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# **SCOPING OPINION:**

## **Proposed Connah's Quay Low Carbon Power Project**

**Case Reference: EN010166**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**20 March 2024**



## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2.</b>	<b>OVERARCHING COMMENTS .....</b>	<b>3</b>
2.1	Description of the Proposed Development .....	3
2.2	EIA Methodology and Scope of Assessment .....	9
<b>3.</b>	<b>ENVIRONMENTAL ASPECT COMMENTS .....</b>	<b>12</b>
3.1	Air quality.....	12
3.2	Noise and vibration .....	14
3.3	Traffic and transport .....	16
3.4	Terrestrial and aquatic ecology .....	18
3.5	Marine ecology .....	25
3.6	Water environment and flood risk .....	31
3.7	Geology and ground conditions .....	34
3.8	Landscape and visual amenity .....	37
3.9	Physical processes .....	39
3.10	Cultural heritage.....	43
3.11	Socio-economics, recreation and tourism .....	45
3.12	Climate change .....	47
3.13	Human health .....	48
3.14	Major accidents and disasters .....	49
3.15	Materials and waste .....	51
3.16	Cumulative and combined effects.....	53
3.17	Aspects to be scoped out .....	54
 <b>APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED</b>		
 <b>APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES</b>		

# 1. INTRODUCTION

1.1.1 On 08 February 2024, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Uniper UK Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Connah's Quay Low Carbon Power Project (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.1.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

## **Scoping Report (main text and Appendix A)**

<http://infrastructure.planninginspectorate.gov.uk/document/EN010166-000035>

## **Scoping Report (Appendices B to E)**

<http://infrastructure.planninginspectorate.gov.uk/document/EN010166-000036>

1.1.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.1.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.1.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.1.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-

application stages and advice to support applicants in the preparation of their ES.

- 1.1.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.1.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.



## 2. OVERARCHING COMMENTS

### 2.1 Description of the Proposed Development

(Scoping Report Section 3)

ID	Ref	Description	Inspectorate's comments
2.1.1	Figure 1-2	Thickness of red line boundary	It would assist the reader if a thinner red line boundary could be used to show the exact land required and assessed for the Proposed Development.
2.1.2	Paragraph 2.1.21	Inclusion of all potential works	Scoping Report paragraph 2.1.21 notes that ' <i>minor upgrade works adjacent to the Main Site may be required at the existing Access to Wildlife Hides immediately north-east (SJ279712) and immediately north-west (SJ267719) of the Main Site and at the Existing Surface Water Outfall immediately north (SJ278712) of the Main Site.</i> '  The ES should ensure that all works that have the potential of being required are described and assessed and therefore, these should be detailed in the Project Description.
2.1.3	Paragraphs 2.1.25, 2.1.32, 2.1.35 and 2.1.38	Dimensions	The Scoping Report does not provide a width for all of the corridor works. The descriptions applied to the works are inconsistent and full parameters should be described in the ES.
2.1.4	Paragraph 3.2.6	Clarification of timings	The ES should clearly set out the parameters of the assessment, phrases such as 'limited period' should be explained.
2.1.5	Paragraph 3.2.25	Clarification of works	The ES should set out whether the electrical connection is proposed to be underground or overground, ensuring all potential impacts are

ID	Ref	Description	Inspectorate's comments
			<p>assessed, noting also whether any works are outside that being applied for in the draft Development Consent Order (dDCO).</p> <p>The Inspectorate advises that the ES sets out clearly how the assessment addresses impacts resulting from consequential development and activity where significant effects are likely to result.</p>
2.1.6	Paragraph 3.2.26	Indicative enhancement area	<p>The Scoping Report states that this area may be required for a temporary construction compound prior to the enhancement area being created. The ES should be clear on likely timescales required and apply these to the assessment to ensure that the proposed enhancement area, like any mitigation, is not relied upon in the assessment prior to its establishment.</p> <p>Furthermore, it is noted that this indicative enhancement area is located on an historic landfill site, as identified in consultee responses, the Applicant should consider any likely significant effects (LSE) arising from this historic land use.</p>
2.1.7	Paragraph 3.3.2	Dredging	<p>The Inspectorate notes that there is potential for operational maintenance dredging, including around the cooling water intake. The ES should include a description of any maintenance dredging proposed, including its location, the likely type and volume of sediment to be dredged and the proposed deposit location. This should include any effects associated with release of sediment-bound contaminants, turbidity and habitat loss/ disturbance. Impacts on other aspects should be considered, such as marine ecology and physical processes. Any LSE arising from such activity should be described in the ES.</p> <p>Paragraph 3.3.22 of the Scoping Report states that there would be no capital dredging required as part of the construction works. If this changes, the Inspectorate advises that the ES should provide a description of any construction phase dredging proposed, including</p>

ID	Ref	Description	Inspectorate's comments
			frequency, location, type and volume of sediment and deposit location, together with an assessment of any significant effects likely to occur as a result.
2.1.8	Paragraph 3.3.5	Worst case scenario	<p>Paragraph 3.3.5 of the Scoping Report discusses the existing Combined Cycle Gas Turbine (CCGT) plant. The Inspectorate considers that the ES should clearly consider the processes and emissions attributed to the existing CCGT plant and ensure maximum parameters are assessed, noting that the dDCO for the Proposed Development cannot control these.</p> <p>In addition, whilst it is stated that demolition of the existing CCGT plant is not required for the Proposed Development, the assessment should consider if demolition of the existing plant could take place during construction and operation of the Proposed Development and assess this to set out how this will be managed to mitigate effects.</p>
2.1.9	Paragraph 3.3.6	'suitable platform level'	The ES should clarify what is meant by 'suitable platform level', how this will be determined and what it has been determined to be. The assessments will need to ensure that an accurate ground level has been assessed.
2.1.10	N/A	Carbon Capture	<p>The ES should clearly set out whether the dDCO would permit the generation station to operate independently of the carbon capture elements.</p> <p>The ES should set out when the carbon capture element would be operational in relation to that of the generating station.</p> <p>The ES should set out a carbon capture rate and this should be considered in the relevant assessments.</p>
2.1.11	N/A	Decommissioning	The Scoping Report is inconsistent between aspect chapters in the way in which decommissioning effects are being proposed to be

