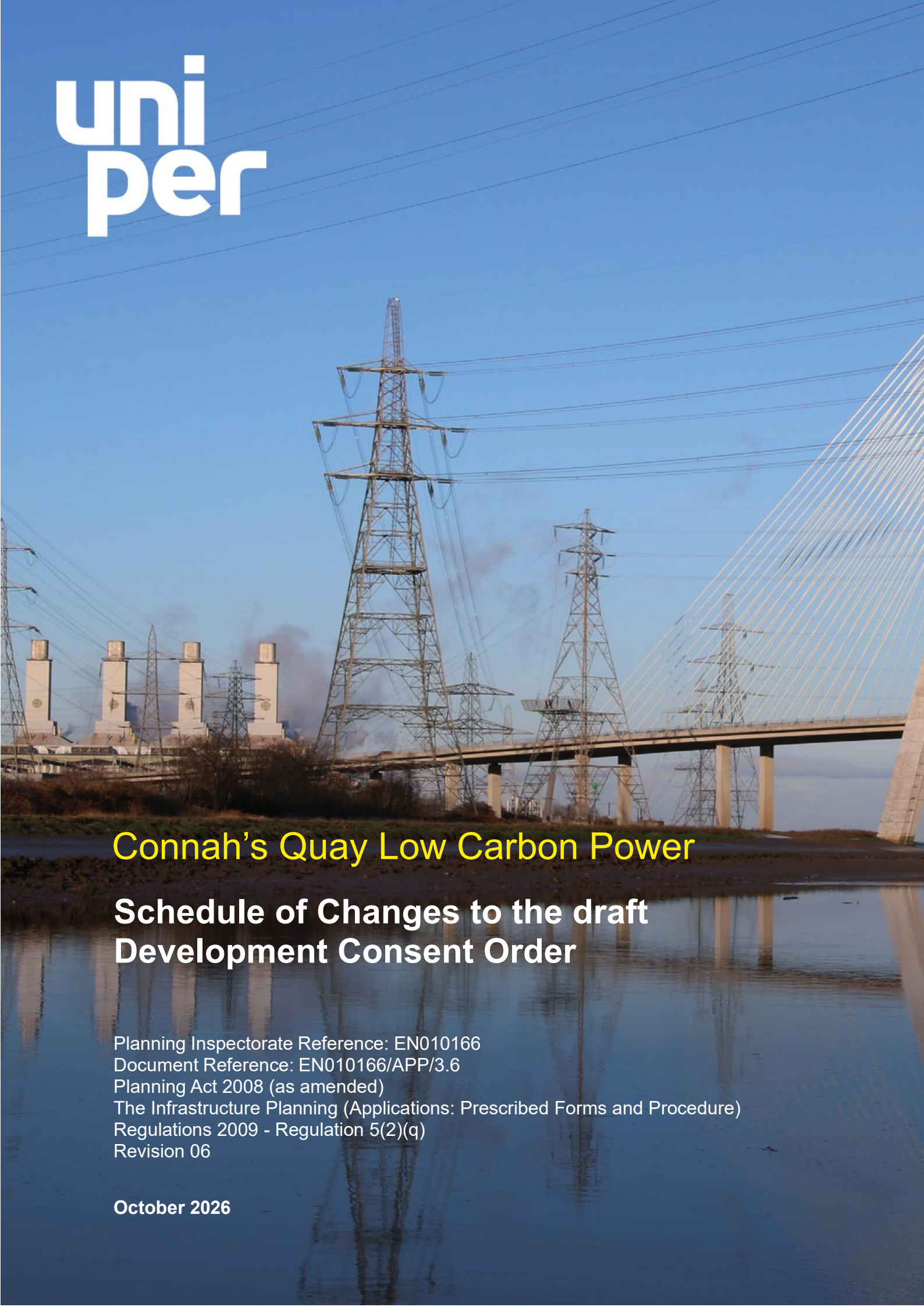


Connah's Quay Low Carbon Power

Schedule of Changes to the draft Development Consent Order

Planning Inspectorate Reference: EN010166
Document Reference: EN010166/APP/3.6
Planning Act 2008 (as amended)
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(q)
Revision 06

October 2026

1. Introduction

1.1 Purpose of this Schedule

1.1.1 The tables below sets out the changes made to the **draft Development Consent Order (DCO) [APP-019]** in the updated versions submitted at examination deadlines up to Deadline 7 and in response to the Secretary of State for Energy Security and Net Zero's first request for information dated 8 October 2026 ("SoS RfI") in respect of the Connah's Quay Low Carbon Power Project. This Schedule is provided by the Applicant to aid the ExA and Secretary of State in understanding the changes made.

Table: 1 (Changes made to the draft DCO for Deadline 1)

Row	Provision	Change	Reasoning
1.	Preliminary	~~2025~~ 2026	Updated to reflect the new year.
2.	Article 2(1) (Interpretation)	After the definition for "relevant planning authority" add "“relevant navigation authority” means the navigation authority for the watercourse to which the provision relates;"	Additional definition required due to amendment within Article 15.
3.	Article 2(1) (Interpretation)	After "preliminary demolition);" add "(j) erection of temporary contractors' facilities; and"	Update to the site-enabling works definition to include the erection of temporary contractors' facilities. This will facilitate early delivery of this work.
4.	Article 7(2) (Benefit of the order)	Paragraph (~~2~~1)	Correction of typographical error.
5.	Article 15(7) (Stopping up of streets, public	without the consent of the street authority~~,~~ or relevant navigation authority (as applicable), and the street authority or	Correction to ensure that the navigation authority consent is provided for when

Row	Provision	Change	Reasoning
	rights of way and rights of navigation)	relevant navigation authority (as applicable) may attach reasonable conditions to any such consent.	powers are exercised to stop-up navigable watercourses.
6.	Schedule 1 (Authorised development) Paragraph 14 (Site wide works)	...(aa) demolition; (bb) management and deposit of waste; and ~~(bb)~~(cc) to the extent that it does not form part of such works, further associated development comprising such other works— ...	Addition of a new limb under 'site wide works' to provide for the ability to manage and deposit waste on site.
6.	Schedule 2, Part 1 (Requirements) Paragraph 4(2) (Construction environmental management plan)	After "outline management plan" add "; and (c) a construction drainage management strategy"	Additional reference to the need for the CEMP to include a construction drainage management strategy in response to Natural Resources Wales's relevant representation.
7.	Schedule 2, Part 1 (Requirements) Paragraph 4(4) (Construction environmental management plan)	Limbs (a), (b), (d), (e), (g), (h), (i), (j) and (~~j~~k) of the site-enabling works must be carried out in general accordance with the framework construction environmental management plan and the lighting strategy.	Update to incorporate the requirement for the additional limb included within the site enabling works definition to comply with the Framework Construction Environmental Management Plan.
8.	Schedule 2, Part 1 (Requirements) Paragraph 7(4) (Construction surface and foul water drainage)	~~Details~~ In respect of each stage of the authorised development, details	Updated text to make the staging of the requirement more clear.

