas Management Plan is not an appropriate mechanism to secure curlew mitigation associated with the Proposed Development.
	1.3	Impact on Curlews and other birds using the 'functionally linked land'	<p>2. The planting of trees in a section of the functionally linked land to meet tree planting requirements is at odds with the need to mitigate for the impacts of the development of Curlews. We have consistently advocated for the tree planting not to be carried out in this area except where it is needed for screening purposes. We believe that planting trees on the functionally linked land – an open grassland habitat closely linked to the open and expansive wetland habitats of the Dee Estuary – is contrary to the UK Forestry Standard (UKFS), which states that:</p>	During a meeting between the Applicant and DNS, the Applicant clarified that the plans shown within the Outline Landscape and Ecological Management Plan [REP6-042] are indicative and other locations for tree planting (including the C&IEA) would be considered during the preparation of the detailed LEMP for the relevant stage of the Proposed Development. At this stage the Applicant considers that the indicative landscape plan provides a balance of ecological requirements of the Proposed Development, particularly with the provision of the offsetting land at Gronant Fields addressing the loss of FLL for Curlew. No comments have been raised by NRW on this matter throughout the examination.

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<ul style="list-style-type: none"> In planning new woodland, you should assess your sites existing wildlife to identify if any priority habitats and species are present including those protected by law. New woodlands should integrate into and enhance our landscape, connect with communities, and consider any existing features, land use and habitats. <p>Recommendation: Uniper to find a suitable alternative location for the tree planting requirements that does not impact on the functionally linked land.</p>	
	1.4	Impact on Curlews and other birds using the 'functionally linked land'	<p>3. Uniper has acquired land at Gronant to deliver suitable alternative habitat for feeding Curlews. Considering the very limited options available to deliver alternative high quality Curlew feeding habitat within the Dee Estuary and we consider that is very likely the best option. We have made suggestions to Uniper on how the habitat restoration of this site can be enhanced to give the highest likelihood that these fields could regularly support at least 50 wintering Curlews.</p> <p>Recommendation: Uniper's management plan for the Gronant site should focus on establishing seasonally flooded pools within the grassland utilising existing topography. Shallow excavation should be made (rather than creating foot drains) to create the pools. Grazing with cattle in summer and early autumn should be carried out to establish a reasonably short sward suitable for foraging Curlews.</p>	<p>The Applicant made amendments to the Outline Curlew Implementation and Management Plan [REP6-050] at Deadline 6 to clarify that the final form of the Phase 2 enhancement measures would be agreed by the Curlew Steering Group and that the creation of foot drains is one of the options that could be taken forward at Gronant Fields in the future. The options for type and profile of water features at Gronant Fields will consider results of ongoing water monitoring, bird surveys, grazing management practicalities and the requirement to maintain suitable foraging resource and prey availability for more prolonged periods between the core winter months, i.e, throughout the late summer/autumn and spring / early summer.</p> <p>The land is now being grazed to manage the sward height as described in the Outline Curlew Implementation and Management Plan (EN010166/APP/6.13).</p>
	1.5	Impact on the internationally important bird populations using the estuary habitats adjacent to the proposed development	<p>We continue to be highly concerned about the potential impact of the development on wading birds and wildfowl that use the saltmarsh and mudflats immediately adjacent to the development site. This is primarily due to the very significant potential for disturbance to these birds caused by the construction of the new power station, and during its operation. We wish to make two key points about this.</p>	<p>The Applicant has provided a response to each of these comments below.</p>
	1.6	Impact on the internationally important bird populations using the estuary habitats adjacent to the proposed development	<p>1. We do not think that the provision of a 3m acoustic fence will mitigate this impact significantly as the construction site will clearly be very tall (no doubt involving many cranes and very significant construction movements and noise).</p> <p>Recommendation: we would like to be reassured that there is sufficient mitigation in place to reduce disturbance risk as far as possible, and contingency measures should significant disturbance events be observed once construction commences.</p>	<p>As was discussed at ISH2 and recorded in the Applicant's Written Summary of Oral Submissions ISH2 and response to Action Points [REP1-066], the main noise sources that will affect birds on the intertidal mudflats and saltmarsh are those at and slightly above ground level since this will be where engines (for example) and vehicle warnings, and the bases of piles will be operating and installed. The noise modelling undertaken identified that a 3 m high acoustic barrier would achieve noise levels complying with the acceptable threshold at the mudflats as reported in Appendix D of the RIHRA (EN010166/APP/6.12).</p> <p>As recorded in reference 3.13 of the Final SoCG Between Uniper UK Limited and NRW (EN010166/APP/8.2), NRW are satisfied with the</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
				noise assessment methodology and its conclusions in the context of noise and visual disturbance.
	1.7	Impact on the internationally important bird populations using the estuary habitats adjacent to the proposed development	<p>2. We consider that it is essential that Uniper ensure that the sluices that operate in Compartment 2 (bunded pools complex) to regulate water levels in the saltmarsh pools are working properly. Currently they are in a state of disrepair which means the pools dry out frequently and are less used by wading birds than in the past. If the sluices operate properly the pools will not dry out and will thus provide improved feeding and roosting habitat for wading birds that is well screened from the development, helping mitigate for the impact of disturbance from the development during construction.</p> <p>Recommendation: Uniper are required to repair/replace sluices prior to construction starting so that the pools are in optimal condition for waterbirds for the life of the development.</p>	<p>This is noted by the Applicant. The existing Conservation Areas Management Plan is in the process of being updated in consultation with the Deeside Naturalists Society, NRW and the RSPB, as part of the mitigation provided for under the existing Connah's Quay Power Station section 36 consent.</p> <p>With particular reference to Compartment 2, as recorded in the Final SoCG Between Uniper UK Limited and DNS (EN010166/APP/8.5), the Applicant can confirm that the existing sluices and culvert will be reinstated as part of ongoing management and maintenance of Compartment 2.</p>

3. Landowners

3.1 REP6-113 Tata Steel UK

3.1.1 Tata Steel UK's Deadline 5 submission and the Applicant's response are set out in **Table 7** below

Table 7: Response to Tata Steel's Deadline 5 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Tata Steel UK Deadline 6 Submission [REP6-113]	1.1	Introduction	<p>This submission is made on behalf of Tata Steel UK Limited ("Tata Steel"), further to the relevant representation dated 27 October 2025, written representation dated 27 January 2026, response to ExQ1 and written submissions at Deadlines 2, 3, 4 and 5 ("Previous Submissions"). The issues highlighted in the Previous Submissions are not repeated in this submission.</p> <p>For the reasons set out in the Previous Submissions and this submission, Tata Steel maintains its objection to the application seeking development consent for the Connah's Quay Low Carbon Power Project ("Application").</p>	<p>The Applicant notes and has already responded to all previous submissions made by Tata to the examination. As noted by Tata, the Applicant has engaged with Tata regarding the commercial terms necessary for the use of the Connah's Quay Jetty.</p> <p>Tata do not object in principle to the Applicant using their property for the import of AILs as they confirmed verbally in the compulsory acquisition hearing and recorded in the Applicant's Written Summary of Oral Submissions at CAH1 and response to Action [REP4-085] as part of the DCO examination. Heads of terms have been exchanged, and solicitors are instructed with documents well progressed for an option to lease that would provide for the Applicant's use of the Tata land.</p>
	1.2	Status of Negotiations	<p>While Tata Steel and the Applicant are in continued discussions as to a contractual arrangement to address the issues highlighted by Tata Steel, the resulting agreement is not anticipated to be in place by the close of examination on 9 June 2026.</p> <p>Tata Steel will continue to cooperate with the Applicant up to and beyond the close of the examination and, should agreement be reached in a timely manner, the Applicant will update the ExA accordingly.</p>	<p>On the basis of progress made to date and in line with the Applicant's position explained within the Applicant's Response to Deadline 5 Submissions [REP6-086], the Applicant does not consider protective provisions are necessary or appropriate in this instance. The Applicant notes that temporary possession, as opposed to compulsory acquisition, is sought in respect of Tata's land interests within the Order limits and the proposed purpose for which such temporary possession is sought is consistent with the existing use of Connah's Quay North Jetty. The protective provisions proposed by Tata would have the effect of preventing the exercise of temporary possession powers over Connah's Quay North Jetty, which would then impede delivery of AILs to this location. As explained in the Applicant's response to Question 8.1 within the Applicant's Response to ExQ1 [REP3-059], the use of Connah's Quay North Jetty for the delivery of AILs is fundamental for the delivery of the Proposed Development. Accordingly, allowing a private party that does not qualify as a statutory undertaker for the purposes of the Planning Act 2008 to potentially impede delivery of this NSIP through the terms of protective provisions it proposes would be disproportionate to the potential for temporary effects whilst such necessary powers are exercised.</p>
	1.3	Protective Provisions	<p>As referred to in the Previous Submissions, and notwithstanding the above objection, in the absence of a completed agreement or sufficient controls within the Application, Tata Steel requires the inclusion of protective provisions in the development consent order.</p> <p>The inclusion of protective provisions for the protection of asset owners is precedent in the York Potash Harbour Facilities Order 2022, which included protective provisions for the benefit of Tata Steel amongst other asset owners. Similarly, private parties have benefited from protective provisions in the Able Marine Energy Park Development Consent Order 2014 and the West Midlands Rail Freight Interchange Order 2020.</p> <p>In the absence of agreement with the Applicant as to the principle or form of protective provisions for the benefit of Tata Steel, draft protective provisions are appended to this submission.</p>	
Appendix 1 - Draft Protective Provisions	A.1.1	Protective Provisions	<p>Application</p> <p>1. For the protection of Tata Steel the following provisions have effect, unless otherwise agreed in writing between the undertaker and Tata Steel.</p>	