ID	Ref	Description	Inspectorate's comments
			<p>assessed. Paragraph 3.10.3 sets out that <i>'It is generally assumed that the environmental effects associated with the decommissioning phase would be no worse than those experienced during construction and these will be assessed on this basis'</i>.</p> <p>Whereas in some aspects, eg air quality; decommissioning is set out to be assessed (paragraph 6.5.1 of the Scoping Report).</p> <p>The Inspectorate advises that the ES should cover the life span of the Proposed Development, including decommissioning. The ES should provide a description of the activities and works (including the anticipated duration) which are likely to be required during decommissioning.</p> <p>Where the construction phase has been scoped in on the basis that LSE could occur, this suggests that there is potential for LSE to occur during the decommissioning phase.</p> <p>Difficulty of assessment is not an adequate justification to scope matters out.</p> <p>The ES should be clear as to how decommissioning will be assessed overall for the Proposed Development as well as on an aspect-by-aspect basis.</p> <p>Furthermore, considering decommissioning is proposed to take place up to 30 years in the future, it should be clear how gaps in knowledge would be addressed for example through commitment to a decommissioning environmental management plan, which is demonstrably secured through the dDCO. Should the approach be taken that effects would be similar to those expected during construction, the ES should set out how a change in baseline could affect this and how this would be taken into account.</p>
2.1.12	Paragraphs 3.1.3 to	Flexibility	<p>The Inspectorate notes the Applicant's intention to apply a 'Rochdale Envelope' approach to maintain flexibility within the design of the</p>

ID	Ref	Description	Inspectorate’s comments
	3.1.4 and 4.1.4		<p>Proposed Development. The Inspectorate expects that at the point an application is made, the description of the Proposed Development will be sufficiently detailed to include the design, size, capacity, technology, and locations of the different elements of the Proposed Development. This should include the footprint and heights of the structures (relevant to existing and proposed ground levels), as well as land-use requirements for all elements and phases of the Proposed Development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the EIA and most notable the worst case for each aspect.</p>
2.1.13	Paragraph 3.4.1	Phasing	<p>The Scoping Report states that the Proposed Development could be delivered in a single phase or two phases, comprising two identical CCGT and carbon capture plant (CCP) trains. An indicative construction timeline for a two-phase delivery is described, with Phase 1 potentially commencing 2026 and lasting approximately four years, and Phase 2 (if progressed) potentially commencing 2031 and lasting four years. It is stated that the ES will provide further information.</p> <p>The ES should clearly set out for each of the aspects, the worst-case scenario of the two build out options for each assessment. It should include an assessment of any LSE arising from the phased nature of the Proposed Development, including risks of major accidents from the proximity of construction activity to the operational CCGT. Measures required to mitigate any LSE should be clearly described in drafts of the construction environmental management plan (CEMP) and/ or operational environmental management plan (OEMP) submitted with the application.</p>

ID	Ref	Description	Inspectorate's comments
2.1.14	N/A	Natural resources	<p>The Scoping Report states that natural gas and water will be required for the operational phase of the Proposed Development. Paragraph 3.2.32 of the Scoping Report indicates that natural gas will continue to be imported from the existing connection and paragraph 3.2.29 indicates that water will be abstracted from the River Dee. However, it is unclear what volume of resource would be required and whether this would be available from the identified sources. In addition, it is unclear how any continued operation of the existing CCGT would affect the availability of the resource.</p> <p>The ES should include an estimate of the likely volume of the different natural resources, including those identified above and any other resources required for example as part of the carbon capture process, that will be required in the operation of the Proposed Development, how these will be transported to the site, and an assessment of any LSE arising from the use of such resources.</p> <p>The Applicant should consider whether new or existing consents or licences require requesting/renewing and the ES should provide commentary on these.</p>

## 2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 1.1.4	Scope of the assessment	<p>The Scoping Report notes that the Proposed Development '<i>expects to make use of transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project</i>'. This is one example, shared works and overlap with other projects are discussed elsewhere in the Scoping Report.</p> <p>The ES should clearly describe the relationship between the Proposed Development and connected projects. This should include the extent to which the Proposed Development is dependent on their delivery and the development timelines and anticipated consenting routes of the other projects, with an explanation of how these will be coordinated. The assessment should address the potential for the connected projects to result in a LSE. The Inspectorate advises that the ES sets out clearly and in detail, how the assessment addresses impacts resulting from consequential development and activity where significant effects are likely to result. The ES should clearly explain and justify the boundaries and limitations of the assessment and, noting uncertainty may persist, any reasonable assumptions that have been applied. The assessment should address the worst case (which may differ for different aspects).</p>
2.2.2	N/A	Baseline conditions	<p>The ES should include sensitivity testing of any survey data collated from previous developments, most notably Hynet Carbon Dioxide Pipeline DCO with which it has an overlapping boundary, to ensure applicability and reliability.</p>
2.2.3	N/A	Mitigation	<p>The ES should consider the potential for mitigation measures to impact on other environmental aspects. Consideration should be</p>

ID	Ref	Description	Inspectorate's comments
			<p>given to when in the assessment period the mitigation measure will be in place. For example, it is noted that paragraph 9.6.2 of the Scoping Report states that screening might be used as mitigation for visual disturbance to birds. Any likely significant effects arising from the presence of screening should also be assessed as relevant, eg for landscape and visual receptors.</p>
2.24	Various	Additional mitigation	<p>Several of the aspect chapters of the Scoping Report state that additional mitigation for likely significant adverse effects would be provided where "<i>it is reasonably practicable</i>".</p> <p>The ES should describe how significant adverse effects are proposed to be mitigated. Any mitigation proposed should be identified in the ES; the description should be sufficiently detailed to demonstrate how significant effects will be avoided or minimised. Where further detail is proposed within management plans, outline versions should be submitted and the ES should clearly demonstrate how implementation will be secured through the dDCO. Where significant adverse effects remain after any proposed additional mitigation, or if additional mitigation is not available, the ES should identify and describe any proposed compensatory measures and confirm how these would be secured (where appropriate). Any measures identified should be consulted on with relevant consultation bodies.</p>
2.25	Section 22.3	Transboundary	<p>The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p>