Row	Provision	Change	Reasoning
9.	Schedule 2, Part 1 (Requirements) Paragraph 7(4) (Construction surface and foul water drainage)	~~any part~~ the respective stage	Updated text to make the staging of the requirement more clear.
10.	Schedule 2, Part 1 (Requirements) Paragraph 13(1) (Operational and maintenance environmental management plan)	The undertaker must, prior to operation of any stage of the authorised development, submit to the relevant planning authority for approval the operational and maintenance environment management plan (or plans) for that stage which details the monitoring and management requirements of the authorised development, including post-construction monitoring.	Updated text to make the staging of the requirement more clear.
11.	Schedule 2, Part 1 (Requirements) Paragraph 13(3) (Operational and maintenance environmental management plan)	Operation of each stage of the authorised development must be implemented in accordance with the approved operational and maintenance environment management plan(s)~~.~~ for that stage.	Updated text to make the staging of the requirement more clear.
12.	Schedule 2, Part 1 (Requirements) Paragraph 19(1) (Abnormal indivisible loads)	assessment and method statement have been ~~prepared by the undertaker~~ submitted to and approved by the relevant planning authority.	Updated text to make the approval mechanism by the local planning authority more clear.

Row	Provision	Change	Reasoning
13.	Schedule 2, Part 1 (Requirements) Paragraph 19(2) (Abnormal indivisible loads)	assessment and method statement as approved pursuant to sub-paragraph (1).	Updated to make the approval mechanism by the local planning authority more clear.
14.	Schedule 2, Part 1 (Requirements) Paragraph 19(3) (Abnormal indivisible loads)	risk assessment has been ~~prepared~~ submitted to and approved by the relevant planning authority,	Updated to make the approval mechanism by the local planning authority more clear.
15.	Schedule 2, Part 1 (Requirements) Paragraph 19(4) (Abnormal indivisible loads)	unless otherwise agreed with the relevant planning authority, in consultation with the Dee Conservancy	Updated to make the approval mechanism by the local planning authority more clear.
16.	Schedule 2, Part 1 (Requirements) Paragraph 20 (Stages of authorised development)	After paragraph 19(4) add "**Stages of authorised development** 20—(1) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority. (2) The written scheme submitted under sub-paragraph (1) may be amended by the undertaker. (3) Where any amended written scheme is submitted under sub-paragraph (2), any prior submitted written scheme will be held to be superseded.	New staging requirement added following engagement with Liverpool Bay CCS Limited.

Row	Provision	Change	Reasoning
		(4) Any amended written scheme must be submitted to the relevant planning authority before such amendment takes effect. (5) The description of each stage in the written scheme submitted under sub-paragraph (1) or (4) must include details of the Work Nos. within that stage and a single Work No. can sit within a number of different stages. (6) More than one stage may be planned to be undertaken concurrently. (7) The authorised development must be implemented in accordance with the written scheme submitted under sub-paragraph (1) or (4)."	
17.	Schedule 14 (Documents and plans to be certified) Row 2	(1) book of reference (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the Book of Reference submitted at Deadline 1.
18.	Schedule 14 (Documents and plans to be certified) Row 6	(1) framework construction environmental management plan (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the framework construction environmental management plan submitted at Deadline 1.
19.	Schedule 14 (Documents and plans to be certified) Row 7	(1) framework construction traffic management plan (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the framework construction traffic management plan submitted at Deadline 1.
20.	Schedule 14 (Documents and plans to be certified)	(1) marine invasive non-native species outline management plan (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the marine invasive non-native species outline management plan submitted at Deadline 1.

Row	Provision	Change	Reasoning
	Row 14		
21.	Schedule 14 (Documents and plans to be certified) Row 18	(1) outline landscape and ecological management plan (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the outline landscape and ecological management plan submitted at Deadline 1.
22.	Schedule 14 (Documents and plans to be certified) Row 19	(1) outline surface water drainage strategy (2) 4.1 (3) ~~0~~1 (4) ~~August 2025~~January 2026	Update to accommodate new version of the outline surface water drainage strategy submitted at Deadline 1.

Table: 2 (Changes made to the draft DCO for Deadline 3)

Row	Provision	Change	Reasoning
1.	Article 2(1) (Interpretation)	After the definition for "book of reference" add ""brought into commercial use" means first brought into commercial use following commissioning;"	Inserted to provide for defined term used in new Requirement 21.
2.	Article 2(1) (Interpretation)	After the definition for "business day" add ""carbon dioxide capture plants" means the carbon dioxide capture plants, which are designed to capture a minimum rate of 95% of the carbon dioxide emissions of the generating station operating at full load;"	Inserted to provide a definition for term used within Schedule 1, as requested by an Interested Party, for the reasons outlined in Applicant's Response to Deadline 2 Submissions ().

Row	Provision	Change	Reasoning
3.	Article 2(1) (Interpretation)	After the definition for "Dee Conservancy" add "“design principles document” means the document of that name identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 46 (certification of plans, etc.);"	Definition moved from Schedule 2 to Article 2 to correct drafting error as term is used in Articles of the Order.
4.	Article 2(1) (Interpretation)	After the definition for "traffic authority" add "“Traffic Regulation Measures Plans” means the plans of that name identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 46 (certification of plans, etc.);"	Addition of originally omitted definition to correct error.
5.	Article 15(3) (Stopping up of streets, public rights of way and rights of navigation)	Without prejudice to the generality of paragraph (1), the undertaker may temporarily close, stop up, prohibit the use of, restrict the use of or, for the purposes of paragraphs (1)(a) or (1)(b), alter or divert each of the streets, public rights of way or rights of navigation specified in column (2) of Part 1 of Schedule 5 (streets, public rights of way and rights of navigation to be ~~restricted and~~ temporarily stopped up) to the extent specified in column (3).	Correction of cross-referencing name error.
6.	Article 15(4) (Stopping up of streets, public rights of way and rights of navigation)	Without prejudice to the generality of paragraph (1), the undertaker may permanently close, stop up, prohibit the use of, restrict the use of or, for the purposes of paragraphs (1)(a) or (1)(b), alter or divert each of the streets, public rights of way or rights of navigation specified in column (2) of Part ~~2~~3 of Schedule 5 (streets, public rights of way and rights of navigation to be ~~restricted and~~ permanently stopped up) to the extent specified in column (3).	Correction of cross-referencing name error.
7.	Article 36(3)(b) (Temporary use of land for carrying out the	(a) in the case of any land referred to in paragraph ~~36(1)(a)(i)~~36(1)(a)(iii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under	Correction of cross-referencing error.

Row	Provision	Change	Reasoning
	authorised development)	section 11 (powers of entry) of the 1965 Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.	
8.	Article 37(11) (Temporary use of land for maintaining the authorised development)	In this article "the maintenance period" means the period of five years beginning with the date which that part of the authorised development is first operational except in respect of any part of the authorised development which is comprised of landscaping where "the maintenance period" means such period as set out in the LEMP which is approved by the relevant planning authority pursuant to paragraph 10 of Part 1 of Schedule 2 (requirements) beginning with the date on which that part of the landscaping is completed.	Correction of typographical error to add speech marks after 'period'.
9.	Schedule 2, Part 1 (Requirements) Paragraph 1 (Interpretation)	Delete: "~~"design principles document" means the document of that name identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 46 (certification of plans, etc.);~~"	Definition moved from Schedule 2 to Article 2 to correct drafting error as term is used in Articles of the Order.
10.	Schedule 2, Part 1 (Requirements) Paragraph 1 (Interpretation)	After the definition for "requirement consultee" add ""saltmarsh creation strategy" means the document of that name identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 46 (certification of plans, etc.);"	Inserted to provide for defined term used in new Requirement 22.
11.	Schedule 2, Part 1 (Requirements), Paragraph 21 (Carbon dioxide capture,	Insert new Requirement 21: "**21.** Work No. 1(a) may not be brought into commercial use without Work Nos. 1(b), 1(c), 1(e), 7 and 8 also being brought into commercial use and Work Nos. 7 and 8 being connected to an operational storage site."	New Requirement inserted for the reasons outlined in **Applicant's Response to Deadline 2 Submissions (EN010166/APP/9.14)**.