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>Interpretation</p> <p>2. In this Part of this Schedule— "Tata Steel" means Tata Steel UK Limited (Company No. 02280000) whose registered office is at 18 Grosvenor Place, London, England, SW1X 7HS</p> <p>Acquisition of land</p> <p>3. Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference, the undertaker may not prior to the end of the period of 3 years beginning on the day on which this Order is made —</p> <p>a. appropriate or acquire or take temporary possession of any land owned by Tata Steel; or</p> <p>b. appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or property owned by Tata Steel, otherwise than by agreement.</p> <p>4. The undertaker must not under the powers of this Order do anything which would result in Tata Steel land or property being incapable of being used or maintained.</p> <p>5. Where under this Part of this Schedule Tata Steel is required to give its consent, agreement or approval in respect of any matter, that consent, agreement or approval is not to be unreasonably withheld or delayed but is subject to the condition that Tata Steel complies with any relevant operational procedures and any obligations under statute.</p>	

4. Members of the Public

4.1 Deadline 6 Submissions from: [REP6-101], [REP6-111], [REP6-102], [REP6-110], [REP6-112], [REP6-109]

4.1.1 The Members of the Public Deadline 6 submissions and the Applicants response are set out in **Table 8** below.

Table 8 Responses to Deadline 6 submissions from Members of the Public

Source Document	Reference	Topic	Source Document Text	Applicant's Response
Deadline 6 Submission [REP6-101]	1.1		<p>The reason for me contacting you is I'm concerned if and where the pipeline is coming through Greenfield. I am a local farmer and the area of interest to me is the land between 'The Coed Mawr' and KnitMesh at Greenfield, there is a level crossing that we use OS Grid Ref SJ 1854 7871</p> <p>Any information would be useful including map if you are coming this way with the pipeline.</p>	<p>The Order limits [CR1-039] show defined boundaries within which the Proposed Development would be built or operated. Chapter 3: Location of the Proposed Development [CR1-018] defines the different areas within the Order limits and explains what each area is for. These areas are shown in Figure 3-3: Areas Described in the Order limits [REP4-025].</p> <p>The Applicant confirms there are no pipeline works associated with the Proposed Development at the location described by the member of the public. Works taking place in the proximity of the area described are the Accommodation Works along the A548 from Port of Mostyn to Greenfield.</p> <p>'Accommodation Works' are works required to facilitate the movement and temporary storage of AIL during construction of the Proposed Development and comprise localised modifications or temporary works to the existing highway network, including:</p> <ul style="list-style-type: none"> • temporary traffic measures; • alterations to existing access points; • highway works where required; • protection, diversion or adjustment of existing infrastructure; and • reinstatement of highway infrastructure. <p>The precise scope and extent of the Accommodation Works are not yet fixed at this stage and would be subject to detailed design, agreement with the relevant highway authority, which is made enforceable through the Requirements in Schedule 2 of the Draft DCO (EN010166/APP/3.1), including those relating to approval of detailed design and the CTMP, to be prepared in general accordance with the Framework CTMP (EN010166/APP/6.6).</p> <p>To reiterate, the works in the proximity of the area described are limited to works within the highway boundary.</p>
Deadline 6 Submission [REP6-111] [REP6-102]	3.1		<p>I wish to formally object to the above environmental permit application.</p> <p>As a local resident, I am deeply concerned about the environmental impact of this proposed development, particularly in relation to the nearby Dee Estuary and</p>	<p>The Applicant acknowledges this concern and notes that this submission has been made as part of the DCO process, which is distinct from the environmental permitting regime. An environmental permit application was submitted to NRW in early</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			surrounding habitats, which are of recognized ecological importance and are used by protected bird species.	<p>2026 and is under consideration. NRW will only issue this permit if they are satisfied that all emissions comply with strictly regulated limits and controls.</p> <p>Nevertheless, the concerns raised in this submission have been addressed through a comprehensive Environmental Statement (ES) (EN010166/APP/6.2) and RIHRA (EN010166/APP/6.12), which conclude that, with the implementation of embedded mitigation measures, there will be no AEoI of any Habitats site, as a result of the Proposed Development.</p>
	3.2		<p>1. Impact on Bird Populations and Sensitive Habitats The proximity of this development to internationally important bird habitats raises serious concerns. The Dee Estuary supports significant populations of overwintering and migratory birds, including species of conservation concern. Any increase in industrial activity, emissions, or habitat disturbance has the potential to disrupt feeding, nesting, and migration behaviours. Evidence already submitted during the wider planning process highlights concerns regarding: Loss of functionally important feeding land for birds Impacts on protected estuary habitats Insufficient mitigation measures proposed by the developer These risks are not theoretical — regulators and conservation bodies have already raised concerns that the current mitigation proposals may not adequately protect wildlife.</p>	<p>The Applicant acknowledges concerns raised regarding potential impacts on bird populations and sensitive habitats within the Dee Estuary.</p> <p>The Applicant has identified the loss of 26 hectares (ha) of FLL⁶ for Curlew. Appropriate mitigation has been developed and secured to address this. The mitigation would be in place prior to the commencement of any works within these fields. The Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) provides offsetting habitat through the enhancement of 26 ha of wet grassland at Gronant Fields, ensuring the continued availability of suitable foraging habitat to support the wider Dee Estuary Curlew population. This is made enforceable by Requirement 11 and Schedule 16 of the Draft DCO (EN010166/APP/3.1).</p> <p>The Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5), which is made enforceable by Requirement 4 of the Draft DCO (EN010166/APP/3.1), includes the provision of a 3 m high acoustic fence, seasonal restrictions on works (avoiding March to September for specific areas), and a 30 m ecological safeguard zone around the estuary (where possible) - within habitats would be retained during construction, however these areas may be required for short term site wide works and utility connections. Where these works are undertaken the following measures apply:</p> <ul style="list-style-type: none"> • works could only be undertaken between April and September inclusive; • the relevant working area would be checked by the Ecological Clerk of Works (ECoW) prior to any vegetation clearance who would advise on the requirement for ecological mitigation; • any stockpiles would be stored outside of the Ecological Safeguard Zone; and • land would be re-instated on completion of the works.