ID	Ref	Description	Inspectorate's comments
			<p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at <a href="http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/">http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</a></p>

### 3. ENVIRONMENTAL ASPECT COMMENTS

#### 3.1 Air quality

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 6-1	Operational road traffic (human health and relevant ecological receptors within the screening distance)	<p>The Inspectorate is content that the number of vehicle trips predicted for the 66 staff required at the site during operation and 14 Heavy Goods Vehicle (HGV) trips a day is unlikely to result in a significant effect on air quality. It is noted however that this is to increase to 230 Annual Average Daily Traffic (AADT) during years of maintenance.</p> <p>The Inspectorate, noting the response by Natural Resource Wales (NRW) and recognising that there is the potential for in-combination/cumulative effects and impacts on future baseline as a result of other Proposed Developments within the vicinity of the site, deem that further information is required on the likely effects before this matter can be scoped out for air quality. The Applicant is encouraged to discuss this and seek agreement from relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.1.2	Paragraph 6.4.4	Study Area	The ES should provide justification for not following the suggested distance of 350m from the boundary of the site and up to 500m from the site entrance for human receptors and 500m from the site entrance for ecological receptors. These distances are set out in the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction 2014.

ID	Ref	Description	Inspectorate's comments
			The ES should ensure that any distances used have been informed by potential for significant effects on sensitive receptors and not an arbitrary figure assigned to the assessment.
3.1.3	Paragraphs 6.4.8 – 6.4.10	Baseline	Paragraphs 6.4.8 – 6.4.10 of the Scoping Report outline the background data to be used in the assessment. This section also proposes a three-month survey using diffusion tubes to establish the nitrogen dioxide levels in the area immediately surrounding the site. As with all baseline information, the ES should justify how this is representative. It is not clear how this three-month survey period will be used to inform projections. Therefore, this approach should be fully justified in the ES.
3.1.4	Paragraph 6.4.11	Sites of Special Scientific Interest (SSSI)	<p>NRW raised in its representation that not all SSSI have been identified within the 15km study area. The Applicant should seek to agree designated sites for inclusion in the assessment with relevant consultation bodies.</p> <p>The Applicant should ensure that all sites and species are included in the ecological assessment and listed in a table such as Scoping Report Table 9-3.</p>
3.1.5	Paragraph 6.5.7	Assessment	The Applicant should seek agreement with relevant consultation bodies that an assessment of the Proposed Development in unabated mode is not required to inform the worst-case assessment. This should be evidenced in the ES.

### 3.2 Noise and vibration

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 7.4.4 and Table 7-8	Noise and vibration emissions from existing project elements during construction	The Inspectorate is content that no works are required to the existing project elements and therefore there would be no construction impacts. This matter therefore can be scoped out of the assessment. Noise and vibration emitted from the existing project elements should however form part of the baseline for the assessment.
3.2.2	Paragraph 7.4.4 and Table 7-8	Noise and vibration emissions from existing project elements during operation	The Inspectorate is content that the Proposed Development would not change the noise and vibration emissions currently experienced from the existing project elements. Therefore, this matter can be scoped out the assessment. Noise and vibration emitted from the existing project elements should however form part of the baseline for the assessment.
3.2.3	Paragraph 7.7.3 and Table 7-8	Noise from operational traffic	The Inspectorate is content that the level of traffic generated during operation is unlikely to result in a significant effect.  However, the Inspectorate, noting the response by NRW and recognising that there is the potential for in-combination/ cumulative effects and impacts as a result of other Proposed Developments within the vicinity of the site, deem that further information is required on the likely cumulative traffic effects before this matter can be scoped out for noise. The Applicant is encouraged to discuss this and seek agreement from relevant consultation bodies.
3.2.4	Paragraph 7.7.4 and Table 7-8	Plant vibration emissions during operation	The Inspectorate is content that there are to be no vibration creating sources introduced as part of the Proposed Development and therefore this matter can be scoped out of the assessment.

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.2.5	Paragraph 7.7.5 and Table 7-8	Decommissioning	The Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.2.6	Table 7-1	Identification of sensitive receptors	Table 7-1 sets out sensitive receptor locations within 300m for the construction assessment and within 1km for the operational assessment. The Applicant should clarify why impacts are likely beyond 300m during operation but not during construction. Effort should be made to agree the study area(s) with relevant consultation bodies.

### 3.3 Traffic and transport

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Paragraph 8.7.7 and Table 8-5	Operational traffic movements	<p>The Inspectorate is content that the number of vehicle trips predicted for the 66 staff required at the site during operation and 14 HGV trips a day is unlikely to result in a significant effect. It is noted that this is predicted to increase to 230 AADT during years of maintenance.</p> <p>However, the Inspectorate, noting the response by NRW and recognising that there is the potential for in-combination/ cumulative effects as a result of other Proposed Developments within the vicinity of the site, deem that further information is required on the likely cumulative effects before this matter can be scoped out for traffic movements. The Applicant is encouraged to discuss this and seek agreement from the relevant consultation bodies.</p>
3.3.2	Paragraph 8.7.9 and Table 8-5	Decommissioning	<p>The Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.</p>

ID	Ref	Description	Inspectorate's comments
3.3.3	Paragraph 8.5.5	Baseline	<p>The Scoping Report notes the use of walkover surveys to inform the baseline, however it is not explained as to the purpose of these. There is no information provided in relation to traffic survey work to be undertaken although it is noted that traffic count data is listed under 'sources of information'. The baseline data collection</p>

ID	Ref	Description	Inspectorate's comments
			methodology should be clearly set out in the ES and effort should be made to agree the approach with relevant consultation bodies.
3.3.4	N/A	Future baseline	When determining an appropriate assessment year and the forecasting method, the Applicant is requested to consider and comment in the ES on any implications of the Transport Analysis Guidance (TAG) "TAG Unit M4 - Forecasting and Uncertainty" (published by the Department for Transport (DfT) in 2023) for and the latest Traffic Modelling Projections 2022.
3.3.5	Paragraph 8.5.19	Assessment criteria	Whilst the policy and guidance section in the Scoping Report correctly references the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Traffic and Movement published in 2023, the assessment criteria list reflects that of IEMA's now superseded Guidelines for the Environmental Assessment of Road Traffic (1993). The assessment in the ES should use the latest guidance or provide commentary to justify why it has not been followed.
3.3.6	N/A	Assessment	The ES should set out whether river transport could potentially be utilised in the construction and operation of the Proposed Development.