Row	Provision	Change	Reasoning
	transfer and storage)		
12.	Schedule 2, Part 1 (Requirements), Paragraph 22 (Saltmarsh Creation)	Insert new Requirement 22: "**22.** (1) No stage of Work No. 5 may be commenced or any stage of Work No. 1(a) be brought into commercial use until a saltmarsh implementation and monitoring plan has been submitted to and approved by the relevant planning authority, in consultation with Natural Resources Wales. (2) The saltmarsh implementation and monitoring plan must be in general accordance with the saltmarsh creation strategy and include the following— (a) details of the aims and objectives of the plan; (b) details of the existing saltmarsh communities that need to establish; (c) information on the consideration of suitable mitigation locations; (d) details of monitoring and management required to meet the aims and objectives of the plan; and (e) an implementation timetable demonstrating how the plan will be effective at meeting the aims and objectives of the plan ahead of any loss of saltmarsh. (3) The saltmarsh implementation and monitoring plan approved pursuant to sub-paragraph (1) must be implemented as approved. "	New Requirement inserted to secure necessary Saltmarsh Mitigation.
13.	Schedule 13, Part 5 (For the Protection of National Grid Electricity Transmission Plc), Paragraph 49 (Interpretation)	(c) includes any of the activities that are referred to in development near overhead lines EN43-8 "Electrical Networks Association Technical Standards" and HSE's guidance note GS 6 "Avoidance of Danger from Overhead Lines" in relation to any apparatus and aligning with SP Manweb guidelines.	Additional wording to maintain consistency of how guidance is referred to following request from Scottish Power for update.

Row	Provision	Change	Reasoning
14.	Schedule 13, Part 5 (For the Protection of National Grid Electricity Transmission Plc), Paragraph 56 (Retained Apparatus: Protection)	(12) At all times when carrying out any specified works authorised under this Order, the undertaker must comply with National Grid's policies for development near overhead lines EN43-8 "Electrical Networks Association Technical Standards" and HSE's guidance note GS 6 "Avoidance of Danger from Overhead Lines".	Additional wording to maintain consistency of how guidance is referred to following request from Scottish Power for update.
15.	Schedule 13, Part 7 (For the Protection of SP Manweb as Electricity Undertaker), Paragraph 77 (Interpretation)	(c) include any of the activities that are referred to in SP Manweb's polices for development near overhead lines EN43-8 "Electrical Networks Association Technical Standards" and HSE's guidance note GS 6 "Avoidance of Danger from Overhead Lines" and guidance note HSG 47 "Avoiding Danger from Underground Services".	Additional wording inserted at Scottish Power's request.
16.	Schedule 13, Part 7 (For the Protection of SP Manweb as Electricity Undertaker), Paragraph 82(12) (Retained apparatus:	(12) At all times when carrying out any specified works authorised under the Order, the undertaker must comply with statutory requirements and guidelines for development near overhead lines EN43-8 "Electrical Networks Association Technical Standards" and HSE's guidance note GS 6 "Avoidance of Danger from Overhead Lines" in relation to any apparatus and aligning with SP Manweb guidelines.	Additional wording inserted at Scottish Power's request.

Row	Provision	Change	Reasoning
	Protection of SP Manweb as Electricity Undertaker)		
17.	Schedule 13, Part 10 (For the Protection of National Has Transmission plc as Gas Undertaker), Paragraph 119 (Retained apparatus: protection)	(11) At all times when carrying out any specified works National Gas must comply with National Gas's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Gas, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW22" and HSE's "HS~~(~~G ~~)~~47 Avoiding Danger from underground services".	Correction of typographical error.
18.	Schedule 14 (Documents and plans to be certified)	Addition of new row: saltmarsh creation strategy 9.17 0 March 2026	To reflect new definition added in Schedule 2.
19.	Schedule 14 (Documents and plans to be certified)	Addition of new row: Traffic Regulation Measures Plans 2.7 1 March 2026	To reflect new definition added in Schedule 2, correcting typographical error.
20.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted to the Examination at Deadline 3.

Table: 3 (Changes made to the draft DCO for Deadline 4)

Row	Provision	Change	Reasoning
1.	Article 8(2) (Consent to transfer benefit of Order)	Paragraph (~~2~~1)	Correction of typographical error.
2.	Article 8(4) (Consent to transfer benefit of Order)	Paragraph (~~2~~1)	Correction of typographical error.
3.	Article 33(1) (Acquisition of subsoil or airspace only)	Paragraph (~~25(1)~~1)	Correction of typographical error.
4.	Article 33(1) (Acquisition of subsoil or airspace only)	Paragraph (~~27(1)~~1)	Correction of typographical error.
5.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 26(1)(a)	Paragraph (~~24~~27)	Correction of typographical error.
6.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 26(1)(b)	Paragraph (~~24~~27)	Correction of typographical error.
7.	Schedule 2, Part 2	Paragraph (~~23~~26)	Correction of typographical error.

Row	Provision	Change	Reasoning
	(Applications made under requirements), Paragraph 27(1) (Further information)		
8.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 27(5) (Further information)	Paragraph (~~23~~26)	Correction of typographical error.
9.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 28(2)(b) (Fees)	Paragraph (~~23~~26)	Correction of typographical error.
10.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 29(1)(b) (Appeals)	Paragraph (~~24~~27)	Correction of typographical error.
11.	Schedule 2, Part 2 (Applications made under requirements), Paragraph 30(1) (Outcome of appeals)	Paragraph (~~26~~29)	Correction of typographical error.
12.	Schedule 2, Part 2	Paragraph (~~26~~29)	Correction of typographical error.

Row	Provision	Change	Reasoning
	(Applications made under requirements), Paragraph 30(2) (Outcome of appeals)		
13.	Schedule 13, Part 8 (For the protection of Liverpool Bay CCS Limited)	Amendments made to the protective provisions in Part 8 of Schedule 13.	To reflect agreed amendments to the Liverpool Bay CCS Limited protective provisions, including clarification and updating of definitions, consent and approval mechanisms, and the restructuring or removal of certain provisions to align with agreed commercial and operational arrangements and the interaction with the HyNet Order.
14.	Schedule 13, Part 9 (For the protection of Eni UK Limited)	Amendments made to the protective provisions in Part 9 of Schedule 13.	To reflect agreed amendments to the ENI UK Limited protective provisions, including clarification and updating of definitions, consent and approval mechanisms, and the restructuring or removal of certain provisions to align with agreed commercial and operational arrangements.

Row	Provision	Change	Reasoning
15.	Schedule 13, Part 11 (For the protection of Wales and West Utilities)	Insertion of a new Part 11 at Schedule 13 titled "FOR THE PROTECTION OF WALES AND WEST UTILITIES".	Incorporation of newly agreed protective provisions for the benefit of Wales and West Utilities.
16.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted to the Examination at Deadline 4.