⁶ FLL: Areas outside of the boundary of a Habitats site which support its qualifying feature

Source Document	Reference	Topic	Source Document Text	Applicant's Response
	3.3		<p>2. Air Quality and Nitrogen Deposition The proposed combustion processes and emissions have the potential to increase nitrogen deposition in the Dee Estuary. This is particularly concerning given that existing nitrogen levels in the estuary are already above safe ecological thresholds. Further increases could lead to: Degradation of saltmarsh habitats Reduced biodiversity Long-term damage to ecosystems that birds depend on.</p>	<p>Appendix 8-D: Operational Air Quality Assessment [REP6-025], which is considered in the RIHRA (EN010166/APP/6.12) demonstrates that the Proposed Development would result in a quantifiably small increase in nitrogen deposition (1.4% process contribution alone). Current levels are already at 63% above the critical load, primarily due to agricultural and transport sources. Any resulting botanical changes (e.g., shift in species composition) would be subtle and difficult to quantify.</p> <p>Notwithstanding the above, the Applicant has proposed the following mitigation measure:</p> <ul style="list-style-type: none"> • a financial contribution to Flintshire County Council (FCC) for the management of saltmarsh throughout the operational life of the project, which is proposed to be secured through the Deed of Development Consent Obligation (EN010166/APP/9.25) (as a fallback because the deed is still in draft at Deadline 7, this has been secured in the Unilateral Undertaking Development Consent Obligations (EN010166/APP/9.42) entered into by the Applicant and submitted at Deadline 7). Without prejudice to the Applicant's position that this is mitigation, the Applicant has also provided its case for derogation if these measures are treated as compensation within the Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales (EN010166/APP/9.2).
	3.4		<p>3. Cumulative Environmental Impact This development does not exist in isolation. There are existing and proposed industrial activities in the region, and the cumulative impact must be properly assessed. I am concerned that: Combined emissions and habitat loss are not being sufficiently accounted for The additive impact on protected sites is underestimated</p>	<p>An assessment of 'in-combination' effects is shown in Section 10.4 of the RIHRA (EN010166/APP/6.12), considering other regional projects such as HyNet.</p> <p>Chapter 24: Combined and Cumulative Effects [REP6-021] and its supporting appendices (Appendix 24-A: Long List of Proposed Schemes [REP6-034] and Appendix 24-B: Short List of Proposed Schemes [REP6-036]) consider other proposed schemes and their potential for overlapping impact with the Proposed Development, in line with PINS Guidance⁷. The assessment concludes that, with the implementation of secured mitigation measures, the Proposed Development would not give rise to significant cumulative terrestrial and aquatic ecology effects.</p> <p>The conclusion above is reflected in the RIHRA (EN010166/APP/6.12), which confirms no AEoI of any Habitats site⁸, either alone or in combination with other plans or projects following the implementation of the identified mitigation.</p>

⁷ PINS (2024). Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment [online]. Available at: [Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118444/nationally-significant-infrastructure-projects-advice-on-cumulative-effects-assessment.pdf) (Accessed 29/04/2025).

⁸ AEoI: The conclusion of a Habitats Regulations Assessment that a plan or project would undermine the designated sites ecological structure, function, or conservation objectives.

Source Document	Reference	Topic	Source Document Text	Applicant's Response
	3.5		4. Insufficient Evidence of No Harm Given the ecological sensitivity of the area, the burden of proof should be on the applicant to demonstrate that there will be no significant adverse effect on protected habitats or species. Based on publicly available information, this threshold has not been met.	<p>The Applicant's assessments in the RIHRA (EN010166/APP/6.12) and Appendix 8-D: Air Quality Operational Assessment [REP6-025] have been undertaken on precautionary worst-case assumptions, in accordance with established guidance.</p> <p>Extensive engagement with NRW, Natural England, and the RSPB (as documented in the respective Statements of Common Ground (SoCGs)) has contributed to the development of detailed mitigation and monitoring plans, which ensure the rigorous legal threshold of no AEol is met beyond reasonable scientific doubt.</p> <p>All environmental mitigation measures relied upon are listed in the Commitments Register (EN010166/APP/6.10) and are made enforceable through Requirements and Schedules of the Draft DCO (EN010166/APP/3.1) and the Unilateral Undertaking Development Consent Obligations (EN010166/APP/9.42).</p>
Deadline 6 Submission [REP6-110]	4.1		I am dismayed to learn that the Uniper plant will damage a huge area of the Dee marshes where curlews nest. Developing nesting sites at Gronant will still mean many curlews will die.	<p>With regards to habitat loss, the direct permanent loss of saltmarsh habitat is estimated to be no more than 5 m² for the outfall headwall. Temporary losses during construction would, at a maximum assuming a worst-case scenario, be approximately 650 m². To mitigate this, the Applicant targets the delivery of 1,310m² of established saltmarsh, as set out in the Outline Saltmarsh Implementation and Monitoring Plan (EN010166/APP/6.16) which is made enforceable through Schedule 16 of the Draft DCO (EN010166/APP/3.1).</p> <p>Impacts to curlew and controls to manage these (such as a 3 m acoustic fence) are described in the Applicant's response to Ref 3.2 of this table. The Applicant has identified the loss of 26 hectares (ha) of FLL supporting Curlew⁹. Accordingly, appropriate mitigation has been developed and secured to address this. The Outline Curlew Implementation and Monitoring Plan (EN010166/APP/6.13) provides offsetting habitat through the enhancement of 26 ha of wet grassland at Gronant Fields, ensuring the continued availability of suitable foraging habitat to support the wider Dee Estuary Curlew population. This is made enforceable by Requirement 11 and Schedule 16 of the Draft DCO (EN010166/APP/3.1). Gronant Fields must be suitable for Curlew before any displacement occurs at the Main Development Area. The final Curlew Implementation and Monitoring Plan must be submitted to and approved by the Secretary of State, in consultation with NRW.</p>
	4.2		I believe the drainage into Dee is insufficient and Uniper have made a grave error here.	The Proposed Development includes a comprehensive drainage design incorporating Sustainable Drainage Systems (SuDS) to

⁹ FLL: Areas outside of the boundary of a Habitats site which supports its qualifying feature.

Source Document	Reference	Topic	Source Document Text	Applicant's Response
	4.3		Also nitrogen will be emitted into the Dee so I am wondering how the health of residents in Wirral peninsula will be affected? We were not consulted yet live a few miles away with a view of the power plant. I do not think planning should be granted unless Uniper can address these issues	<p>manage surface water runoff, with detailed modelling to be carried out post-consent, which is enforceable through Requirements 6 and 7 of the Draft DCO (EN010166/APP/3.1).</p> <p>No likely significant adverse effects are reported in Chapter 8: Air Quality [REP4-017] or Chapter 21: Human Health [APP-059] for general or vulnerable populations. Specific assessments at Wirral receptors show that nitrogen process contributions (quantified emissions of nitrogen (e.g., NO_x, NH₃)) from the project are either below 1% or quantifiably imperceptible. Moreover, emissions from the Proposed Development would be operationally restricted by an environmental permit issued by NRW.</p> <p>Extensive pre-application consultation was undertaken by the Applicant, including newsletters sent to addresses within a 5 km radius of the Main Development Area. Details of this are provided in the Consultation Report [APP-028].</p>
Deadline 6 Submission [REP6-112]	5.1		<p>I object to the proposal.</p> <p>The Dee estuary and the surrounding marshland are a vitally important site for wildlife We have already lost a great deal of green areas in Britain. The site proposed for development provides habitat and sustenance for huge numbers of birds, mammals, insects and aquatic creatures. I am a member of the RSPB. Amongst the animals that live in or migrate for winter to the proposed area are Otters, Bats, Swans, Spoonbills, Egrets, Herons, Bittern, Peregrine, Marsh and Hen Harriers, owls, huge numbers of wading birds, duck and geese. The area has featured in several programmes on the BBC. Iolo Williams, respected naturalist and presenter described the marsh and estuary as one of the most important sites for nature in Britain. I am concerned that any tampering with the marshland could affect wildlife adversely and this will have a significant detrimental impact on flora and fauna.</p>	<p>With respect to concerns raised about the ecological importance of the Dee Estuary and surrounding marshland, bird sensitivity, the Applicant refers to their responses above (Ref 3.1, 3.2, 3.3, and 3.4).</p> <p>In terms of otter, as described in Chapter 11: Terrestrial and Aquatic Ecology [REP6-019], surveys undertaken have found no evidence of otter holts or resting places within 300m of the Order limits. However it is noted that, given their wide-ranging behaviour and known status in the local area, they may occasionally move through the Order limits to forage in more suitable habitats in the surrounding area. Chapter 11: Terrestrial and Aquatic Ecology [REP6-019] concludes there would be no likely significant effects on otter populations in relation to disturbance, incidental mortality or habitats loss and fragmentation. In the context of the River Dee and Bala Lake SAC otter population the RIHRA (EN010166/APP/6.12) concludes there would be no adverse effect on integrity in this regard. The presence of Ecological Clerks of Works (ECoWs) to monitor activities during construction is secured through the Framework CEMP (EN010166/APP/6.5) and made enforceable through Requirement 4 of the Draft DCO (EN010166/APP/3.1).</p> <p>Chapter 11: Terrestrial and Aquatic Ecology [REP6-019] concludes no likely significant effects on foraging or commuting bats due to the industrial nature of the existing power station and existing artificial lighting. No bat roosts will be impacted as all suitable trees are being retained within a 30 m buffer zone, which is secured through the Framework CEMP (EN010166/APP/6.5)</p>