### 3.4 Terrestrial and aquatic ecology

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Paragraphs 9.7.1 and 9.7.4 and Table 9-7	Permanent loss and temporary land take of designated sites and habitats during operation	<p>Table 9-7 of the Scoping Report considers this potential impact pathway during construction but does not refer to it in respect of operation. As such, the Inspectorate understands that it is proposed to scope this matter out of the ES.</p> <p>The Inspectorate advises that the ES should assess the significance of any permanent habitat loss from the construction phase that would continue into the operational phase, and any habitat loss or degradation that could arise from operational air quality and water changes.</p> <p>The ES should also describe any maintenance requirements that could affect designated sites and habitats during operation, including any temporary land take that may be required to facilitate these. Where any such activities could give rise to likely significant effects, an assessment should be provided in the ES.</p>
3.4.2	Paragraph 9.4.26 and Table 9-7	Impacts on dormouse during all phases	<p>The Scoping Report proposes to scope this matter out based on a lack of suitable habitat for dormouse.</p> <p>Paragraph 9.4.26 of the Scoping Report states that phase 1 habitat surveys completed in August 2021 and November 2023 concluded that habitats within the site provide limited opportunities for hazel dormouse and that there is limited connectivity with offsite habitats due to the site being surrounded by the River Dee and other development. The Preliminary Ecological Appraisal (Appendix B to the Scoping Report) states that the <i>"site is close to the limits of the known UK distribution of this species."</i></p>



<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			On that basis, the Inspectorate agrees that significant effects to hazel dormouse are unlikely to occur and this matter can be scoped out of the ES. The results of the phase 1 habitat surveys and any information obtained from local records should be reported in the ES.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.4.3	Paragraphs 9.4.2 - 9.4.3 and Figure 9-1	Study area and receptors	<p>The Scoping Report proposes a study area of 15km around the main site to identify European designated sites, SSSI and National Nature Reserves (NNR) based on guidance for air quality impact assessment during operation. For avoidance of doubt, the Inspectorate understands that all European designated sites and SSSIs within 15km are being assessed for the effects listed are in Table 9-7.</p> <p>Based on the information presented, the Inspectorate considers that this is an appropriate study area but notes that Figure 9-1 shows several SSSIs and a Ramsar site outside but close to the 15km buffer. The Inspectorate advises that these sites should be assessed in the ES where there is potential for impacts to extend to them and result in LSE. Please note the comments from NRW regarding potential air quality impacts to SSSI, as noted in ID 3.1.4 of this Scoping Opinion.</p>
3.4.4	Paragraph 9.4.18 and Table 9-5	Proposed ecological surveys	<p>Table 9-5 of the Scoping Report sets out the proposed ecological surveys and data collection, together with suggested scope, timing and survey extents. The Inspectorate considers that that proposed survey scope is acceptable subject to the following comments:</p> <ul style="list-style-type: none"> <li>▪ Final survey extents should be clearly described and illustrated on figures within the ES;</li> </ul>

ID	Ref	Description	Inspectorate's comments
			<ul style="list-style-type: none"> <li>▪ Paragraph 9.4.18 of the Scoping Report states that habitat surveys are proposed at all locations of permanent infrastructure construction, ie excluding the repurposed carbon dioxide (CO<sub>2</sub>) connection corridor and existing natural gas corridor, and areas of temporary land take/ disturbance, as well as the Indicative Enhancement Area. In finalising the survey extents, the Inspectorate advises that consideration should be given to any vegetation clearance and/ or maintenance activity required at the excluded connection corridors. Where such activity is proposed and could result in impact pathways to likely significant effects, the Inspectorate considers that these locations should also be subject to survey to establish sufficient understanding of the baseline;</li> <li>▪ In several instances, it is stated that survey extents would be within the Site and a buffer "<i>where accessible</i>". Where survey extent is limited due to access issues, the ES should explain what efforts were made to obtain access and how any gaps in survey data are proposed to be addressed;</li> <li>▪ For breeding bird surveys, NRW has, in its response, requested additional visits to be completed to determine the presence of crepuscular/ nocturnal species;</li> <li>▪ Consideration should be given to bird species records from local records and whether these indicate potential presence of additional ornithological receptors within the study area, eg breeding barn owl, which would require survey (and assessment in the ES);</li> <li>▪ Effort should be made to agree the scope, timing and extent of survey effort with relevant consultation bodies prior to survey work commencing. Evidence of any agreement or otherwise should be presented in the ES;</li> <li>▪ Where it is ultimately determined to scope further survey effort out, for example it is stated that this could be the case for</li> </ul>

