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

Interested Party Ref: [redacted]

FCC Response – Secretary of State Request for further information
Submitted at: Thursday 29 October 2026

Proposal:	Application by Uniper UK Limited for a Development Consent Order
Prepared by:	[redacted], Senior Planning Officer, Flintshire County Council
Date:	29 October 2026

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

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

The Interested Party Flintshire County Council's (FCC) written response to Secretary of State written questions and requests for information: Issued on 8 October 2026

Dated: 29 October 2026

The following table sets out the Interested Party Flintshire County Council's (FCC) written response to the questions and requests for information from Secretary of State (SoS) received on 8 October 2026.

The Council's comments are entered in the right-hand column.

	Question to:	Question:	FCC's response
	Habitual Regulations Assessment ***Impacts on Atlantic salt meadow***		
11	NRW FCC	The Secretary of State invites NRW and Flintshire County Council ("FCC") to provide any final comments on the latest outline Saltmarsh Implementation and Monitoring Plan ("oSIMP") [REP7-023] including on the potential for the proposed	FCC consider there to be practical uncertainties with the measures proposed. We are prepared to work with the Applicant and NRW in the Saltmarsh Steering Group but would favor a contingency plan should the location for saltmarsh creation scheme not prove suitable to all members of the Steering Group.

	Question to:	Question:	FCC's response
		measures to compensate for the impacts of habitat loss on Atlantic salt meadow and any suggested amendments.	
16	NRW FCC	The Secretary of State requests NRW and FCC to provide their final positions on the Saltmarsh Management Contribution and Nitrogen Management Plan including on the potential for the proposed measures to compensate for the impacts of increased nitrogen deposition on Atlantic salt meadow, the suitability of proposed monitoring arrangements and any recommended amendments.	FCC have concerns that measures identified to date in the outline Nitrogen Management Plan are vague and not results driven. There are overarching concerns that the extent of compensation which will be delivered over the lifetime of the development is insufficient. The compensation proposed to be implemented is entirely dependent on a financial calculation which may not be appropriate. The use of a financial sum derived from the Countryside Stewardship Scheme does not take into account that this site is not suitable for agricultural grazing (a relatively inexpensive option). The site will instead require more complicated machine-based management, with difficult to source equipment. Alternatively, FCC considers that the compensation should be based on the effectiveness of management interventions, and that the cost should be excluded from the decision-making process. As a result, FCC are reluctant to be responsible for the management work. However, FCC are willing to support the principle of the use of FCC land subject to commercial agreement of a lease or license with the Applicant.

	Question to:	Question:	FCC's response
17	Applicant FCC	Without prejudice to her final decision, the Secretary of State requests that the Applicant provides a Deed of Development Consent Obligations signed by all relevant parties to effectively secure its proposed compensation measures for the impacts of increased nitrogen deposition on Atlantic salt meadow. If a signed Deed is not yet available, the Secretary of State requests that the Applicant submits a draft Deed of Development Consent Obligations accompanied by an in-principal letter of support from FCC along with an update as to the status of negotiations to date and detailed proposals for completion of the Deed. The Applicant should provide a draft Nitrogen Management Plan to support these Deeds. Should neither option be considered possible the Applicant and FCC are requested to explain why not.	FCC are not currently in a position to sign an in-principle letter of support without receiving more detailed information on the Nitrogen Management Plan and what the proposed compensation consists of. We would be prepared to provide a letter of support on the principle of using FCC land for the purpose of practical actions identified in the Nitrogen Management Plan, but without further details on funding and management arrangements, it can go no further. The Applicant shared an amended worded DCO draft on the 26 October 2026 which facilitated liability with FCC until an alternative scheme is secured. This wording of the DCO is still not acceptable to FCC and we retain concerns regarding liability. At this point in negotiations FCC does not wish to incur liability at any point and believe this should rest squarely with the Applicant. Whilst FCC has identified concerns, the Authority is however willing to cooperate with the Applicant to find an acceptable solution.