Table: 4 (Changes made to the draft DCO for Deadline 5)

Row	Provision	Change	Reasoning
1.	Article 8(3) (Consent to transfer benefit of Order)	After "(e) the transferee or lessee is a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986(**a**);" add: "(f) the transferee or lessee is a water undertaker within the meaning of the Water Industry Act 1991(**b**);".	As there are water connection works included within the Order, this amendment would allow a water undertaker to directly undertake these works if the benefit of the Order is transferred to them and removes the need for Secretary of State consent to be obtained prior to such transfer.
2.	Schedule 2 (Requirements), Paragraph 17 (Decommissioning	**Decommissioning environmental management plan** **17.**—(1) Within 12 months of the date that the undertaker decides to decommission any stage of the authorised development, the undertaker must submit to the relevant planning authority a DEMP in relation to such stage for its approval.	Following engagement with Liverpool Bay CCS Limited, this amendment ensures that decommissioning can occur on a staged basis, allowing for

Row	Provision	Change	Reasoning
	environmental management plan)	(2) No decommissioning works for a particular stage may be carried out until the relevant planning authority has approved the DEMP for that stage. (3) The DEMP must be implemented and maintained for the duration of the decommissioning of the relevant stage of authorised development as approved unless otherwise agreed with the relevant planning authority.	works to be carried out by Liverpool Bay CCS Limited to be decommissioned under a separate Decommissioning Environmental Management Plan.
3.	Schedule 3 (Legislation to be disapplied)	(l) Wrexham, Mold and Connah's Quay Railway Act 1888(**l**);<br ~~(m) Dee Conservancy Act 1889(**m**); and~~ (~~n~~m) Dee and Clwyd River Authority Act 1973(~~**n**~~**m**)~~.~~; and (n) Articles 12 (general byelaws), 13 (general directions to vessels), 14 (publication of general directions), 15 (special directions), 16 (failure to comply with directions), 17 (enforcement of special directions), 18 (master's responsibility in relation to directions), 26 (restriction of works and dredging), 27 (control of certain operations and works of statutory undertakers), 28 (licensing of works) and 31 (lights on tidal works during construction) of The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023(**n**).	Following engagement with Natural Resources Wales (NRW), who act as the relevant navigation authority for the river Dee via the Dee Conservancy under powers granted by the Dee Conservancy Act 1889, the Applicant has agreed to remove the disapplication of the Dee Conservancy Act 1889. Instead, the Applicant is seeking to ensure that there is no conflict with the procedural requirements of The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 so far as there would be a conflict with controls and protections already secured under the **Draft DCO (EN010166/3.1)**. This change was discussed with NRW in a meeting held on 14 April 2026.

Row	Provision	Change	Reasoning
4.	Schedule 13, Part 12 (For the protection of Uniper)	Insertion of a new Part 12 at Schedule 13 titled "FOR THE PROTECTION OF UNIPER".	Incorporation of protective provisions for the benefit of Uniper to ensure its assets are protected when entities other than Uniper are carrying out works with the benefit of the Order.
5.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted to the Examination at Deadline 5.

Table: 5 (Changes made to the draft DCO for Deadline 6)

Row	Provision	Change	Reasoning
1.	Contents	8. Consent to transfer benefit of the Order	Response to request from the ExA's schedule of changes to the draft DCO [PD-16].
2.	Contents	Deletion of Articles 24 (protective work to buildings) and 51 (removal of human remains)	Response to request from the ExA's schedule of changes to the draft DCO [PD-16].
3.	Contents	32. Acquisition of subsoil ~~or airspace~~ only. Subsequent cross-referencing amendments in subsequent articles and paragraphs.	Response to request from the ExA's schedule of changes to the draft DCO [PD-16].

Row	Provision	Change	Reasoning
4.	Contents	Schedule 13, Part 5 – For the Protection of the National Grid Electricity Transmission PLC as Electricity Undertaker	Reflecting name update to protective provisions at National Grid's request.
5.	Contents	Schedule 13. The addition of Part 13 – For the Protection of DŴR CYMRU CYFYNGEDIG.	Reflecting additional protective provisions included for Dŵr Cymru Cyfyngedig (Welsh Water).
6.	Contents	Addition of rows for new Schedule 16.	Amendment to facilitate new schedule requested by the ExA within the **Report on the Implications for European Sites (RIES) [PD-020]**.
7.	Article 2 (Interpretation)	Addition of new definition as follows: ""discharging authority" means any body responsible for giving any consent, agreement or approval required by a provision of this Order, or for giving any consent, agreement or approval further to any document referred to in any such provision"	To reflect the fact that the Secretary of State has been added as a discharging authority in Schedule 16.
8.	Article 2 (Interpretation)	"requirements" means, save in respect of Schedule 13 (protective provisions), those matters set out in Schedule 2 (requirements) to this Order and a reference to a numbered requirement is a reference to the requirement imposed by the corresponding numbered paragraph of that Schedule and for the purposes of Part 2 of Schedule 2 (requirements) also includes all consents, agreements or approvals required in relation to Schedule 16 (protection of the coherence of the national site network) of this Order;	To reflect the fact that the Secretary of State has been added as a discharging authority in Schedule 16 and ensure that the provisions of Part 2 in Schedule 2 apply to discharges by the Secretary of State under Schedule 16.
9.	Article 3 (Development	Subject to the provisions of this Order ~~and~~, the requirements in Part 1 of Schedule 2 (requirements) and Schedule 16 (protection of the coherence of the national site network) the undertaker	Additional reference to Schedule 16 here ensures that the commitments within

Row	Provision	Change	Reasoning
	consent etc. granted by the Order)		Schedule 16 bind the carrying out of the authorised development.
10.	Article 8 (Consent to transfer benefit of the Order)	Consent to transfer benefit of the Order Subsequent cross-referencing amendments in subsequent articles and paragraphs.	Response to request from the ExA's schedule of changes to the draft DCO [PD-16].
11.	Article 9 (Disapplication, application and modification of legislative provisions and modifications to section 36 consent)	Deletion of paragraph 8 Subsequent numbering and cross-referencing amendments in subsequent articles and paragraphs.	Following engagement with Natural Resources Wales, they have confirmed that they will not consent to the disapplication of SSSI Consent under the Wildlife and Countryside Act 1981. As this is a prescribed consent in Wales, the Applicant has removed the disapplication of this provision accordingly.
12.	Article 24 (Protective work to buildings)	Deletion of article 24 (Protective work to buildings). Subsequent numbering and cross-referencing amendments in subsequent articles and paragraphs.	Deletion of article 24 in response to request from the ExA's schedule of changes to the draft DCO [PD-16].
13.	Article 32 (Acquisition of subsoil only)	Acquisition of subsoil ~~or airspace~~ only. Subsequent cross-referencing amendments in subsequent articles and paragraphs.	The words "or airspace" have been deleted in response to request from the ExA's schedule of changes to the draft DCO [PD-16].

Row	Provision	Change	Reasoning
14.	Article 51 (Removal of human remains)	Deletion of article 51 (Removal of human remains). Subsequent numbering and cross-referencing amendments in subsequent articles and paragraphs.	Deletion of Article 51 in response to request from the ExA's schedule of changes to the draft DCO [PD-16].
15.	Schedule 1, Work No. 5	Construction of a surface water discharge outfall.	Clarification of what Work No. 5 entails to match references to this work throughout Application documentation.
16.	Schedule 1, Work No. 14(e)	soft landscaping, including creation of bunds, vegetation removal, trimming and lopping of trees and hedgerows, alteration of drains and ditches, bunds, embankments, swales, landscaping, embankments and planting;	Amendment to the description of Work No. 14(e) to clarify the scope of the authorised soft landscaping works to ensure the description accurately reflects the works forming part of the site-wide landscaping in response to request from the ExA's schedule of changes to the draft DCO [PD-16].
17.	Schedule 2, Part 1 (Requirements), Paragraph 1 (Interpretation)	Deletion of "curlew mitigation and monitoring plan" definition, "curlew mitigation strategy" definition and "saltmarsh creation strategy" definition.	These definitions are no longer relevant to Schedule 2 and the equivalent definitions have been included within the new Schedule 16 incorporated into the Order.
18.	Schedule 2, Part 1 (Requirements), Paragraph 1 (Interpretation)	Deletion of "discharging authority" definition.	This definition is now included within Article 2 (Interpretation).