ID	Ref	Description	Inspectorate's comments
			<p>natterjack toad, bat roost presence/ absence, fish eDNA and terrestrial invertebrate the ES should provide an explanation of why this approach is appropriate together with evidence of any agreement with relevant consultation bodies; and</p> <ul style="list-style-type: none"> <li>▪ The ES should confirm the overall length of hedgerow likely to be affected by the Proposed Development across the dDCO Order limits, and categorise the amount likely to be subject to temporary and/ or permanent effects.</li> </ul> <p>Based on information presented in the Scoping Report and Appendix B Preliminary Ecological Appraisal, the Inspectorate agrees that:</p> <ul style="list-style-type: none"> <li>▪ no further hazel dormouse survey is required, noting there is limited habitat and/ or connection to suitable offsite habitat for hazel dormouse; and</li> <li>▪ no further reptile survey is required, noting the surveys completed in April 2022 concluded potential for small numbers of common reptiles to be present within the Indicative Enhancement Area only and the habitat is largely unchanged since the survey.</li> </ul> <p>The Inspectorate advises that survey work should be summarised in the ES and survey reports should be provided as technical appendices to the ES.</p>
3.4.5	Paragraph 9.4.32	Ornithological receptors	<p>The Scoping Report summarises the findings of bird surveys completed to date. The Inspectorate notes that there appears to be a discrepancy between information presented in the Scoping Report main text, and that in the preliminary ecological appraisal (and annexes) at Appendix B of the Scoping Report. For example, the Scoping Report main text does not refer to the presence of curlew, a qualifying feature of the Dee Estuary Special Protection Area (SPA) but paragraph 2.10.5 of the preliminary ecological appraisal states that there are "<i>large numbers of foraging curlew... present within</i></p>

ID	Ref	Description	Inspectorate's comments
			<i>these habitats at the time of the field surveys.</i> " The assessment in the ES should be based on a robust baseline, which should be described consistently with survey and other data gathered.
3.4.6	Paragraph 9.5.20	Habitats regulation assessment (HRA)	<p>The Scoping Report states that a HRA is proposed and would be prepared in accordance with the Inspectorate's Advice Note Ten: Habitats Regulations Assessment (AN10)</p> <p>The Inspectorate advises that the findings of the HRA should be used to inform the assessment in the ES. Whilst not of direct relevance to the ES, the Inspectorate notes that AN10 no longer requires provision of matrices as part of the HRA report(s).</p>
3.4.7	Paragraph 9.6.2	Embedded mitigation	<p>For several potential embedded mitigation measures, the Scoping Report states that these would be implemented "<i>as far as reasonably practicable</i>". This includes avoidance of nesting bird season for habitat clearance works and routing of connection corridors to avoid sensitive habitats/ use of non-intrusive construction techniques at the Pentre Brook/ Lead Brook tributary. Where it is unclear if such mitigation can be achieved and/ or secured, the assessment should consider the worst case without the measures and identify any additional mitigation that would be required to address LSE arising.</p>
3.4.8	Table 9-7	Potential effects – hedgerow and ancient woodland	<p>For the avoidance of doubt, the Inspectorate understands that the assessment of habitat loss/ temporary land take and disturbance and degradation of ecological features, particularly from dust/ air quality change will include consideration of hedgerow and ancient woodland.</p>
3.4.9	Section 9.7	Potential effects – spread of invasive non-native species (INNS)	<p>Paragraphs 9.4.27 and 9.4.37 of the Scoping Report refer to survey work considering potential for presence of terrestrial and aquatic INNS but the effects section does not include potential for spread of INNS as an impact pathway. Section 4.1 of the Phase 1 Habitat and Fauna Survey (Appendix B of the Scoping Report) states that there</p>

ID	Ref	Description	Inspectorate’s comments
			<p>are records of Japanese Knotweed, Himalayan Balsam and Cherry Laurel, although the site survey did not identify their presence.</p> <p>The Inspectorate advises that the ES should identify and describe any INNS present in the baseline and include an assessment where significant effects are likely to occur, or otherwise explain why significant effects are not likely with evidence of agreement with relevant consultation bodies.</p>
3.4.10	Paragraphs 9.7.1 and 9.7.4 and Table 9-7	Vibration effects to notable and protected species during construction	<p>It is noted that vibration is included at Table 9-7 of the Scoping Report but not listed in the separate paragraphs describing potential effects. For the avoidance of doubt, the Inspectorate understands that in addition construction noise, the assessment would assess the construction vibration where significant effects are likely to occur.</p>
3.4.11	Paragraphs 9.7.6 and 10.4.4 and Table 9-7	Potential effects to fish, including entrainment/ impingement and/ or disruption to migration routes during operation	<p>Paragraph 9.7.6 of the Scoping Report states that entrainment, impingement and disruption to migration routes will be assessed in the marine ecology ES chapter but Table 9-7 states it is scoped in for terrestrial and aquatic ecology. This matter is also scoped in with reference to “marine ecology” in Table 10-2 of the Scoping Report.</p> <p>For the avoidance of doubt, potential effects to fish (including eels and lamprey) from entrainment, impingement or other disruption to migration routes during operation should be assessed in the ES, together with any other impact pathways during construction and operation that could give rise to likely significant effects. The Inspectorate is content for this to be presented in either the terrestrial and aquatic ecology or marine ecology ES chapter with cross-referencing as necessary, provided that all potentially affected watercourses, eg rivers, intertidal and marine areas are assessed.</p> <p>Paragraph 10.4.4 of the Scoping Report states that the requirement for upgraded or replacement eel screens is assessed as part of Chapter 9.0 Terrestrial and Aquatic Ecology but there is no reference</p>

ID	Ref	Description	Inspectorate's comments
			to eel screens in section 9 of the Scoping Report. The need for upgraded or replacement eel screens, and any intake screens as mitigation for other impacts to other migratory Annex II fish species, should be identified in the ES; if required, they should be demonstrably secured through the DCO. The Applicant's attention is drawn to the comments of NRW (see Appendix 2).
3.4.12	N/A	Conservation management plan	The Applicant's attention is drawn to the comments of NRW (see Appendix 2), which state that there is a conservation management plan in place at the Proposed Development site providing mitigation for previous developments. The description of the baseline in the ES should include consideration of the plan and targets it is required to meet. The ES should confirm how any mitigation for the Proposed Development would relate to this plan.
3.4.13	N/A	Confidential annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