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				<p>and made enforceable through Requirement 4 of the Draft DCO (EN010166/APP/3.1).</p> <p>An embedded design measure is included in the Proposed Development, which upgrades existing eel screens on the existing cooling water infrastructure within the River Dee from 3 mm to 2 mm to protect eels and juvenile fish, which is secured through the Framework CEMP (EN010166/APP/6.5) and made enforceable through Requirement 4 of the Draft DCO (EN010166/APP/3.1).</p>
<p>Deadline 6 Submission [REP6-109]</p>	<p>6.1</p>		<p>Unwanted, not needed, habitat destroying monstrosity a blight on the area</p>	<p>The Planning Statement [APP-262] details how carbon capture projects like the Proposed Development are essential for the UK's energy transition, providing low-carbon flexible capacity to maintain a secure and stable electricity supply when renewable sources cannot meet demand. The Proposed Development aligns with UK Government and Climate Change Committee recommendations for a range of decarbonised generation technologies.</p> <p>The Proposed Development has been subject to a RIHRA (EN010166/APP/6.12), which concludes either no likely significant effect or AEoI on Habitats sites.</p> <p>Chapter 11: Terrestrial and Aquatic Ecology [REP6-019] reports a moderate adverse (significant) effect of Open Mosaic Habitat and Terrestrial Invertebrate habitat loss in the short term. No other effects on habitats, including those reported in Chapter 12: Marine Ecology [REP4-021], are considered significant after consideration of secured mitigation.</p> <p>Chapter 15: Landscape and Visual Amenity [REP5-013] concludes that the design incorporates all feasible mitigation measures to reduce visual impact on the surrounding area. Mitigation measures required to achieve such results are embedded in management documents that are made enforceable through the Draft DCO (EN010166/APP/3.1).</p>

5. Local Authorities

5.1 REP5-067 Flintshire County Council (FCC)

5.1.1 FCC's Deadline 6 submission and the Applicant's response are set out in **Table 9** below.

Table 9: Response to FCC's Deadline 6 submission

Source Document	Reference	Topic	Source Document Text	Applicant's Response
FCC Comments on the Report on the Implications for European Sites [REP6-094]	1.1		<p>RQ.6 Respond to the applicant's response to ExQ1.22.7 [REP4 081] as to whether following the applicant's updates, it is now content with the projects included in the in-combination assessment. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>FCC still consider that projects on the English side of the Dee Estuary SPA and Ramsar site should be included, alongside any strategic plans such as those within the Local Development Plan (LDP). FCC maintain the position that as a result of the definition of Functional Linked Land (FLL) being outside of the boundary of a designated site but critical to its function, this distance for the in-combination assessment should include the whole of the Dee Estuary, not just 2km from the Proposed Development. Additionally, FCC considers that the Applicant has only provided limited reference to disturbance to FLL in relation to in-combination impacts arising from the Proposed Development and the HyNet CO2 Pipeline Project. As such, FCC considers that the HyNet CO2 Pipeline Project is not fully considered within the Report to inform Habitats Regulation Assessment (RIHRA) [REP5-030].</p> <p>To resolve this matter, FCC request that the Applicant provides an updated assessment which considers the above to provide confidence to FCC that the impacts and any associated mitigation has been adequately considered.</p>	<p>As recorded in the Final Statement of Common Ground between Uniper and Flintshire County Council (EN010166/APP/8.1), an updated revision of Chapter 24: Cumulative and Combined Effects [REP6-021] has been provided at Deadline 6 to consider the additional short listed schemes. In addition, the Applicant has prepared Additional Operational Air Quality Considerations [REP6-091], which provides a summary of information relating to the potential for emissions to air to give rise to cumulative and in-combination effects upon sensitive receptor locations during the operational phase of the Proposed Development.</p> <p>The Applicant also notes FCC's comments regarding the HyNet CO₂ Pipeline Project. The Applicant remains satisfied that the RIHRA (EN010166/APP/6.12) appropriately considers relevant in-combination effects, which includes those associated with the HyNet CO₂ Pipeline Project. As set out in the RIHRA (EN010166/APP/6.12), the Conservation of Habitats and Species Regulations 2017 require consideration of effects alone or in combination with other plans and projects. As an adverse effect on integrity due to loss of FLL was identified for the Proposed Development alone, other plans and projects were considered within the RIHRA (EN010166/APP/6.12) for completeness and context.</p>
	1.2		<p>RQ.8 Confirm if, following the applicant's explanation of its methodology for in combination air quality effects [REP4-081], it is now content with the assessment. If not, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>FCC reiterates the position provided in response to ExQ1 Q22.7 [REP3-060], and still consider that as a result of the definition of Functional Linked Land (FLL) being outside of the boundary of a designated site but critical to its function, this distance for the in combination assessment should include the whole of the Dee Estuary, not just 2km from the proposed development. Air quality in combination also needs to consider strategic plans. Therefore, the methodology for in-combination air quality effects is still insufficient.</p>	
	1.3		<p>RQ.32 Confirm whether your concerns relating to INNS are of relevance to the RIHRA and, if so, confirm whether these been addressed through the applicant's response to NRW [REP1-062]. If not, provide reasoning and</p>	<p>As recorded in the Final Statement of Common Ground between Uniper and Flintshire County Council (EN010166/APP/8.1), Table 1 of the Framework CEMP (EN010166/APP/6.5) requires that the final CEMP(s) are</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>clearly set out specific actions that, in your view, the applicant should take to resolve outstanding concerns on this matter.</p> <p>FCC still have concerns that the potential spread of INNS have not been fully assessed within the Report to inform Habitats Regulation Assessment (RIHRA) [REP5-030]. In the Appendix 11C Botanical Technical Appendix [APP-191], INNS have been stated to have been recorded in the woodland W-22 within the site, although these are not listed or shown location within W-22. Hedgerow H1 is also stated within Table B-2 to have 'Small patch of Japanese knotweed Reynoutria japonica on one side'. The same baseline report states in paragraph 2.1.5.4 'However, some of the Site was assessed with aerial imagery so there is a possibility that invasive species may have been missed.'</p> <p>The Applicant's response to Natural Resources Wales's relevant representation [REP1-062] does not refer to the lack of data to inform the INNS assessment within the RIHRA, and as such, FCC position remains as above.</p> <p>To resolve this outstanding matter, FCC considers that the Applicant should provide clarification with regards to its position in INNS which includes a justification and rationale for its conclusions, acknowledging the absence of data to inform the assessment.</p>	<p>supported by an Invasive Species Management Plan (ISMP). It notes an ISMP survey would be updated prior to construction to determine the current location and extent of plant Invasive Non-Native Species (INNS), and to inform specification of the ISMP. If determined as necessary through this survey and after consideration of other available plant and animal INNS data, an ISMP would be prepared to accompany the final CEMP(s) and would be discussed with relevant stakeholders. With regard to the HRA, the RIHRA (EN010166/APP/6.12) identifies that it is a legal requirement to avoid the spread of invasive species such that a series of control measures to prevent the spread must be delivered. The identification of control measures and the commitment to an ISMP mean that in practice tried and tested methods to prevent the spread of invasive species will be implemented and therefore no likely significant effect will arise.</p> <p>Both of the noted INNS records are within the Repurposed CO₂ Connection Corridor where no works are proposed and, as noted above, the only access limitations were within this area. Given the noted limitations and the commitment to undertake an ISMP survey pre-construction, FCC's position that "<i>invasive species may have been missed</i>" is not considered to be justified.</p>
	1.4		<p>RQ.54 Are FCC in a position to provide an in-principal letter of support for securing the relevant nitrogen deposition mitigation through a section 106 agreement? If not, please explain what further information FCC require?</p> <p>FCC reiterates the position provided in response to ExQ1 Q6.26 [REP3-060] and still consider that we have had no formal agreement with the applicant. The project and costs submitted have not been agreed to mitigate for ammonia deposition within the same habitat management interventions. We are therefore unable to provide an in principal letter of support at this time.</p>	<p>The Applicant and FCC have continued to discuss this matter, including a specific meeting on 2 June 2026. During this meeting the Applicant and FCC discussed the financial contribution for the saltmarsh and the Nitrogen Management Plan. It was agreed during the meeting that the Applicant would provide a skeleton Nitrogen Management Plan to FCC for consideration, which was shared by the Applicant on 3 June 2026. The Applicant also shared NRW's comments on the proposed management actions to inform the Nitrogen Management Plan with FCC (which were provided by NRW on 3 June 2026).</p> <p>The Applicant will continue to work with FCC and NRW to resolve FCC's remaining concerns about the Draft Deed of Development Consent Obligations (EN010166/APP/9.25) following the close of the examination and hopes to be able to submit the signed and completed deed to the Secretary of State after the end of the examination. However, to address the possibility that the parties are not able to reach agreement, the Applicant has submitted at Deadline 7 a Deed of Unilateral Undertaking Development Consent Obligations (Unilateral Undertaking) (EN010166/APP/9.42) that has</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
				<p>been entered into by the Applicant pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972. The Unilateral Undertaking is binding on the Applicant and, together with the proposed amendments to the Draft DCO (EN010166/APP/3.1) set out in the Applicant's Deadline 7 Cover Letter (EN010166/APP/9.39), secures the required mitigation for the air quality impacts of the Proposed Development on the Deeside and Buckley Newt Sites SAC and the saltmarsh within the Dee Estuary SAC, Special Protection Area and Ramsar site. The Unilateral Undertaking will cease to have effect upon the Draft Deed of Development Consent Obligations (EN010166/APP/9.25) being entered into (if that occurs) to ensure no duplication of the obligations within these documents. The Unilateral Undertaking includes obligations on the Applicant that reflect those included in the Draft Deed of Development Consent Obligations (EN010166/APP/9.25), including payment of a SAC Management Contribution, submission of a Nitrogen Management Plan to FCC for approval and payment of a Saltmarsh Management Contribution.</p>
<p>FCC Responses to the ExA's second written questions (ExQ2) [REP6-095]</p>	<p>2.1</p>	<p>Noise and Vibration</p>	<p>Question Reference: Q7.1</p> <p>Examining Authority Question: Mitigation of traffic noise on local residents ([REP4-046] Ref:6.6.3.3.7)</p> <p>The Framework Construction Traffic Management Plan (FCTMP) alludes to monitoring of noise at selected locations and potential mitigations measures should this prove an issue during the construction period.</p> <ol style="list-style-type: none"> a. Noting these locations will be in agreement with FCC, where are the potential locations for noise monitoring in relation to the local community? b. What will be the trigger for further mitigation should noise levels prove excessive? <p>FCC Response:</p> <ol style="list-style-type: none"> a. The highest construction traffic noise impact identified in ES Chapter 9 [CR1-028] is to the residential properties on Kelsterton Road, between the A548 and the site entrance. It is recommended that locations for monitoring should be in the vicinity of these properties at a distance from the road representative of the most exposed façade of the properties. 4. A lower impact is predicted on Kelsterton Lane. As noted in the Framework Construction Traffic Management Plan (FCTMP) [REP4-046], this should be reassessed with updated traffic flows for the final Construction Traffic Management Plan (CTMP). 	<p>The Applicant provided a response to this point within the Applicant's Response to ExQ2 [REP6-087]. The proposed locations for monitoring construction traffic noise would likely be at locations close to R21, R22 and R23 (as shown on Figure 9.1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120]), which are residential properties on Kelsterton Road. The final locations would be subject to agreement with local residents as noise monitoring equipment would be required to be left in their gardens.</p> <p>An updated traffic noise assessment will confirm if any other locations are required. These assessments are required under the Framework CEMP (EN010166/APP/6.5) and the Framework CTMP (EN010166/APP/6.6) which are secured by Requirements 4 and 5 of the Draft DCO (EN010166/APP/3.1).</p> <p>With regards to further mitigation, the Applicant's Response to ExQ2 [REP6-087] had set out the conditions where additional glazing and / or sound insulation would be offered to residential properties.</p> <p>The Applicant has acknowledged FCC have suggested further mitigation would be required where there is a 3 dB</p>