Row	Provision	Change	Reasoning
19.	Schedule 2, Part 1 (Requirements), Paragraph 11 (Curlew implementation and monitoring plan)	Curlew ~~mitigation~~implementation and monitoring plan	Amendment to the title of Requirement 11 to reflect the updated title requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
20.	Schedule 2, Part 1 (Requirements), Paragraph 11 (Curlew implementation and monitoring plan)	Delete: ~~(1) No stage of Work No. 1 or any site clearance works required in connection with Work No. 1 may commence until a curlew mitigation and monitoring plan has been submitted to and approved by the relevant planning authority, in consultation with Natural Resources Wales.~~ ~~(2) The curlew mitigation and monitoring plan must be in general accordance with the curlew mitigation strategy and include the following —~~ ~~a) details of the aims and objectives of the plan;~~ ~~b) details of the location of replacement curlew habitat and any features, landscaping and planting thereof;~~ ~~c) details of any water management measures;~~ ~~d) details of habitat monitoring and management to meet the aims and objectives of the plan; and~~ ~~e) an implementation timetable demonstrating that replacement curlew habitat will be available before removal or disturbance of curlew habitat on functionally linked land as a result of the authorised development.~~ ~~(3) The curlew mitigation and monitoring plan must be implemented as approved and maintained for the lifetime of the authorised development.~~ Insert:	The substantive text of Paragraph 11 has been deleted and replaced with a cross-reference to Part 1 of new Schedule 16, which sets out the detailed provisions governing the delivery of curlew habitat mitigation measures in respect of the Dee Estuary / Aber Dyfrdwy Special Protection Area and Ramsar site. This change avoids duplication and facilitates the updates requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].

Row	Provision	Change	Reasoning
		Part 1 of Schedule 16 (Dee Estuary / Aber Dyfrdwy Special Protection Area / Ramsar site: delivery of measures in respect of functionally linked land) has effect.	
21.	Schedule 2, Part 1 (Requirements), Paragraph 18 (Net benefit for biodiversity)	(3) The ~~authorised development must be carried out in accordance with the~~scheme approved pursuant to sub-paragraph (1) must be implemented as approved scheme.	This wording has been updated to ensure that the scheme approved applies both in respect of the off site mitigation as well as works specific to the authorised development contained within the Order limits.
22.	Schedule 2, Part 1 (Requirements), Paragraph 19(1) (Abnormal indivisible loads)	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.	This change ensures appropriate engagement with the highway authority in response to request from the ExA's schedule of changes to the draft DCO [PD-16].
23.	Schedule 2, Part 1 (Requirements), Paragraph 22 (Saltmarsh Creation)	Delete: ~~22 No Stage of Work No. may be commenced or any stage of Work No. 1(a) be brought into commercial use until a saltmarsh implementation and monitoring plan has been submitted to and approved by the relevant planning authority, in consultation with Natural Resources Wales.~~ ~~(1) The saltmarsh implementation and monitoring plan must be in general accordance with the saltmarsh creation strategy and include the following –~~	The substantive text of Requirement 22 has been deleted and replaced with a cross-reference to Part 2 of new Schedule 16, which sets out the detailed provisions governing the delivery of saltmarsh measures for the Dee Estuary / Aber Dyfrdwy Special Area of Conservation,

Row	Provision	Change	Reasoning
		~~(a) details of the aims and objectives of the plan;~~ ~~(b) details of the existing saltmarsh communities that need to establish;~~ ~~(c) information on the consideration of suitable mitigation locations;~~ ~~(d) details of monitoring and management required to meet the aims and objectives of the plan; and~~ ~~(e) an implementation timetable demonstrating how the plan will be effective at meeting the aims and objectives of the plan ahead of any loss of saltmarsh.~~ ~~(2) The saltmarsh implementation and monitoring plan approved pursuant to sub-paragraph (1) must be implemented as approved.~~ Insert: Part 2 of Schedule 16 (Dee Estuary / Aber Dyfrdwy Special Area of Conservation/ Special Protection Area / Ramsar site: delivery of measures in respect of saltmarsh) has effect.	Special Protection Area and Ramsar site. This change avoids duplication and facilitates the updates requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
24.	Schedule 2, Part 2 (Applications made under requirements)	Move Part Two above paragraph 23 and beneath paragraph 22.	Ensuring that all administrative matters contained within paragraphs 23 to 25 would apply to all approvals under the Order, not just requirements.
25.	Schedule 2, Part 2 (Applications made under requirements) Paragraph 24	submit to the ~~relevant planning~~discharging authority References to 'relevant planning authority' have been amended to 'discharging authority' throughout Part 2 of Schedule 2.	As Part 2 of Schedule 2 applies to various consents and approvals throughout the Order by virtue of Article 51 (Procedure in relation to certain approvals etc.) and not all approvals will be made by

Row	Provision	Change	Reasoning
			the 'relevant planning authority' (for example, Schedule 16 approvals will be made by the Secretary of State), this wording has been amended to apply to all forms of discharging authority, which for the avoidance of doubt would include the relevant planning authority as applicable.
26.	Schedule 2, Part 2 (Applications made under requirements) Paragraph 26	Add heading Time period for approval	Clarification of heading for paragraph so the content is clear.
27.	Schedule 2, Part 2 (Applications made under requirements) Paragraph 26	the discharging authority must use reasonable endeavours to give notice to the undertaker of its decision on the application within a period of 35 days and, in any case, must give notice to the undertaker of its decision on the application within a period of 56 days beginning with—	Amendment to wording to allow extended period of time for the approval of requirements, as requested by Flintshire County Council. This wording still maintains emphasis on the urgency needed by the Applicant for the delivery of the Proposed Development but ensures that the requested 56 days is the ultimate backstop timescale instead of the originally drafted 35 days.

Row	Provision	Change	Reasoning
28.	Schedule 2, Part 2 (Applications made under requirements) Paragraph 29	(1) Save where the discharging authority is the Secretary of State, the undertaker may appeal if— (a) the discharging authority refuses an application for—…	Additional text to reflect the application of Part 2 of Schedule 2 to Schedule 16 and the fact that appeals would not be made to the Secretary of State where the Secretary of State is the decision-maker.
29.	Schedule 2, Part 2 (Applications made under requirements) Paragraph 31	Deletion of the definitions for "discharging authority" and "requirement consultee".	To remove duplicative definitions.
30.	Schedule 5, Part 1 (Streets, public rights of way and rights of navigation to be temporarily stopped up)	(3) Public right of way between points PRoW 07/02 and PRoW 07/03 as shown on Sheet 7 of the access, streets, rights of way, and ~~access~~rights of navigation plans. (4) Diversion route between points PRoW 07/02 and PRoW 07/03 as shown on Sheet 7 of the access, streets, rights of way, and ~~access~~rights of navigation plans. Subsequent cross-referencing amendments in subsequent articles and paragraphs.	Correction of typographical cross-referencing error.
31.	Schedule 13 (protective provisions)	Various updates to the protective provisions.	Correction of typographical errors in response to request from the ExA's schedule of changes to the draft DCO [PD-16] and reflecting the Applicant's latest position regarding the protective