### 3.5 Marine ecology

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Paragraphs 10.4.9 and 10.5.5	Effects to marine conservation zones (MCZ)	Based on the distance between the Proposed Development and the closest MCZ (Fylde MCZ, which is more than 50km at the closest point), and absence of potential impact pathways, the Inspectorate agrees that this matter can be scoped out of the assessment.
3.5.2	Paragraph 10.7.1	Direct habitat loss and physical disturbance from works below mean high water springs (MHWS) outside of the water connection corridor during construction	<p>Whilst this is not identified as a matter to be scoped out in Table 10-2, the Inspectorate notes that the assessment is proposed to be spatially limited to activities in the water connection corridor (shown on Figure 1-3 of the Scoping Report) rather than a defined Zone of Influence (ZoI) for potential impacts.</p> <p>The Inspectorate does not have sufficient information about the operational phase works to exclude the possibility of likely significant effects from this impact pathway. Consideration should be given to whether habitat loss could occur eg from maintenance dredging and hydromorphological changes including ongoing scour. Where significant effects are likely, these should be assessed in the ES.</p>
3.5.3	Paragraphs 10.7.2 - 10.7.3 and Table 10-2	Physical disturbance to marine ecology from changes in airborne soundscape and visual disturbance within the ZoI during construction	<p>The Scoping Report states that river and land-based activities have potential to disturb seals that have surfaced or hauled out but due to the intervening distance between the Proposed Development and the nearest haul out site at Hilbre Island (more than 15km downstream) there will be no available pathway. Ornithological receptors will be considered in the terrestrial and aquatic ecology ES chapter.</p> <p>Based on information presented in the Scoping Report, the Inspectorate agrees that significant effects are not likely to occur and this matter can be scoped out of the assessment. Please note the</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			Inspectorate's comments at ID 3.5.9 of this Scoping Opinion regarding receptors to be considered in relation to underwater noise and vibration during construction.
3.5.4	Paragraph 10.7.4	Introduction and spread of INNS during operation	Whilst this is not identified as a matter to be scoped out in Table 10-2 of the Scoping Report, the Inspectorate notes that it is scoped in for the construction phase for in-river works. It is unclear whether there could be in-river works during operation eg maintenance of the outfall and/ or maintenance dredging involving vessels that could result in impact pathways. The Inspectorate advises that this should be clarified in the ES, together with an assessment of any likely significant effects.
3.5.5	Paragraphs 10.7.5 - 10.7.6 and Table 10-2	Physical disturbance to marine ecology from changes in underwater sound and visual disturbance during operation	The Scoping Report states that the operational phase will not result in changes to underwater sound or visual disturbance that would impacts marine habitats or species.  Based on the information presented in the Scoping Report, the Inspectorate agrees that significant effects are not likely to occur. This matter can be scoped out of the assessment.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.5.6	Paragraph 10.3.2	Assumptions, limitations and uncertainties	The Scoping Report states that there is uncertainty about the construction methodology for works within the water connection corridor, but the maximum area required is shown on Figure 1-3 in Appendix A of the Scoping Report. The ES should also explain what assumptions have been made about the methodology and the assessment should be based on the maximum parameters or worst-case scenario. The potential permanent loss of habitat associated with these works should be quantified. In addition, the ES should confirm



ID	Ref	Description	Inspectorate's comments
			<p>the predicted number of vessel movements during all phases of the Proposed Development. The Inspectorate's comments at ID 2.1.12 of this Scoping Opinion about flexibility apply equally to this matter.</p>
3.5.7	Paragraphs 10.4.2 - 10.4.3	Cooling water and discharge	<p>The Scoping Report states that the existing CCGT requires abstraction of cooling water and discharge into the River Dee, which is carried out in accordance with rates and limits in an Environmental Permit issued by NRW. It is stated that the Proposed Development may reuse the existing infrastructure or new outfall infrastructure may be required.</p> <p>Please refer to the Inspectorate's comments at ID 2.1.8 of this Scoping Opinion regarding establishing the baseline condition for the purpose of assessment. This should include information about the existing rates and limits and any monitoring data obtained as part of the Environmental Permit. The ES should define the worst-case parameters in terms of volumes and thermal impacts from the Proposed Development and include an assessment of any likely significant effects, particularly to marine and estuarine fish receptors.</p> <p>The Applicant should consider whether temperature modelling should be undertaken to inform this assessment.</p>
3.5.8	Paragraph 10.4.5	Data sources	<p>The Scoping Report states that Environment Agency (EA) information on fish counts (TraC data) would be used but then states in a footnote that there are no EA fish sampling stations in the River Dee and no information on fish counts is available. The assessment in the ES should be supported by robust baseline data. If insufficient desk-based data is available, alternative data source(s) should be used, which may include the need for migratory fish survey(s). Please refer to the Inspectorate's comments at ID 3.5.10 of this Scoping Opinion.</p> <p>The Applicant's attention is drawn to the comments of NRW (see Appendix 2) regarding the Marine Evidence Based Sensitivity</p>

ID	Ref	Description	Inspectorate's comments
			Assessment (MarESA). This data source should be used to inform the ES as relevant.
3.5.9	Paragraphs 10.4.6 - 10.4.7 and 10.4.19 and Table 10-1	Study area and receptors	<p>The Inspectorate advises that Pen Llyn a'r Sarnau Special Area of Conservation (SAC) and North Anglesey Marine SAC, as well as harbour porpoise and bottlenose dolphin, should be scoped into the assessment of underwater noise and vibration during construction, given the mobile nature of the marine mammal qualifying features and/ or marine mammals, which could be present in the Dee Estuary.</p> <p>The Applicant's attention is drawn to the comments of NRW (see Appendix 2), which note some omissions and/ or errors in the description of potential fish receptors. These should be corrected in the ES.</p> <p>The Inspectorate encourages agreeing assessment parameters with the relevant statutory bodies.</p> <p>The ES should include a figure illustrating the final selected study area(s).</p>
3.5.10	Paragraphs 10.4.23 - 10.4.25	Marine ecological surveys	<p>The Scoping Report proposes intertidal habitat surveys for the area below mean high water springs (MHWS) within the water connection corridor and a buffer of 500m either side "where accessible". The water connection corridor is shown on Figure 1-3 of the Scoping Report. It is stated that this would encompass habitats and any potentially sensitive, protected and INNS marine ecology.</p> <p>The Inspectorate considers that that proposed survey scope is acceptable subject to the following comments:</p> <ul style="list-style-type: none"> <li>▪ Final survey extents should be clearly described and illustrated on figures within the ES;</li> </ul>