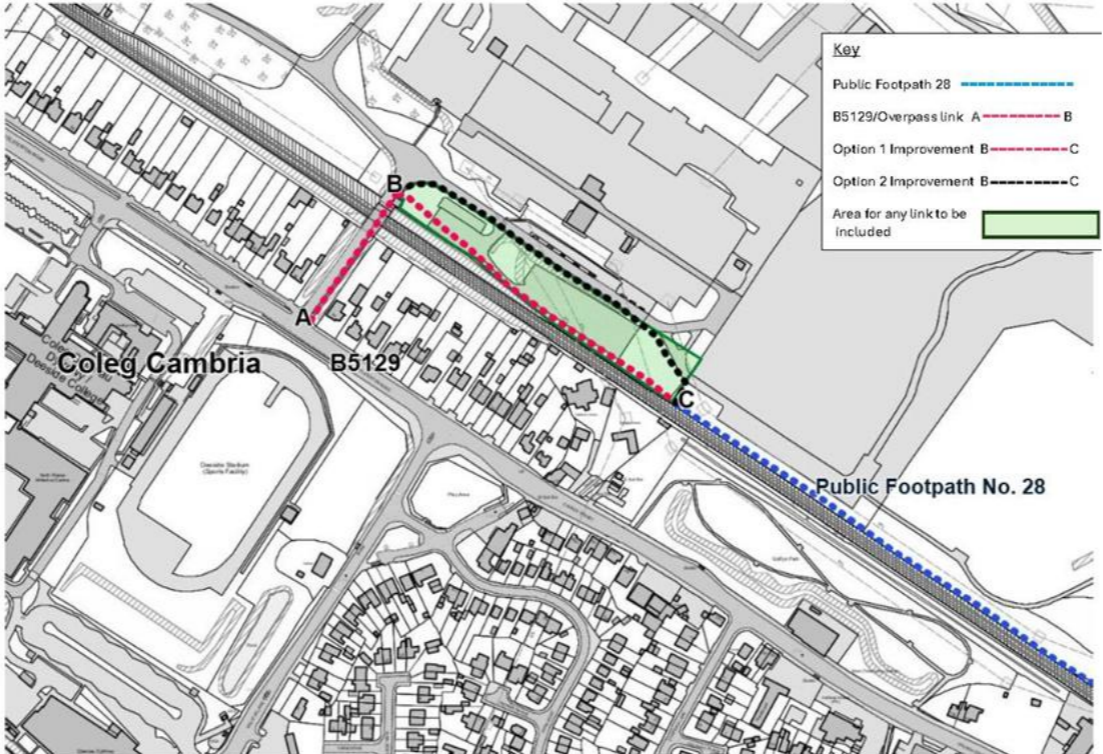
Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>Permanent monitoring may not be required, subject to the outcomes of the assessment as part of the final CTMP, but provision should be made for temporary (or longer) monitoring upon request.</p> <p>5. The Council consider that further mitigation would be required in either of the following events:</p> <p>6. that construction traffic noise impacts that are calculated or measured to be moderate (3dB greater than the baseline, as defined in ES Appendix 9A Noise and Vibration Methodology [APP-184]), or higher; and/or,</p> <p>7. if local residents have provided comments to the Contractor and/or FCC in respect of the level of construction traffic noise.</p>	<p>increase in traffic noise levels compared to the baseline. However, it is important to also take into account the absolute noise levels and the duration. Therefore, the Applicant has updated the Framework CTMP (EN010166/APP/6.6) to include the following provision:</p> <p>Provision of additional glazing and/or sound insulation would be offered to properties where updated road traffic noise assessments identify, as a result of the Proposed Development:</p> <ul style="list-style-type: none"> • a predicted change in road traffic noise levels compared to baseline levels of greater than 3 dB; • total predicted free-field noise level that is above 63 dB $L_{Aeq,16hr}$; and • sound levels greater than 3 dB above the existing ambient sound levels, that would likely occur for a duration exceeding: <ul style="list-style-type: none"> ○ 10 or more days in any 15 consecutive days; or ○ a total number of days exceeding 40 in any six consecutive months. <p>All complaints related to construction noise including construction traffic will be investigated as stated in the Framework CEMP (EN010166/APP/6.5) and appropriate action will be taken if required.</p> <p>It is considered that the changes made to the Framework CTMP (EN010166/APP/6.6) address the comments raised by FCC, given the complaints process is already established in the Framework CEMP (EN010166/APP/6.5).</p>
	2.2	Noise and Vibration	<p>Question Reference: Q7.3</p> <p>Examining Authority Question: Potential for vibrations at neighbouring properties</p> <p>Further to ExQ1 7.4 the applicant does not appear to have addressed the specific risk that could arise from vibration to neighbouring properties from any percussive piling during the construction works. It is noted in the Framework Construction Environment Management Plan (FCEMP) Table 3: Noise and Vibration that "use of rotary bored rather than driven piling techniques (if required), where possible" could be implemented if issues arise, but how would this be assessed, monitored and the perceptions of local residents be addressed during construction.</p>	<p>The Applicant provided a response to this point within the Applicant's Response to ExQ2 [REP6-087], which directly addresses the matters raised by FCC. For ease of reference, the relevant parts of the Applicant's response are copied below:</p> <p><i>"In order to be a good neighbour, rotary bored piling techniques will be used where possible. However if driven (impact) piling is required, no driven piling shall commence until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to minimise any predicted adverse effects) has been submitted and approved by FCC. Any piling must be undertaken in</i></p>