Row	Provision	Change	Reasoning
			provisions negotiated with various statutory undertakers.
32.	Schedule 13, Part 13 (For the protection of DŴR CYMRU CYFYNGEDIG)	Addition of Schedule 13, Part 13	To insert bespoke protections for Dŵr Cymru Cyfyngedig (Welsh Water).
33.	Schedule 14 (Documents and plans to be certified)	Deletion of row: ~~curlew mitigation strategy~~ ~~6.13~~ ~~2~~ ~~April 2026~~	Reflecting update in the name of the Curlew Mitigation Strategy to the outline Curlew Implementation and Monitoring Plan as requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
34.	Schedule 14 (Documents and plans to be certified)	Addition of new row: outline Curlew Implementation and Monitoring Plan 6.13 3 May 2026	Reflecting update in the name of the Curlew Mitigation Strategy to the outline Curlew Implementation and Monitoring Plan as requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
35.	Schedule 14 (Documents and plans to be certified)	Deletion of row: ~~saltmarsh creation strategy~~ ~~6.16~~ ~~1~~ ~~April 2026~~	Reflecting update in the name of the Saltmarsh Creation Strategy to the outline Saltmarsh Implementation and Monitoring Plan as requested

Row	Provision	Change	Reasoning
			by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
36.	Schedule 14 (Documents and plans to be certified)	outline Saltmarsh Implementation and Monitoring Plan 6.16 2 May 2026	Reflecting update in the name of the Saltmarsh Creation Strategy to the outline Saltmarsh Implementation and Monitoring Plan as requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].
37.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted to the Examination at Deadline 6.
38.	Schedule 16 (Protection of the coherence of the national site network)	Insertion of a new Schedule 16 titled "Protection of the coherence of the national site network".	Insertion of a new Schedule 16 to provide a dedicated and consolidated mechanism to secure the delivery of measures necessary to protect the coherence of the national site network as requested by the ExA within the Report on the Implications for European Sites (RIES) [PD-020].

Table: 6 (Changes made to the draft DCO for Deadline 7)

Row	Provision	Change	Reasoning
1.	Article 2 (Interpretation)	"Dee Conservancy" means the statutory conservancy and navigation authority for the river Dee (as established under the Dee Conservancy Act 1889(b)) and includes its role as ~~competent~~statutory harbour authority and local lighthouse authority for its statutory area;	Update to description of nature of the Dee Conservancy's role as harbour authority following engagement with NRW.
2.	Article 27(1) (Statutory authority to override easements and other rights)	The carrying out, maintenance or use of the authorised development and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) (nuisance: statutory authority) of the 2008 Act, despite it involving—	Correction of typographical error.
3.	Schedule 3 (Legislation to be disapplied)	(l) Wrexham, Mold and Connah's Quay Railway Act 1888(**l**); and (m) Dee and Clwyd River Authority Act 1973(**m**)~~; and~~. ~~(n) Articles 12 (general byelaws), 13 (general directions to vessels), 14 (publication of general directions), 15 (special directions), 16 (failure to comply with directions), 17 (enforcement of special directions), 18 (master's responsibility in relation to directions), 26 (restriction of works and dredging), 27 (control of certain operations and works of statutory undertakers), 28 (licensing of works) and 31 (lights on tidal works during construction) of The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023(**n**).~~	Removal of disapplication of the The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 following engagement with NRW.
4.	Schedule 13, Part 13 (For the protection of DŴR CYMRU CYFYNGEDIG), Paragraph 159	"emergency works" has the same meaning as in ~~Schedule 6~~Part III of the 1991 Act;	Correction of typographical error following continued engagement with Welsh Water.
5.	Schedule 13, Part 13 (For the protection of	"functions" has the same meaning as in section 219 of the WIA 1991 and includes powers and duties;	Correction of typographical error.

Row	Provision	Change	Reasoning
	DŴR CYMRU CYFYNGEDIG), Paragraph 159		
6.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted to the Examination at Deadline 7.

Table: 7 (Changes made to the draft DCO for SoS RfI)

Row	Provision	Change	Reasoning
1.	Contents	Addition of row for new Article 52 (Procedure for habitat mitigation).	To reflect inclusion of new article 52, previously proposed in the Applicant's Cover Letter at Deadline 7 [REP7-001] and updated in response to the SoS RfI.
2.	Contents	Addition of row for new Schedule 16 Part 3.	To reflect the inclusion of new Schedule 16, Part 3.
3.	Article 2 (Interpretation)	Addition of new definition as follows: ""1995 Order" means the Town and Country Planning (General Permitted Development) Order 1995"	To reflect updates to Article 10 (planning permission) and refer to the Order controlling permitted development in Wales.
4.	Article 2 (Interpretation)	Addition of new definition as follows: ""first unilateral undertaking" means the Deed of Unilateral Undertaking Development Consent Obligations dated 8 June 2026 which is certified as	To reflect updates to Article 52, Schedule 14 and Schedule 16 Part 3.

Row	Provision	Change	Reasoning
		such by the Secretary of State for the purposes of this Order in accordance with article 45 (certification of plans, etc.) and includes any modifications which are agreed with the Secretary of State;"	
5.	Article 2 (Interpretation)	Addition of new definition as follows: ""Flintshire County Council" means Flintshire County Council of Ty Dewi Sant, St David's Park, Ewloe, Flintshire CH5 3FF and includes any successor in function to Flintshire County Council;"	To reflect updates to Article 52 and Schedule 16 Part 3.
6.	Article 2 (Interpretation)	Addition of new definition as follows: ""Nitrogen Management Plan" has the same meaning as set out in the first unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
7.	Article 2 (Interpretation)	Addition of new definition as follows: ""SAC Management Contribution" has the same meaning as set out in the first unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
8.	Article 2 (Interpretation)	Addition of new definition as follows: ""SAC Management Purpose" has the same meaning as set out in the first unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
9.	Article 2 (Interpretation)	Addition of new definition as follows: ""Saltmarsh Indexation Payment" has the same meaning as set out in the second unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
10.	Article 2 (Interpretation)	Addition of new definition as follows: ""Saltmarsh Management Area Lease" has the same meaning as set out in the second unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
11.	Article 2 (Interpretation)	Addition of new definition as follows: ""Saltmarsh Management Contribution" has the same meaning as set out in the first unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.

Row	Provision	Change	Reasoning
12.	Article 2 (Interpretation)	Addition of new definitions as follows: ""Saltmarsh Management Purpose" has the same meaning as set out in the first unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
13.	Article 2 (Interpretation)	Addition of new definitions as follows: ""second unilateral undertaking" means the Deed of Unilateral Undertaking Development Consent Obligations dated 29 October 2026 which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 45 (certification of plans, etc.) and includes any modifications which are agreed with the Secretary of State;"	To reflect updates to Article 52, Schedule 14 and Schedule 16 Part 3.
14.	Article 2 (Interpretation)	Addition of new definitions as follows: ""Supplemental Saltmarsh Management Contribution" has the same meaning as set out in the second unilateral undertaking;"	To reflect updates to Article 52 and Schedule 16 Part 3.
15.	Article 10 (Planning Permission)	**Planning Permission** **10.**—(1) To the extent any development carried out or used pursuant to a planning permission ~~granted under section 57 (requirement of planning permission) of the 1990 Act~~ or compliance with any conditions of that planning permission is inconsistent with the exercise of any power, right or obligation under this Order or the authorised development— (a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and (b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission, or compliance with any conditions of that permission, whether inside or outside the Order limits. (2) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority and use reasonable endeavours to notify the	Correction of typographical error referencing 2015 Regulations in place of the 1995 Order. Amendments to ensure that all planning permissions, howsoever granted or deemed, are captured by the Article, including by removal of references to section 57 of the 1990 Act. Consolidation of protections in paragraphs (3) and (4) into a single paragraph.