ID	Ref	Description	Inspectorate's comments
			<ul style="list-style-type: none"> <li>▪ Where survey extent is limited due to access issues, the ES should explain what efforts were made to obtain access and how any gaps in survey data are proposed to be addressed;</li> <li>▪ It is unclear what specific species surveys are being proposed from information presented in the Scoping Report. The Inspectorate would expect the survey effort to include migratory fish and benthic invertebrates. Effort should be made to agree the scope, timing and extent of survey effort with relevant consultation bodies prior to survey work commencing. Evidence of any agreement or otherwise should be presented in the ES; and</li> <li>▪ Limited reasoning is provided for not undertaking marine mammal surveys (for mammals other than harbour and grey seal). Noting that the study area extends to the Dee Estuary, where harbour porpoise and bottlenose dolphin could be present, and potentially further to specific receptors in the Irish Sea, the Inspectorate advises that survey(s) should be carried out where required to establish a robust baseline for marine mammals.</li> </ul> <p>Based on information in the Scoping Report, the Inspectorate agrees that harbour and grey seal surveys are not required as the presence of these marine mammals is well understood.</p> <p>The Inspectorate advises that survey work should be summarised in the ES and survey reports should be provided as technical appendices to the ES.</p>
3.5.11	Section 10.6	Embedded mitigation	<p>Paragraph 10.6.3 of the Scoping Report states that permanent habitat loss because of re-use or replacement of the existing outfall would be minimised "<i>as far as reasonably practicable</i>" but does not explain how this would be achieved. Embedded mitigation measures relied upon to avoid or minimise significant adverse effects should be clearly explained, including through use of drawings as relevant, with</p>

ID	Ref	Description	Inspectorate's comments
			<p>cross-reference in the ES. Measures should be demonstrably secured through the dDCO or other legal mechanism.</p> <p>The Applicant's attention is drawn to the comments of NRW (see Appendix 2) regarding INNS. The Inspectorate advises that a biosecurity risk assessment and INNS management plan for operational activities in the marine environment should be prepared and submitted with the DCO application.</p>
3.5.12	Table 10-2	Potential effects – marine mammals	<p>For the avoidance of doubt, the Inspectorate understands that references to marine ecology in the description of construction and operation effects scoped into the assessment include marine mammals. Consideration should be given to whether construction works could result in any temporary habitat loss or disturbance for marine mammals, ie those that might be using habitat in the Dee Estuary; where significant effects are likely to occur, these should be assessed in the ES.</p>
3.5.13	Table 10-2	Potential effects – from increased suspended sediment and hydromorphological changes during construction	<p>For the avoidance of doubt, assessment of these impact pathways should include consideration of any physical process effects associated with installation and use of a cofferdam (as identified in Chapter 14 of the Scoping Report). Please refer to the Inspectorate's comments at ID 3.9.7 of this Scoping Opinion.</p>
3.5.14	Table 10-2	Potential effects from benthic habitat loss and/ or disturbance during construction	<p>The Applicant's attention is drawn to the comments of NRW (see Appendix 2). The assessment should consider potential for both temporary and longer-term habitat loss as a result of the full range of construction activities required. The expected effect duration should be described in the ES.</p>
3.5.15	N/A	Confidential annexes	<p>Please refer to the Inspectorate's comments at ID 3.4.13 of this Scoping Opinion regarding confidential annexes for sensitive or vulnerable ecological features.</p>

### 3.6 Water environment and flood risk

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1		n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.6.2	Paragraph 11.1.3	Linked ES chapters	As noted in ID 3.6.7, there is a high groundwater table, the Applicant should consider any implications of this on contamination for example. Clear cross-referencing should be provided within the ES. NRW in its response (see Appendix 2) notes that such cross referencing should be present in the major accidents and disasters aspect chapter.
3.6.3	Paragraph 11.2.2	Good practice guidance	It is noted that some of the guidance referenced throughout the aspect chapter in the Scoping Report is not listed in the identified guidance list. In the ES, all referenced guidance should be included within a reference list. NRW has identified additional guidance to be considered (see Appendix 2).
3.6.4	N/A	Methodology	The Applicant should consider whether temperature modelling is required as part of the EIA and Water Framework Directive (WFD) assessment, which should be used to inform the ES. The methodology for the water resources assessment should be justified in the ES, with effort made to agree it with the relevant consultation bodies.
3.6.5	Paragraph 11.4.56	Hydraulic modelling	NRW comments (see Appendix 2) state that the hydraulic modelling referenced in Scoping Report paragraph 11.4.56, the tidal Dee model, does not include the Proposed Development site within the 1D-2D

ID	Ref	Description	Inspectorate's comments
			<p>model extent. It is therefore likely that some additional modelling will be required to quantify the flood risk posed to the Proposed Development site. Further details are provided in NRW's response, which the Applicant should have regard to. The Inspectorate advises that the Applicant discuss and seek to agree with NRW and other relevant consultation bodies if the Proposed Development should be treated as new highly vulnerable development for the purposes of flood risk assessment and application of policy tests. This is not a matter on which the Inspectorate can advise.</p>
3.6.6	Paragraph 11.4.58	Groundwater conditions	<p>The Inspectorate advises that a site investigation of groundwater conditions should be provided to establish the baseline conditions given NRW's view that the groundwater table is high.</p> <p>NRW state in its response (see Appendix 2) that baseline conditions should include a description of gradients and salinity. This information would also be important in assessing contamination pathways for the construction, operation and decommissioning phases notably because of the proximity to designated sites.</p> <p>The ES should consider these matters and provide justifications for any departure(s) from advice.</p>
3.6.7	Paragraph 11.5.2	Water abstraction	<p>The ES should confirm if the proposed water abstraction would involve water requirements in addition to the currently licenced quantities. It is likely that amendments to the existing abstraction licence would be required even if the quantities of water do not change. The ES should provide a progress update on these and any other licences being sought.</p>
3.6.8	Paragraph 11.5.4	General methodology	<p>The ES should include greater detail regarding the specific legislation and guidance used to define the methodology used. Due to the location of the Proposed Development, the Applicant should also</p>

