To:
The Secretary of State for Energy Security and Net Zero

by email to ConnahsQuay@planninginspectorate.gov.uk

Application by Uniper UK Limited for an Order granting Development Consent for the Connah's Quay Low Carbon Power Project (EN010166)

Representation by Climate Emergency Science Law (CESL) further to the Secretary of State's Request for Information (RFI) dated 8 October 2026

[redacted]
CESL CONSULTANCY
CLIMATE EMERGENCY SCIENCE LAW

[redacted]@fastmail.co.uk

29 October 2026

Dear Secretary of State,

A Introduction and purpose

1 CESL was an Interested Party throughout the Examination and made written submissions at Deadline 1 [1], Deadline 3 [2], Deadline 4 [3], Deadline 5 [4], Deadline 6 [5] and Deadline 7 [6] (full examination references in the Notes at end).

2 CESL's case concerned the adequacy of the Applicant's assessment of greenhouse gas emissions (GHGs), including upstream (Scope 3) GHGs, in ES Chapter 20 [APP-058, ES Volume II, Chapter 20 Climate Change, Rev 00], and as defended in the Applicant's examination submissions.

3 This representation is made because the RFI:

(a) requests further and updated material concerning the Habitats Regulations Assessment, including proposed mitigation and compensation measures and the arrangements for securing and implementing them, some of which develops proposals already before the Examining Authority. These requests are made without prejudice to the Secretary of State's final decision and include:

a. for the Dee Estuary SAC, a signed Deed of Development Consent Obligations or, if unavailable, a draft Deed supported by a letter of in-principle support from Flintshire County Council and details of how it would be completed; together with a draft Nitrogen Management Plan, a draft DCO schedule and an outline Compensation Implementation and Monitoring Plan addressing increased nitrogen deposition on Atlantic salt meadow (RFI paras 17–18); and

b. for the Deeside and Buckley Newt Sites SAC, an updated without-prejudice derogation case addressing alternatives, Imperative Reasons of Overriding Public Interest and compensatory measures for increased nitrogen deposition on old sessile oak woods; together with a signed Deed of Development Consent Obligations or a draft Deed with supporting documentation, a draft Nitrogen Management Plan, a draft DCO schedule and an outline Compensation Implementation and Monitoring Plan (RFI paras 27–29); and

(b) at paragraph 33 asks NRW for its views on the Applicant's approach to atmospheric pollution, 'including greenhouse gases', following Change Request 4.

4 CESL has a direct interest in the matters at (a) and (b) above. This brief representation:

(i) asks that Interested Parties be given a reasonable opportunity to comment on material HRA and EIA responses to the RFI, including any updated derogation case and associated mitigation or compensation proposals;

(ii) notes two matters on the Habitats Regulations on which CESL reserves its position; and

(iii) records the state of CESL's greenhouse gas case at the close of the Examination.

B Request for IP consultation on the responses and on any derogation case

5 Paragraph 36 asks the Applicant to consider the implications for its EIA of the scenario in which the Saltmarsh Creation Area, Gronant Fields measures, Saltmarsh Management Contribution and the Deeside and Buckley Newts SAC contribution 'are taken forward as compensation not mitigation'.

6 The Applicant's Notice of a proposed without prejudice HRA derogation in Wales (document 9.2) was revised during the Examination. Revision 02, submitted at Deadline 6, identified the pathways 'for which derogations are sought' as 'direct loss of/damage to qualifying habitat, or loss of functionally linked land' [REP6-082, Notice of a proposed without prejudice HRA derogation in Wales, Rev 02, para 3.3.1]. Revision 03, submitted at Deadline 7, identifies them as 'direct loss of/damage to qualifying habitat, atmospheric pollution or loss of functionally linked land' [REP7-032, Notice of a proposed without prejudice HRA derogation in Wales, Rev 03, para 3.3.1], and includes consideration of alternatives, imperative reasons of overriding public interest and compensatory measures in respect of nitrogen deposition on Atlantic salt meadow [REP7-032, Table 4-4, paras 5.1.17–5.1.20 and 6.1.6–6.1.8]. Deadline 7 was the final deadline of the Examination. Neither revision refers to the Deeside and Buckley Newt Sites SAC by name.

7 The Deadline 7 revision sets out the Applicant's imperative reasons of overriding public interest [REP7-032, paras 5.1.1–5.1.8]. CESL submits that its evidence on the Proposed Development's greenhouse gas emissions (see below) is relevant to the weight to be given to the claimed low-carbon and climate-related public benefits relied upon in the IROPI case. CESL therefore asks to be given an opportunity to comment on that case and on any further or updated derogation case before it is relied upon in the Secretary of State's determination.

8 CESL respectfully requests that the Secretary of State publish the responses to the RFI and afford Interested Parties, including CESL, a reasonable opportunity to comment on any materially new environmental information, updated HRA or EIA assessment, derogation case, and associated mitigation or compensation proposals before relying upon that material in determining the application. CESL draws attention to paragraph 2.25 of *Planning Act 2008: Guidance on the decision-making stage of an application* (3 July 2026), which states: 'If, following a request for information, the Secretary of State is in receipt of additional environmental information, then according to the EIA Regulations the Secretary of State must consult interested parties on the additional environmental information.'

