



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Connah's Quay Low Carbon Power Project – EN010166

Uniper UK Limited

Section 51 advice regarding draft application documents

Issued on 25 February 2025

On 13 January 2025 Uniper UK Limited ('the applicant') submitted the draft documents listed in the tables below for review by the Planning Inspectorate as part of its [Pre-application Service](#).

The advice recorded in the tables below relates solely to matters raised from the Planning Inspectorate's review of the draft application documents. The advice is limited by the maturity of the documentation provided by the applicant and the time available for consideration and is raised without prejudice to the acceptance decision, the decision about admission to the Fast Track procedure (where relevant) or the final decision about whether development consent should be granted. The applicant has been given the opportunity to comment on the Inspectorate's draft record of advice before it was published.

General	
Ref No.	Comment or question
1.	The dDCO has been written in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. As statutory consultation commenced after 30 April 2024, the applicant should consider whether the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 apply instead.

Draft Development Consent Order (DCO) and Draft Explanatory Memorandum (EM)		
Ref No.	Article / Schedule / Requirement	Comment or question
1.	Various	The term “materially new or materially different environmental effects...” is inconsistently used. For Article 2, Article 6(2) and Requirement 17(2), it is used as above. However, in Schedule 2 Part 1 (interpretations), the term “materially new or materially different significant environmental effects...” (Inspectorate emphasis) is used. The ExA is likely to want an explanation for the difference in use and will very likely want to define what “significant” means in this context. The term should be consistent throughout the DCO. The applicant should consider whether “materially new or materially worse...” is used instead, as this provides the flexibility for the applicant to make amendments as well as providing something “different” which is a betterment of the scheme.
2.	Article 8(3)(d)	The power allows the undertaker to transfer the benefit of the Order without the Secretary of State’s consent where the transferee “is a registered company who is a member of the Uniper Group”. There is no explanation in the EM as to the need for this specific power and if accepted for Examination, the ExA is likely to want to examine who these other companies are and whether they are appropriate and lawful holders of this Order. The Inspectorate recommends this is explained in the EM or removed.

Draft Development Consent Order (DCO) and Draft Explanatory Memorandum (EM)

Ref No.	Article / Schedule / Requirement	Comment or question
3.	Various	Articles 16(1), (3) and (5) and Article 17(5) use the words in relation to streets etc “temporarily stopping up/stop up”. The applicant should consider whether it would be more appropriate to amend to temporarily ‘close’ / ‘restrict’ and if so, to which users.
4.	Article 36(8)	This power prevents the undertaker from compulsory acquiring any part of the land identified for temporary possession “except that the undertaker is not precluded from acquiring new rights over any part of the land under A28”. The EM does not explain the necessity or reasoning for this additional wording, and if accepted for Examination, any ExA may want to examine whether the Applicant is seeking to allow itself powers to compulsory acquire land identified for temporary possession and why. The current wording could lead to uncertainty and confusion for those affected by such powers. The Article should prevent temporary possession powers land from being acquired. If there is land in which could be needed for new rights under Article 28, these should be specifically identified and carved out. An explanation in the EM will then be required.
5.	Schedule 1	Work No.2(a) does not display the length of the proposed high-pressure gas pipeline.
6.	Requirement 22(2)(c)	No Order should impose or direct time limits on the Secretary of State. The term “28 days” should be removed and replaced with “as soon as practicably possible/as soon as practicable”
7.	Schedule 11	The EM should explain in further detail the status of protective provisions and where there are disputes with the named statutory undertaker. If accepted for Examination, the ExA will likely seek an early progress report and explanations of why protective provisions are not completed. If disputes occur, the ExA will likely require evidence of where the disputed wording has (or has not) been used on other Orders and an explanation of why, if applicable, protective provisions depart from those made Orders.

Draft Statement of Reasons (SoR)

Ref No.	Paragraph / Section	Comment or question
1.	Alternatives	Only the 'Do Nothing' alternative is discussed with reference to NPS EN-1. All other alternatives are discussed in ES Volume 2, Chapter 6: Project Alternatives – which was not submitted for Draft Document review.

Draft Consultation Report, including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
1.	General	The draft Consultation Report was incomplete and as such, the Inspectorate had no detailed observations to make on the submitted information. However, some generic advice is provided below (see published advice pages for further information).
2.	Compliance with Statutory Consultation Requirements	<ul style="list-style-type: none">• Ensure full demonstration of compliance with Sections 42 (duty to consult), 47 (duty to consult the local community), and 48 (duty to publicise).• Clearly outline how consultation activities align with the Planning Act 2008 and associated guidance.
3.	Adequacy of Consultation	<ul style="list-style-type: none">• Provide more detail on how consultation materials were prepared, made available, and adapted for accessibility.

Draft Consultation Report, including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
	Materials and Methods	<ul style="list-style-type: none"> Assess the effectiveness of consultation methods and any adjustments made to improve engagement.
4.	Evidence of Consultation and Responses Received	<ul style="list-style-type: none"> Ensure a clear record of consultation responses, categorised by statutory consultees, local authorities, community groups, and the public. Strengthen the explanation of how feedback has been considered and influenced project development. Demonstration of regard to consultation feedback Expand on how responses have been analysed and summarised, ensuring a clear audit trail. Provide explicit examples of changes made to the project in response to consultation feedback or justification where no changes were made.
5.	Clarity and Structure of the Report	<ul style="list-style-type: none"> Improve structure to ensure clarity and ease of reference, with cross-referencing to supporting evidence. Include a robust executive summary highlighting key themes, feedback received, and project adjustments made.
6.	Ongoing Engagement	<ul style="list-style-type: none"> Clearly outline any further consultation or engagement activities planned before the application submission. Ensure the report demonstrates a fully completed consultation process, addressing any remaining gaps before submission.

Draft sample Land Plan		
Ref No.	Plan Name and Ref	Comment or question
1.	General	The draft Land Plan was incomplete, and no other plans were submitted for review. As such, the Inspectorate had no detailed observations to make on the submitted information. However, some generic advice relating to plans is provided below (see published advice pages for further information) to assist with finalising the documents ahead of the application submission.
2.	Compliance with Statutory Requirements	<ul style="list-style-type: none"> • Ensure all plans are legislatively compliant and are of a high-quality and are clearly legible in order to be easily interpreted by stakeholders. • Ensure consistency with the Book of Reference and other application documents (such as the dDCO and Statement of Reasons).
3.	Accuracy and Clarity of Mapping	<ul style="list-style-type: none"> • Base plans should use up-to-date Ordnance Survey mapping at an appropriate scale (typically 1:2500 in rural areas and 1:1250 in urban areas). • Use a standardised legend and key to distinguish different land categories (e.g., compulsory acquisition, temporary possession, rights).