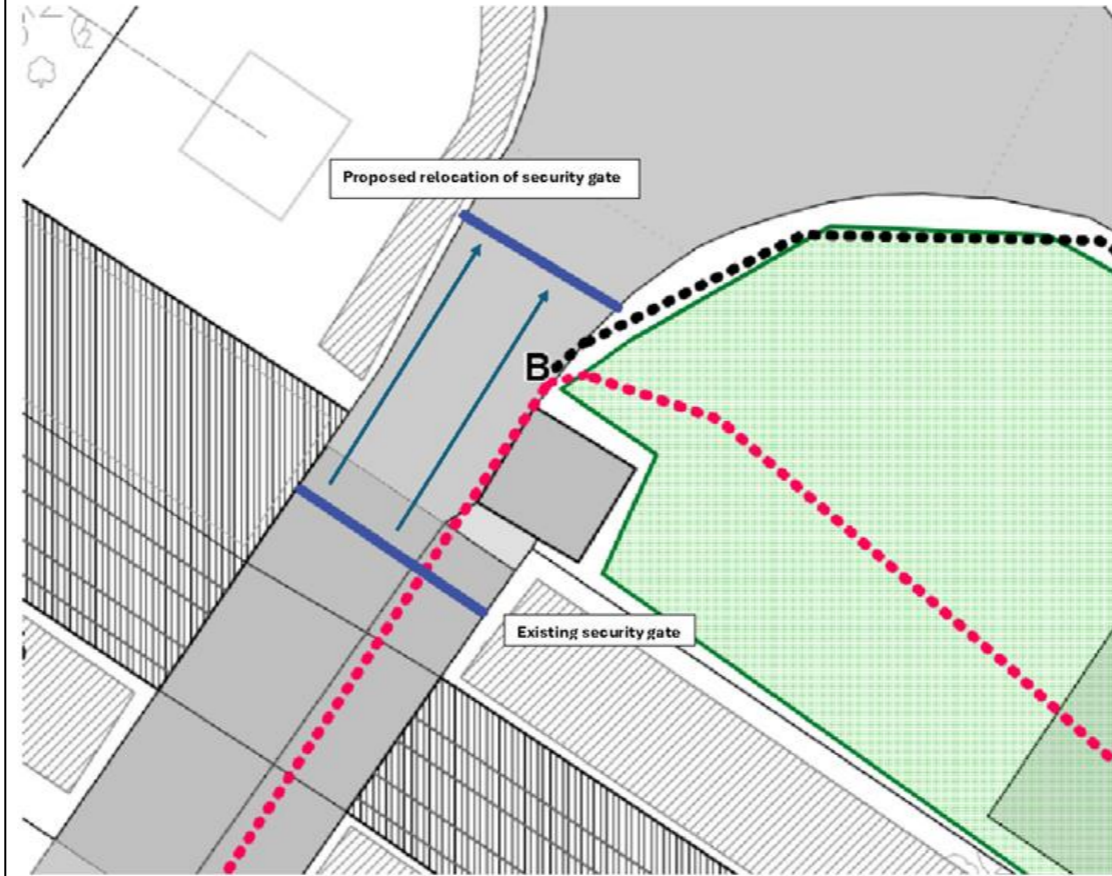
Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>FCC Response: Assessment of the type of piling to be used would need to consider not only noise and vibration impacts but also demonstrate that the piling proposed is best practicable means of delivery. A multidisciplinary assessment and justification for impact piling would be required if noise or vibration impacts arising from this activity would be likely to cause complaint.</p> <p>It is the view of FCC that local residents should be informed in advance of any construction works likely to cause perceptible levels of vibration at their property. Vibration should be monitored continuously throughout the duration of the piling works at a location representative of the closest vibration sensitive receiver. This commitment should be included within the Construction Environmental Management Plan [REP5-025] and secured via Requirement 4 of the DCO.</p>	<p><i>accordance with the terms of the approved piling method statement. This requirement has been added to the Framework CEMP (EN010166/APP/6.5) at Deadline 6.</i></p> <p><i>Communication with the local community is important to notify local residents in advance of any piling works or activities with the potential to generate vibration which is perceptible to their properties and to explain that whilst vibration may be perceptible, the levels will be considerably below the thresholds that could cause damage to buildings. The Framework CEMP (EN010166/APP/6.5) identifies that a Community Liaison Group would be set up prior to construction and would continue until final commissioning of the Proposed Development as a formal forum for local issues to be raised. A Community Liaison Officer would be appointed to lead discussions with local communities, and also act as the primary point of contact should there be any queries or complaints. Table 3 of the Framework CEMP (EN010166/APP/6.5) notes regular communication with the local community throughout the construction period would serve to publicise the works schedule, giving notification to NSRs regarding periods when higher levels of noise may occur during specific operations, and providing lines of communication where complaints can be addressed."</i></p> <p>In summary, the Applicant has committed to using rotary bored piling techniques where possible. Where driven piling is required, a piling method statement must be submitted to and approved by FCC before any driven piling commences. The method statement would set out the type of piling, methodology, and measures to minimise any predicted adverse effects. That commitment has been secured within the Framework CEMP (EN010166/APP/6.5). The Applicant has also set out the communication measures to be delivered through the Community Liaison Group and Community Liaison Officer, which would provide advance notification to noise-sensitive receptors of works with the potential to generate perceptible vibration. The Applicant considers that these measures provide an appropriate and proportionate means of assessing the piling methodology and addressing the perceptions of local residents during construction.</p>
	2.3	Traffic and Transport	<p>Question Reference: Q8.1</p> <p>Examining Authority Question: Increase in traffic movements ([APP-048] Table 10-28)</p>	<p>The Applicant provided a response to this point within the Applicant's Response to ExQ2 [REP6-087], which directly addresses the matters raised by FCC. For ease of reference, the relevant parts of the Applicant's response are copied below:</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>Noting the medium magnitude of impacts at Kelsterton Road during the construction works, the FTCMP refers to monitoring this impact and further mitigation measures if required. Please elaborate on this monitoring regime, the triggers for further mitigation and what these mitigation measures may involve.</p> <p>FCC Response: FCC notes that the Applicant has identified a medium magnitude of impact on Kelsterton Road during the peak construction phase and has committed, through the Framework Construction Traffic Management Plan (CTMP) [REP4-046], to monitoring construction traffic impacts and implementing further mitigation where required.</p> <p>As set out within the Framework CTMP [REP4-046] and supported by Chapter 10 of the Environmental Statement [APP-048] and Appendix 10A: Transport Assessment [APP-188], the Applicant proposes a structured and managed approach to construction traffic, including defined routing, avoidance of sensitive peak periods, and controls on HGV movements. FCC considers the Framework CTMP to be the appropriate mechanism setting the overarching principles, with detailed monitoring and mitigation measures to be secured at the stage-specific CTMP level, pursuant to Requirement 5 of the Draft DCO.</p> <p>In practice, FCC anticipates that the monitoring regime would include, but not to be limited to:</p> <ul style="list-style-type: none"> • Monitoring of construction traffic flows and HGV movements on Kelsterton Road, including compliance with approved routes and delivery schedules; • Review of traffic conditions at known sensitive locations, informed by site gate record, delivery booking systems and liaison with the FCC; and, • Monitoring of local amenity and safety issues, including any emerging concerns raised by residents or highway inspectors after survey. <p>FCC understands that specific triggers for further mitigation would be defined within the detailed CTMP informed by the monitoring results and agreed by FCC. These triggers are expected to relate to matters such as persistent non-compliance with routing or timing restrictions, unanticipated congestions, or evidence of adverse effects on highway safety or residential amenity on Kelsterton Road.</p> <p>Where monitoring demonstrates that impacts are exceeding those anticipated in the assessment, the Framework CTMP [REP4-046] allows for additional mitigation measures to be introduced, which may include:</p> <ul style="list-style-type: none"> • Refinement of delivery timings or further restrictions during sensitive periods; • Adjustment to HGV routing or holding arrangements; • Enhanced on-site management or traffic control at designated locations; and 	<p><i>“Based on a worst-case assessment of peak construction traffic, there are forecast to be a total of 240 two-way HGV movements across a 10-hour working day (08:00-18:00). Kelsterton Road currently provides access to the existing Connah’s Quay Power Station and is the most appropriate form of access during construction, operation and decommissioning of the Proposed Development. Therefore, there would be an unavoidable impact on this route, in its function as serving the Main Development Area.</i></p> <p><i>Notwithstanding this, the specified hours of work are secured within the Framework CTMP (EN010166/APP/6.6), serving to reduce the level of impact experienced during locally sensitive peak hours. The arrival and departure of HGVs is proposed to be monitored to determine if this forecast daily level of construction traffic along Kelsterton Road is being exceeded. Further, more detailed monitoring /mitigation is likely to include the use of a vehicle booking system, or similar, which would serve to manage heavy vehicle deliveries throughout the day, through scheduling of specific time slots for arrivals and ensuring the total vehicles per day is not excessively exceeded. If the monitoring of these movements reveals a likelihood for the forecast hourly arrivals / departures to be regularly exceeded, construction vehicles can be placed on hold within site holding areas in order to regulate vehicle flow, ensuring impacts along Kelsterton Road are limited, prior to HGVs accessing the wider Strategic Road Network on the A548.”</i></p> <p>The Applicant confirms that further details of triggers and mitigation will be included within the detailed CTMP(s) which will be in general accordance with the measures FCC highlight are included in the Framework CTMP (EN010166/APP/6.6).</p> <p>The Applicant welcomes FCC’s position on the provisions of Requirement 5 of the Draft DCO (EN010166/APP/3.1).</p>