C Habitats Regulations: two matters on which CESL reserves its position

C.1 Mitigation versus compensation for nitrogen deposition

9 CESL understands the Applicant's position to be that the Saltmarsh Management Contribution to Flintshire County Council, to be applied under a Nitrogen Management Plan approved after consent, is mitigation [REP7-037, Applicant's Response to Deadline 6 Submissions (doc 9.40), Table 1, ref A.1.15, pp.14–16]. The Applicant states that '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' [REP7-032, para 6.1.8]. NRW's Deadline 7 position is that the management measures are 'currently undefined', that measures relied on as mitigation 'must be sufficiently certain and effective such that adverse impacts on site integrity can be excluded beyond reasonable scientific doubt', and that 'Our previous submissions remain our position on this matter' [REP7-042, NRW Written Submission for Deadline 7, Annex A, RQ.51, pp.13–14]. Natural England's Deadline 7 position is that 'detail is lacking regarding how these funds will be used' and that it does 'not consider there to be sufficient certainty in the effectiveness of these measures to be able to definitively conclude that all adverse effects have been suitably addressed' [REP7-041, Natural England Deadline 7 response, Annex 1, p.2]. CESL reserves its position on the characterisation of these measures and asks to be consulted on the Deed and Nitrogen Management Plan requested at paragraph 17 of the RFI.

C.2 The in-combination assessment

10 The Saltmarsh Management Contribution of £135,315 was calculated from 'the total area affected by the Proposed Development in combination with other projects and plans', modelled at 445 ha [REP7-032, para 6.1.7]. NRW reports that the air quality assessment submitted with the Knauf Rock Mineral Wool application, 'which claims to include all sources', predicts an in-combination area of 1,167 ha, and notes that NRW has 'not yet undertaken a detailed review' of that assessment [REP7-042, Annex A, RQ.3, pp.3–4]. NRW states that it has 'no evidence to support or disagree with the Applicant's justification for defining the area and extent of saltmarsh to be subject to appropriate management measures, nor the level of funding proposed' [REP7-042, Annex A, RQ.55, p.15]. The RFI at paragraph 8 requires an updated in-combination assessment including the Knauf and Arrow Bio facilities. CESL asks to be consulted on the updated assessment and its implications for the extent and effectiveness of the proposed saltmarsh management measures, including whether the proposed management area and financial contribution remain adequate.

D Greenhouse gases: the state of the record and CESL's reserved position

D.1 Paragraph 33 of the RFI

11 Paragraph 33 asks NRW for its views on the Applicant's final approach "to determining both HRA and Environmental Impact Assessment impacts from atmospheric pollution, including greenhouse gases, following Change Request 4" to reduce stack heights. CESL's case at the Examination concerned the assessment of greenhouse gases in [APP-058]. CESL asks to be afforded the opportunity to respond to NRW's answer to paragraph 33 and to any materially related further information provided by the Applicant, insofar as that information bears on the assessment of greenhouse gas emissions.

12 CESL's case at the Examination was, in summary, that the Proposed Development's actual lifecycle greenhouse gas emissions could be materially greater than those assessed in the EIA, because material uncertainties concerning upstream gas supply-chain emissions and the assumptions underpinning the GHG assessment have not been adequately described or

assessed [REP6-103, section B.3; REP7-043, section B]. CESL maintains those objections and the wider case made in its examination submissions.

D.2 CESL's case as it stood at the close of the Examination

13 CESL's case was developed across the Examination as follows:

(a) Deadline 1 [REP1-077 to REP1-087]: written representation identifying deficiencies in ES Chapter 20 [APP-058];

(b) Deadline 3 [REP3-067 to REP3-085]: comments on the Applicant's Deadline 1 response and responses to ExQ1;

(c) Deadline 4 [REP4-092]: Legal Submissions on behalf of CESL by David Wolfe KC and Alex Shattock.

(d) Deadline 5 [REP5-072 to REP5-087]: CESL's indicative and illustrative full-lifecycle GHG sensitivity model, quantifying upstream emissions and distinguishing between UK territorial and ex-UK emissions.

- DESNZ's response to CESL's environmental information request [REP5-087, DESNZ EIR response, ref EIR2026/02883] was submitted because it disclosed structural limitations of the Natural Gas WTT conversion factor: upstream and midstream emission intensities derived from Exergia (2015); supply-share weightings based on 2021 DUKES data; the use of the Exergia Qatar LNG pathway for all LNG imports, including imports from the United States; and the cessation of annual updates to the WTT factors following the 2023 publication.

(e) Deadline 6 [REP6-103 to REP6-107]: CESL's response to ExQ2 and to the Applicant's Deadline 5 submissions.

(f) Deadline 7 [REP7-043]: CESL's closing submission.