Row	Provision	Change	Reasoning
		current beneficiary of the affected planning permission as soon as reasonably practicable. ~~(3) If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is –~~ ~~(a) not itself a development for which development consent is required under the 2008 Act or part of such a project; or~~ ~~(b) required to complete or enable the use or operation of any part of the development authorised by this Order,~~ ~~then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order.~~ ~~(4)~~(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission ~~granted under section 57 (Planning permission required for development) of the 1990 Act including permissions falling under paragraphs (2) or (4),~~ is deemed not to be a breach of, or inconsistent with, this Order and does not prevent the authorised development being carried out or used or any other power or right under this Order being exercised. ~~(5)~~(4) Nothing in this Order restricts the undertaker from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits. ~~(6)~~(5) In this article— (a) "enforcement action" means any enforcement action provided for under Part 7 (enforcement) of the 1990 Act; ~~(b) "initiate" means when development of land shall be taken to be begun as per section 56 (time when development begun) of the 1990 Act, and "initiated" and "initiation" are defined accordingly; and~~	

Row	Provision	Change	Reasoning
		~~(c)~~(b) "planning permission" means planning permission granted or deemed to be granted under the powers conferred by the 1990 Act including planning permission ~~deemed to be~~ granted under article 3 (permitted development) of the 1995 Order~~2015 Regulations~~.	
16.	Article 52	**Procedure for habitat mitigation** 52.—(1) Upon receipt of the SAC Management Contribution, Flintshire County Council shall use the SAC Management Contribution for the SAC Management Purpose and for no other purpose. (2) Any Nitrogen Management Plan submitted by the undertaker for approval by Flintshire County Council pursuant to the first unilateral undertaking must be in general accordance with the requirements set out in Schedule 16 Part 3 of this Order. (3) Flintshire County Council's approval of the Nitrogen Management Plan and any variations to the Nitrogen Management Plan pursuant to Schedule 16 Part 3 of this Order shall not be unreasonably withheld or delayed. (4) Subject to paragraph (5), upon receipt by Flintshire County Council of the Saltmarsh Management Contribution, the Supplemental Saltmarsh Management Contribution and any Saltmarsh Indexation Payment and approval of the Nitrogen Management Plan by Flintshire County Council, Flintshire County Council shall use these contributions for the Saltmarsh Management Purpose and for no other purpose, unless otherwise agreed in writing by the Secretary of State. (5) Flintshire County Council shall not be required to comply with paragraph (4) where, prior to the operation of Work No. 1(a) or (b): (a) Flintshire County Council has approved the Nitrogen Management Plan; (b) Flintshire County Council and the undertaker have entered into a Saltmarsh Management Area Lease;	Added to secure the use of the contributions payable under the First Unilateral Undertaking [REP7-039] and the Second Unilateral Undertaking (EN010166/APP/9.48) for the Saltmarsh Management Purpose, whether by Flintshire County Council or, where the relevant land right has been granted to the undertaker, by the undertaker.

Row	Provision	Change	Reasoning
		(c) Where the undertaker has paid the Saltmarsh Management Contribution or the Supplemental Saltmarsh Management Contribution or any Saltmarsh Indexation Payment, Flintshire County Council has repaid the same to the undertaker; and (d) Where the undertaker has not paid the Saltmarsh Management Contribution or the Supplemental Saltmarsh Management Contribution or any Saltmarsh Indexation Payment, Flintshire County Council has committed not to enforce payment of the same. (6) Where paragraph (5) applies, the undertaker shall use the Saltmarsh Management Contribution, the Supplemental Saltmarsh Management Contribution and any Saltmarsh Indexation Payment for the Saltmarsh Management Purpose.	
17.	Schedule 14 (Documents and plans to be certified)	first unilateral undertaking | 9.42 | 0 | June 2026	To provide for the certification of additional control documents.
18.	Schedule 14 (Documents and plans to be certified)	Moving the row in respect of the outline Curlew Implementation and Monitoring Plan	To ensure the documents are listed in alphabetical order.
19.	Schedule 14 (Documents and plans to be certified)	Outline Nitrogen Management Plan | 9.47 | 0 | October 2026	To provide for the certification of additional control documents.
20.	Schedule 14 (Documents and plans to be certified)	second unilateral undertaking | 9.48 | 0 | October 2026	To provide for the certification of additional control documents.
21.	Schedule 14 (Documents and plans to be certified)	Update to various version numbers and dates.	To reflect updated versions of certified documents submitted in response to the SoS RfI.

Row	Provision	Change	Reasoning
22.	Schedule 16 (Protection of the coherence of the national site network)	**1.** In this Part— "CIMP" means the Curlew Implementation and Monitoring Plan for the delivery of measures to mitigate for the loss of curlew habitat on functionally linked land as a result of the authorised development and which shall generally accord with the outline CIMP; "CSG" means the C~~c~~urlew S~~s~~teering G~~g~~roup which shall be established who ~~will shape and~~to inform, through consultation, the undertaker in the scope and delivery of the CIMP; and "mitgation measure" means the measure to create and maintain replacement curlew habitat to mitigate the loss of curlew habitat on functionally linked land as a result of the authorised development; and "outline ~~Curlew Implementation and Monitoring Plan~~CIMP" means the Outline Curlew Implementation and Monitoring Plan~~document of that name~~ identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article **Error! Reference source not found.** (certification of plans, etc.). **2.**—(1) No stage of Work No. 1 or any site clearance works required in connection with Work No. 1 may commence until a plan for the work of the CSG has been submitted to and approved by the Secretary of State. • The plan submitted pursuant to sub-paragraph (1) must include: (a) terms of reference of the CSG; (b) the membership of the CSG, having regard to the requirements in sub-paragraphs (3) and (4); (c) details of the schedule of meetings, timetable for preparation of the CIMP and reporting and review periods; and (d) the dispute resolution mechanism and confidentiality provisions.	Updated in response to the SoS RfI.

Row	Provision	Change	Reasoning
		(3) The undertaker must invite representatives from the following organisations to participate as core members of the CSG: (a) the relevant statutory nature conservation body; and (b) the relevant local planning authority for the area in which the mitigation measure is to be delivered. (4) The undertaker must invite representatives from the following organisations to participate as advisory members of the CSG: (a) the Royal Society for the Protection of Birds; and (b) the Deeside Naturalists' Society. ~~(3)~~(5) The CSG must be consulted on the proposed CIMP to be approved pursuant to paragraph 3(1) prior to the submission to the Secretary of State. ~~(4) The undertaker must use reasonable endeavours to meet with and report to the CSG at least annually throughout the establishment and implementation phases of the CIMP and document the conclusions of the meetings, unless otherwise agreed in writing by the Secretary of State.~~ **3.**—(1) No stage of Work No. 1 or any site clearance works required in connection with Work No. 1 may commence until a CIMP has been submitted to and approved by the Secretary of State, in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered~~Natural Resources Wales~~. (2) The CIMP must be in general accordance with the outline ~~Curlew Implementation and Monitoring Plan~~CIMP and include the following— (a) details of the aims and objectives of the plan; (b) details of the location ~~of replacement curlew habitat~~where the mitigation measure will be delivered and any features, landscaping and planting	