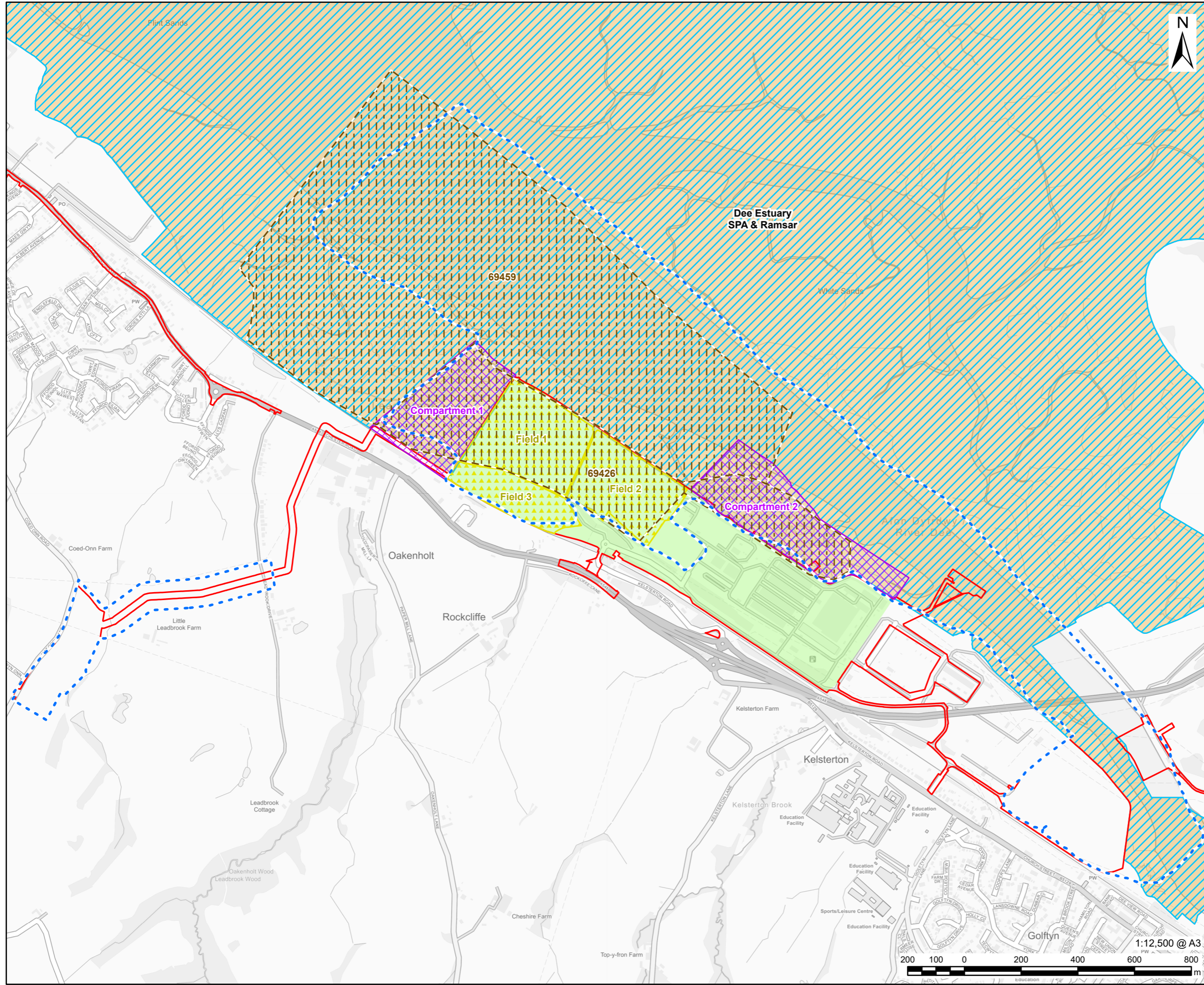
Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<ul style="list-style-type: none"> Strengthening of workforce travel measures within the Construction Worker Travel Plan (CWTP) [APP-248] to further reduce single-occupancy vehicle trips. <p>FCC is satisfied that this escalation-based approach, secured through Requirement 5 and subject to approval by FCC, provides sufficient flexibility to respond proportionately to actual on-site conditions, without necessitating further assessment at this stage.</p>	
	2.4	Socio-economics, Recreation and Tourism	<p>Question Reference: Q17.1</p> <p>Examining Authority Question: Additional support to the local community What can the applicant do to further support the local community with regards to the issues raised at OFH1 including any support to energy needs for the local swimming pools and the improvements to the works at the boundary of their site to reduce risk to students walking to college.</p> <p>FCC Response: Improvements to the works at the boundary See appendix A for comments on the works to the boundary. These were shared with the applicant on 15 May 2026.</p> <p>Energy needs for the local swimming pools Planning and Infrastructure Act 2025: In Part 1, Chapter 2 — Electricity infrastructure of the Planning and Infrastructure Act 2025. Specifically, the key provision is:</p> <ul style="list-style-type: none"> Section 38A — “Power to establish scheme for giving of benefits” inserted into the Electricity Act 1989 by the 2025 Act. <p>The wording states that the Secretary of State may create regulations so to establish a scheme under which persons with a specified connection to qualifying premises are entitled to financial benefits provided (directly or indirectly) by electricity suppliers. Whilst this is focused on electricity transmission infrastructure it indicates a strong policy shift toward the provision of community benefits in electricity generation and section 106 mechanisms can deliver this.</p> <p>Gwella is a community-focused organisation in Flintshire, North Wales, that manages local public leisure and cultural services. It operates leisure centres, public libraries, sports development programs, children's play areas, and heritage sites. In terms of the age of local building stock they manage on behalf of Flintshire County Council (the largest of which Deeside Leisure Centre was opened in 1971), most of the buildings are not built to modern efficiency standards and are thus very expensive to run.</p>	<p>The Planning and Infrastructure Act 2025 introduced a power for the Secretary of State to create a financial benefit scheme for eligible persons living near new network transmission infrastructure. However, this only applies to electricity transmission assets, not electricity generation schemes. The Proposed Development is the latter of these, and therefore is not in scope for those requirements, nor is the Applicant an electricity supplier. It is important to note that, as recognised in the working paper published by the Department for Energy Security and Net Zero entitled, ‘Community benefits and shared ownership for low carbon energy infrastructure’, “community benefits are legally immaterial to planning decisions and cannot be considered when deciding whether to grant planning consent.”^[OBJ]</p> <p>Nevertheless, the Applicant recognises the importance of being a good neighbour and continuing the contribution made to the community by the existing Connah's Quay Power Station. It is with this in mind that the Applicant has made a public commitment to the provision of community benefits within the Community and Local Benefits Statement [REP4-087], which includes the establishment of a community benefit fund (CQLCP Community Benefit Fund), which will be set up should the Proposed Development be granted consent and progress to the construction phase. The Applicant acknowledges the example of Gwella provided by FCC and, subject to finalisation of the design of the scheme, appropriate proposals from Gwella to the scheme would appear to align with the goals of the scheme as previously outlined in the Community and Local Benefits Statement [REP4-087] submitted at Deadline 4.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>The annual energy costs for running the Flint and Deeside area pools, sports halls and libraries are currently £750k with a combined consumption of 6million kWh of gas and electricity per year.</p> <p>FCC is looking for support in mitigating these costs or help in fulfilling ambitions to upgrade or replace the facilities with modern zero carbon facilities to benefit the local community.</p>	
<p>Appendix A -Improvements to the works at the boundary</p>	<p>A.1.1</p>	<p>Public Rights of Way</p>	<p>Improvements to the works at the boundary</p> <p>The applicant has produced the document "Community and Local Benefits Statement (Document Reference: EN010166/9.24)" which commits to: "The exact nature and operation of the benefit fund will be finalised following further engagement with local stakeholders and will be formalised through a Community Fund Agreement. At this stage, the Applicant anticipates that the scope of the benefit fund could include the following, but this would be guided by local stakeholders:</p> <ul style="list-style-type: none"> • STEM engagement and promotion, as well as education initiatives • Promotion of health and wellbeing in the local community; • Enhancements to public rights of way and footpaths; and • Nature enhancement and improved access to the natural environment. <p>Flintshire County Council (FCC) were reassured to see this submission but retained concern on the commitment to deliver the last two bullet points (marked in bold) and is seeking a visible plan or schedule of actions to ensure that this Community Benefit is delivered and can be considered viable. To enhance the public right of way network (Public Footpath in this case) and provide a visible tangible community benefit, FCC have continuously requested a link between Public Footpath No. 28 (PF. 28) and the B5129. This would be a continuation of PF. 28 in a North-Westerly direction then continuing to the B5129 via the existing overpass/roadbridge.</p> <p>A newly-created footpath would continue to run parallel to the adjacent railway line, as PF. 28 does currently. The creation could be mitigated by secure fencing, which Uniper have recently undertaken along PF. 28. The relocation of the security gate near the overpass approximately 15 metres further back into the site would allow for this to be safely created. These are some of the measures that we believe can be taken to mitigate the Applicant's Health and Safety obligations as well as National Grid's.</p> <p>While this is predominantly a Uniper project, National Grid's land is included in the order limits for a reason. We believe the tangible community benefit can still be pursued despite ownership, given that the third-party owner is National Grid (who have genuine interest in this project), should it be granted.</p> <p>It should be noted that the landowner could independently enter into a Creation Agreement with the Local Authority under Section 25 of the Highways Act to formally dedicate the proposed link, outside of the examination process and at</p>	<p>The Applicant acknowledges that FCC are reassured about the Applicant's commitment to include Public Rights of Way schemes in the design of the Community Benefits Fund. The Applicant is also pleased that FCC acknowledge the Applicant's recent work improving the secure fencing on the existing footpath on the Applicant's land.</p> <p>As noted, the scheme described here by FCC is not wholly on the Applicant's land and is, therefore, not wholly in the Applicant's control to deliver. FCC correctly note that National Grid Electricity Transmission plc are an undertaker in the Proposed Development, but this is solely in relation to activity associated with the connection to the national grid, for power export, not in delivery of the Proposed Development as a whole.</p> <p>The Applicant also notes that there is an extant Public Right of Way (again, not on Applicant owned land for the most part) that would also connect the existing pathway maintained by the Applicant and the route to Colleg Cambria along the wide pavements on B5129 Kelsterton Road. The Applicant is not aware of the condition of that right of way, but this does not involve relocation of gatehouses, security gates and security fences.</p> <p>In any case, either configuration (utilising the extant PRow or a new extension) could be brought forward as a proposal for funding under the scheme when the scheme is in operation.</p>