	Question to:	Question:	FCC's response
	Impacts to functionally Linked Land		
25	FCC NE NRW	The Secretary of State requests that NRW, NE and FCC provide their final views on the proposed compensation measures at Gronant Fields, including on the potential for the proposed measure to compensate for impacts to curlew from the loss of FLL, whether the proposals conflict with other conservation objectives at the site and whether NRW it is satisfied with the updated definition of 'in perpetuity' in the updated oCIMP [REP7-021].	FCC is working with the applicants on the management of compensatory measures at Gronant Fields as part of the Curlew Steering Group. It remains the view of FCC that Gronant Fields should be exclusively used for the loss of FFL and is not a suitable location for the provision of off-site net biodiversity benefit. Any habitat works on site must be in the best interests of Curlew and be designed to improve the resilience of the species. Whilst we have no objections to some limited screen planting, we believe this should be done to improve conditions for Curlew and not in essence double counted as Green Infrastructure Compensation. FCC is prepared to provide on-going support and opinion on management prescriptions for the site as part of the Curlew Steering Group. It is essential to avoid conflict with existing protected or priority species and peat soils, both of which are found on site. The final details of the scheme are not yet available and will likely be subject to change following more detailed survey and site constraints. Whilst FCC recognise that further discussion has taken place with NRW, FCC believe that a suitable trigger based on use of the restored FLL should be installed e.g. feeding numbers of Curlew at 90% of previous counted numbers. There is no certainty that the soil structure will return post decommissioning, in such an event, the continued management of the Gronant Compensation area will be essential for features of the Special Site.
	Net Benefit for Biodiversity ("NBB")		

	Question to:	Question:	FCC's response
38	Applicant FCC NRW	The Applicant, FCC and NRW are requested to provide their final positions on the NBB provision including on any potential conflicts with the 'without prejudice' compensation proposals at Gronant Fields and other habitat creation/biodiversity requirements.	FCC consider that net losses still exist such as native hedgerow, and that there is uncertainty around the level of net benefits achieved regarding the grassland. Further to this, FCC have concerns over the location of the offsite NBB location being located at Gronant Fields, well away from the location of its loss and outside the county boundary. For woodland and canopy cover this is contrary to local policy where losses need to be compensated within the vicinity of the loss. Gronant Fields is already a protected habitat, therefore ecological enhancements must support the interest features of the site. Of particular concern is tree planting, as this undermines the conservation objectives of the site. FCC does not agree that the current proposals demonstrate that impacts can be appropriately mitigated or compensated in practice, particularly where measures rely on off-site delivery to address losses arising within the Order Limits. FCC have repeatedly questioned the reliability of baseline habitat data and questioned the classification of some habitat losses as temporary. In particular, FCC does not agree that loss of OMH (a Section 7 Habitat), described as 'temporary' and includes a nine-year period plus re-establishment time, is a short-term impact. FCC consider that such loss may result in long-term/permanent ecological impacts that have not been fully addressed. FCC is unable to agree that the residual effects are sufficiently justified or that the mitigation hierarchy (stepwise approach) has been properly adhered to, in part due to uncertainties in the baseline assessments and lack of information provided. As such, FCC does not agree that the findings of the NBB assessment are currently demonstrated to be appropriate.

	Question to:	Question:	FCC's response
			FCC is keen to enter further discussion with the Applicant regarding provision of additional mitigation measures (related to locally important habitat losses on site) that could be delivered within Flintshire to allow the scheme to deliver mitigation elements locally via a Section 106 agreement. FCC welcomes this engagement and supports discussion on this matter as appropriate.

Further Matters:

	Question to:	Question:	FCC's response
	Habitual Regulations Assessment ***Impacts on old sessile oak woods with Ilex and Blechnum in the British Isles***		
28 and 29	Applicant	Draft Deed of Development Consent Obligations to be accompanied by an in-principal letter of support from FCC	Whilst FCC has not been directly requested to comment on these questions, we wish to offer the following response: FCC agree to the proposed works to the Old Sessile Oak Woodland located at Wepre Park which is central to the SAC management Contribution. As yet there are no details of the success criteria, including thresholds

	Question to:	Question:	FCC's response
		Draft DCO schedule and an outline Compensation Implementation and Monitoring Plan	for determining compensation success and the trigger thresholds for adaptive management measures, nor details of any annual reporting process. These will need to be agreed with NRW and will form part of the final DCO. FCC do not foresee any issues with the applicant providing this information at a later date. FCC would be willing to sign a draft DCO to this effect.

Any queries regarding should be directed to:

[redacted]
Senior Planning Officer
North Wales Minerals and Waste Planning Service
Place and Growth Portfolio
Flintshire County Council
Email: mineralsandwaste@NorthWalesPlanning.wales