Row	Provision	Change	Reasoning
		thereof and why it is ecologically suitable to meet the aims and objectives of the plan; (c) details of any consents, licences and approvals required for implementation; (d) details of any habitat and water management measures to meet the aims and objectives of the CIMP; (e) details of access to, and biosecurity of, the location where the mitigation measure will be delivered ~~the replacement curlew habitat area~~; (f) details of ongoing monitoring and reporting of the effectiveness of the mitigation measure including—~~management to meet the aims and objectives of the plan; and~~ (i) survey methods; (ii) survey programmes for curlew, terrestrial invertebrates, hydrology, and habitat; (iii) success criteria; (iv) adaptive management measures and thresholds used to trigger any adaptive management; (v) sharing of monitoring data with the relevant Local Environmental Records Centre(s); and (vi) timescales for monitoring reports to be delivered to the CSG and the Secretary of State under paragraph 4; (g) an implementation timetable including details as to how the mitigation measure will be delivered ~~demonstrating that replacement curlew habitat will be available~~ before loss and disturbance ~~removal or disturbance~~ of curlew habitat on functionally linked land as a result of the authorised development; and	

Row	Provision	Change	Reasoning
		(h) details as to how the CIMP has had regard to the output of consultation with the CSG and the provision of a signed CSG agreement log recording the same. (3) The CIMP must be implemented by the undertaker (or at its expense) as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered. ~~(3)~~(4) The mitigation measure as approved in the CIMP must be ~~and~~maintained by the undertaker (or at its expense) for the lifetime of the authorised development and such maintenance shall only cease following approval in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered. **4.** Unless otherwise agreed with the Secretary of State, the results of any monitoring required pursuant to the CIMP must be made publicly available and submitted at least annually as a report to the Secretary of State and ~~Natural Resources Wales~~members of the CSG. If the undertaker, or on receipt of a monitoring report, the Secretary of State, determines that the mitigation measure delivered has been ineffective ~~and, where such monitoring details demonstrate the measures have not been effective~~ at meeting the aims and objectives of the CIMP, the undertaker must consult the core members of the CSG on any adaptive management measures to address this and submit its ~~details of the~~ ~~management~~ proposals ~~to~~ ~~address this must be submitted~~ to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered~~Natural Resources Wales~~.	

Row	Provision	Change	Reasoning
		5.The CIMP approved under this Part of this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved CIMP must be in general accordance with the outline CIMP and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the environmental statement.	
23.	Schedule 16 (Protection of the coherence of the national site network)	6. In this Part— "mitigation measure" means the measure to enable the retreat of saltmarsh through modification of existing embankments to mitigate the loss of Atlantic salt meadow as a result of the authorised development; "SIMP" means the Saltmarsh Implementation and Monitoring Plan for the delivery of measures to mitigate for the loss of Atlantic salt meadow as a result of the authorised development and which shall generally accord with the outline SIMP; "SSG" means the saltmarsh steering group who will shape and inform the scope and delivery of the SIMP; and "outline ~~Saltmarsh Implementation and Monitoring Plan~~ SIMP" means the Outline Saltmarsh Implementation and Monitoring Plan ~~document of that name~~ identified in the table at Schedule 14 (documents and plans to be certified) and which is certified as such by the Secretary of State for the purposes of this Order in accordance with article 45 (certification of plans, etc.). 7.(1) No stage of Work No. 5 may be commenced until a plan for the work of the SSG has been submitted to and approved by the Secretary of State. (2) The plan submitted pursuant to sub-paragraph (1) must include:	Updated in response to the SoS RfI.

Row	Provision	Change	Reasoning
		(a) terms of reference of the SSG; (b) the membership of the SSG, having regard to the requirements in sub-paragraph (3); (c) details of the schedule of meetings, timetable for preparation of the SIMP and reporting and review periods; and (d) the dispute resolution mechanism and confidentiality provisions. (3) The undertaker must invite representatives from the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered to participate in the SSG. (4) The SSG must be consulted on the proposed SIMP to be approved pursuant to paragraph ~~7~~8(1) prior to the submission to the Secretary of State. 8.(1) No stage of Work No. 5 may ~~be~~ commence~~d~~ until the~~a~~ SIMP has been submitted to and approved by the Secretary of State, in consultation with ~~Natural Resources Wales~~the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered. (2)The SIMP must be in general accordance with the outline ~~Saltmarsh Implementation and Monitoring Plan~~ SIMP and include the following— (a) details of the aims and objectives of the plan; (b) details of the extent and condition of the existing pioneer saltmarsh and Atlantic salt meadow vegetation communities intended to colonise the locations where the mitigation measure will be delivered~~that need to establish~~; (c) details of the locations where the mitigation measure will be delivered ~~information on the consideration of suitable mitigation locations~~ and why they are ecologically suitable to meet the aims and objectives of the plan; (d) details of the design and cross-sections for the managed realignment;	

Row	Provision	Change	Reasoning
		(e) details of any consents, licences and approvals required for implementation; (f) details of any habitat and water management measures to meet the aims and objectives of the plan; ~~(f)~~(g) details of access to, and biosecurity of, the locations where the mitigation measure will be delivered ~~the saltmarsh creation area~~; ~~(g)~~(h) details of ~~habitat~~ ongoing monitoring and reporting of the effectiveness of the mitigation measure, including— survey methods; survey programmes for hydrology, topography, and habitat; success criteria; adaptive management measures and thresholds used to trigger any adaptive management; sharing of monitoring data with the relevant Local Environmental Records Centre(s); and timescales for monitoring reports to be delivered to the SSG and the Secretary of State under paragraph 9~~management required to meet the aims and objectives of the plan~~; ~~and~~ ~~(h)~~(i) an implementation timetable ~~demonstrating how the plan will be effective at meeting the aims and objectives of the plan ahead of any loss of saltmarsh~~ including details as to how earthworks of the managed realignment required to enable the retreat of saltmarsh will be delivered before loss of Atlantic salt meadow as a result of the authorised development; and (j) details as to how the SIMP has had regard to the output of consultation with the SSG and the provision of a signed SSG agreement log recording the same.	

Row	Provision	Change	Reasoning
		(3) The SIMP must be implemented by the undertaker (or at its expense) as approved, unless otherwise agreed in writing by the Secretary of State, in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered (4) ~~and~~The mitigation measure as approved in the SIMP must be maintained by the undertaker (or at is expense) for the lifetime of the authorised development and such maintenance shall only cease following approval in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered. 9. Unless otherwise agreed with the Secretary of State, the results of any monitoring required pursuant to the SIMP must be made publicly available and submitted at least annually as a report to the Secretary of State and ~~Natural Resources Wales~~members of the SSG. If the undertaker, or on receipt of a monitoring report, the Secretary of State, determines that the mitigation measure delivered has been ineffective ~~and, where such monitoring details demonstrate the measures have not been effective~~ at meeting the aims and objectives of the SIMP, ~~details of the management proposals to address this must be submitted to the Secretary of State for approval, in consultation with Natural Resources Wales~~the undertaker must consult the SSG on any adaptive management measures to address this and submit its proposals to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and the relevant local planning authority for the area in which the mitigation measure is to be delivered. 10. The SIMP approved under this Part of this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved SIMP must be in general accordance with the outline SIMP and may only be approved where it	

Row	Provision	Change	Reasoning
		has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the environmental statement.	
24.	Schedule 16 (Protection of the coherence of the national site network)	Insertion of a new Schedule 16, Part 3 titled "Dee Estuary / Aber Dyfrdwy Special Area of Conservation / Special Protection Area / Ramsar site: delivery of measures in respect of saltmarsh".	Insertion of a new Schedule 16 Part 3 to provide a dedicated and consolidated mechanism to secure the establishment of a Saltmarsh Management Steering Group and the contents of the final Nitrogen Management Plan which will be implemented in accordance with Article 52, as well as monitoring and review mechanisms in respect of the same.