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>any given time. The creation of any potential link would need to be created under this legislation ultimately and the applicant/landowner (Uniper/National Grid) could initiate that process with Flintshire County Council at the earliest convenience.</p> <p>Public Footpath No. 28 currently has no termination point and people are inadvertently (and also purposely) entering onto the marshland/estuary and walking on the applicants/landowners land and getting as far as the Nature Study Centre, which is a significant way around the back of the site. The proposed footpath improvement link would allow people to use the footpath to a successful termination point at the B5129, while reducing the possibility of people making their way onto the estuary land. This is believed to deliver a net benefit.</p> <p>Below is a plan of the proposed link possibilities as well as the suggested the improvement that would be required in relocating the security gate at the overpass.</p> <p>Proposed footpath improvement link to the Community</p> 	

Source Document	Reference	Topic	Source Document Text	Applicant's Response
			<p>Overpass/Security Gate relocation</p>  <p>Proposed relocation of security gate</p> <p>Existing security gate</p> <p>B</p>	

Appendix 1 Figure 1 Bird Survey Areas



PROJECT
Connah's Quay Low Carbon Power

CONSULTANT
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 Birmingham, B4 6AT
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- LEGEND**
- Order limits
 - Main Development Area
 - Special Protection Area (SPA)
 - Ramsar
 - Indicative Connah's Quay Nature Reserve Compartments 1 and 2 (Deeside Naturalist Society Data)
 - Wetland Bird Survey Area and Coverage of Applicant's Survey Data
 - Wetland Birds Core (High Tide) Count Sector
 - Functionally Linked Land for Curlew in the Main Development Area of the Order limits

NOTES

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ISSUE PURPOSE
 For Info

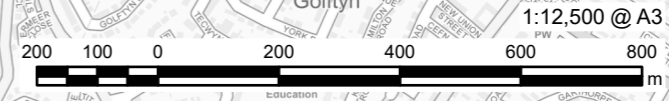
DATE
 June 2026

PROJECT NUMBER
 60768754

FIGURE TITLE
 Bird Survey Areas

FIGURE NUMBER
 Figure 1

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Abbreviations

Abbreviation	Term
CCGT	Combined Cycle Gas Turbine
CCP	Carbon Capture Plant
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CESL	Climate Emergency Science Law
CIEEM	Chartered Institute of Ecology and Environmental Management
CO ₂	Carbon Dioxide
CQLCP	Connah's Quay Low Carbon Power Project
DCO	Development Consent Order
DECCA	Diversity, Extent, Condition, Connectivity, and Adaptability
DESNZ	Department for Energy Security and Net Zero
DNS	Deeside Naturalists Society
DPA	Dispatchable Power Agreement
ES	Environmental Statement
ExA	Examining Authority
FCC	Flintshire County Council
FLL	Functionally Linked Land
GHG	Greenhouse Gas
GWP	Global Warming Potential
HMB	Heat and Material Balance
HRA	Habitats Regulations Assessment
IEA	International Energy Agency
INNS	Invasive Non-Native Species
IP	Interested Party
IPs	Interested Parties
ISEP	Institute of Sustainability and Environmental Professionals
LNG	Liquefied Natural Gas
MH ₄	Methane
NCV	Net Calorific Value
NRW	Natural Resources Wales
PA 2008	Planning Act 2008
REP	Examination Library reference prefix related to all deadline submissions
RIHRA	Report to Inform Habitats Regulations Assessment
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SoCG	Statement of Common Ground

Abbreviation	Term
SoS	Secretary of State
SPA	Special Protection Area