(g) CESL's Deadline 6 submissions were its final detailed substantive submissions. CESL subsequently lodged a closing submission at Deadline 7 [REP7-043], consolidating its case and addressing matters arising from earlier Applicant responses. The Applicant's response to CESL's Deadline 6 submissions was lodged at that same final deadline [REP7-037, Applicant's Response to Deadline 6 Submissions (doc 9.40), section 2.5 and Table 5, pp.38–43]. CESL therefore had no opportunity within the Examination to respond to the Applicant's rebuttal in Table 5, and the absence of a further CESL response should not be taken as acceptance of the Applicant's arguments.

14 CESL provides no further evidence in this letter but places on record that:

(a) CESL seeks an opportunity, before the Secretary of State's determination, to respond to the Applicant's rebuttal in Table 5 of [REP7-037], and asks that such an opportunity be provided as part of any further consultation on materially relevant environmental information;

(b) CESL submits that its case is relevant to:

- the weight to be given to the claimed low-carbon and climate-related benefits of the Proposed Development within any IROPI assessment; and

- the Secretary of State's evaluation of the GHG assessment issues identified by CESL and the reasons given for her conclusions on those issues.

15 CESL's position, as set out in its submissions at Deadlines 1 to 6, and its closing submission at Deadline 7, is maintained in full and is not affected by anything in the RFI.

16 A separately signed notification from the Carbon Reckoning Legal Project (CRLP), adopting and supporting CESL's submissions, is annexed to this letter.

Yours faithfully,



Climate Emergency Science Law

Notes appended below

Notes

[1] Deadline 1 (27 January 2026): [REP1-077, CESL Deadline 1 Written Representation, Part A (Climate Change) – CQLCP-D1-PART-A-CESL-FINAL]; [REP1-078, CESL Deadline 1 Written Representation, Part B – CQLCP-D1-PART-B-CESL-FINAL]; [REP1-079 to REP1-087, CESL Deadline 1 Appendices, including REP1-086 Howarth (2024) and REP1-087 its supplementary materials].

[2] Deadline 3 (10 March 2026): [REP3-085, CESL Deadline 3 Part A: Comments on Deadline 1 submissions – CQLCP-D3-PART-A-CESL-FINAL]; [REP3-067, CESL Deadline 3 Part B: Responses to ExQ1 – CQLCP-D3-PART-B-CESL-FINAL]; [REP3-068 to REP3-083, CESL Deadline 3 Appendices]; [REP3-084, CESL Deadline 3 Summary].

[3] Deadline 4 (31 March 2026): [REP4-092, Legal Submissions on behalf of CESL Consultancy, David Wolfe KC and Alex Shattock, 27 March 2026].

[4] Deadline 5 (21 April 2026): [REP5-072, CESL Deadline 5 Part A]; [REP5-073 to REP5-087, CESL Deadline 5 Appendices, including REP5-086 Exergia (2015) and REP5-087 DESNZ response to CESL's EIR request EIR2026/02883].

[5] Deadline 6 (29 May 2026): [REP6-103, CESL Deadline 6: Response to ExQ2 (Climate Change) – CQLCP-D6-CESL-FINAL]; [REP6-104, Appendix: Carbon Budget and Growth Delivery Plan]; [REP6-105, Appendix: Seventh Carbon Budget]; [REP6-106, Appendix C: EERA, Well-to-Tank Carbon Intensity of European LNG Imports]; [REP6-107, CESL Deadline 6 Supplementary Response to REP5-066 – CQLCP-D6-SUPP-CESL-FINAL].

[6] Deadline 7 (8 June 2026): [REP7-043, CESL Deadline 7 Closing Statement – CQLCP-D7-CESL-CLOSING-FINAL].

APPENDIX

To:
The Secretary of State for Energy Security and Net Zero

by email to ConnahsQuay@planninginspectorate.gov.uk

Notification of adoption of submissions from Climate Emergency Science Law (CESL) by the Carbon Reckoning Legal Project (CRLP)

CARBON RECKONING
SCIENCE SHOWS THE BREACH.
WE BRING THE LAW TO BEAR.

[redacted]@fastmail.co.uk

29 October 2026

Dear Secretary of State,

I write as founder and director of the Carbon Reckoning Legal Project ("CRLP"), a private company limited by guarantee (company number 17438642), incorporated on 4 September 2026. CRLP is a science-based organisation committed to aligning UK climate policy with the latest science and with the UK's international obligations.

I participated in the examination of the Connah's Quay Low Carbon Power Project (EN010166) through my consultancy, Climate Emergency Science Law ("CESL"), which is also submitting today the accompanying response to your Request for Information of 8 October 2026.

I write to inform you that CRLP supports and adopts, in full, CESL's submissions in relation to this application, as set out below:

(a) all written and oral submissions made to the Examining Authority during the examination;

(b) CESL's response to your Request for Information, submitted today; and

(c) any further representations made by CESL before the Secretary of State's determination.

Yours faithfully,

[redacted]

Director, The Carbon Reckoning Legal Project Limited

[redacted]