ID	Ref	Description	Inspectorate’s comments
			consult with the Environment Agency (EA) in addition to NRW where appropriate.
3.6.9	Paragraph 11.5.7	Outline surface water drainage strategy	A concept/ outline surface water drainage strategy is proposed for the Main Site. The Scoping Report does not justify why it is limited to the Main Site and does not include the other components. The ES should include such a justification, or other sites and components should be included within the concept/ outline surface water drainage strategy.
3.6.10	N/A	WFD waterbody status	The Applicant’s attention is drawn to NRW’s response (see Appendix 2) noting that an interim classification waterbody status is due in 2024. All assessment should be based upon the most up to date information available.

### 3.7 Geology and ground conditions

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Paragraph 12.3.4 and Table 12-4	The areas of the repurposed CO <sub>2</sub> connection corridor and existing natural gas connection corridor – Construction and post-construction/ post-decommissioning	The Proposed Development does not include any works beyond routine maintenance for the repurposed CO <sub>2</sub> connection corridor and existing natural gas connection corridor. As such, the Inspectorate is content to scope this matter out for the construction and post-construction/ post decommissioning phase assessments.
3.7.2	Paragraph 12.7.6 and Table 12-4	Adverse impacts on human health from contamination within shallow unsaturated soil and groundwater - Operation	The Applicant proposes to scope out impacts on human health from contamination within shallow unsaturated soil and groundwater during operation on the basis that the Proposed Development would operate in accordance with environmental permitting requirements. The Inspectorate is content with this approach; however, it would expect to see commentary on the best practice measures being followed during operation and progress or likelihood of securing permitting set out in the ES.
3.7.3	Paragraph 12.7.6 and Table 12-4	Adverse impacts on unsaturated soil and groundwater deriving from pollution events bypassing the drainage system – Operation	<p>The Scoping Report sets out that impacts on unsaturated soil and groundwater deriving from pollution events bypassing the drainage system during operation is to be scoped out on the basis that the Proposed Development would operate in accordance with environmental permitting requirements.</p> <p>The groundwater table is very shallow at the site, as noted in paragraph 12.5.51 of the Scoping Report. The Inspectorate has considered this matter alongside responses from relevant consultation bodies, notably NRW, and deem that this matter should not be scoped out at this stage.</p>



<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			NRW noted in its response that the drainage system could spread chemicals significantly depending on its design and is seeking further investigation and assessment. The Inspectorate encourages the Applicant to discuss this matter further with NRW.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.7.4	Paragraphs 3.3.7 and 12.5.4	Pre-construction soil and groundwater investigation	The Scoping Report sets out the requirement for further data gathering to inform the methodology and scope of the assessment. The ES should set out the scope of this investigation and any agreements reached with relevant consultation bodies.  The Applicant should consider if monitoring is required to inform the baseline.
3.7.5	Paragraphs 12.5.16 - 12.5.17	Assessment criteria	The assessment criteria as set out in the Scoping Report are proposed to follow the Design Manual for Roads and Bridges (DMRB) guidance, which is primarily used for road schemes. The use of this assessment criteria has not been justified within the text to confirm its suitability for the Proposed Development. The ES should provide such justification. The Applicant should seek to agree the assessment criteria with relevant consultation bodies.
3.7.6	Paragraph 12.6.4	Decommissioning	The Scoping Report makes reference to a Decommissioning Environmental Management Plan (DEMP).  NRW (see Appendix 2) advises in its response that a Decommissioning Assessment Report is also prepared, with likely decommissioning tasks and estimated costings factored in for ground investigation and remediation scenarios.

ID	Ref	Description	Inspectorate's comments
			<p>The Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.</p>

### 3.8 Landscape and visual amenity

(Scoping Report Section 13)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.8.1	Paragraph 13.3.6 and Table 13-4	Night-time lighting effects – construction phase	<p>The Scoping Report proposes to scope out an assessment of night-time lighting effects during the construction phase on the basis that high levels of lighting already exist given the industrial nature of the area, and any additional lighting associated with the Proposed Development will be directional and temporary.</p> <p>The Inspectorate is content that the level of additional lighting generated during construction is unlikely to result in a significant effect and therefore this matter can be scoped out of the assessment.</p>
3.8.2	Table 13-4	Night-time lighting effects – decommissioning phase	<p>The Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.8.3	Paragraph 13.4.19	Representative sensitive receptors (visual)	<p>The Inspectorate notes that an indicative list of viewpoint locations has been provided in the Scoping Report. The Applicant has undertaken to agree this list with relevant local authorities through further consultation. The Inspectorate welcomes this approach and advises the Applicant to make effort to agree the locations with other relevant consultation bodies, for example the Canal and River Trust and NRW. The Applicant should ensure that topography and ground cover are considered when identifying receptors.</p>

ID	Ref	Description	Inspectorate's comments
			The Applicant should consider whether the assessment should include receptors in terms of users of the waterways and public rights of way (PRoW) within the vicinity of the Proposed Development site.
3.8.4	n/a	Clwydian Range and Dee Valley National Landscape	The Applicant's attention is drawn to the scoping consultation response from NRW (see Appendix 2) in relation to potential effects on the Clwydian Range and Dee Valley National Landscape.
3.8.5	n/a	Indicative lighting strategy	The Lighting Strategy should consider impacts in relation to lighting on users of the adjacent railway, waterways and PRoW.

### 3.9 Physical processes

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Paragraph 14.3.4	Repurposed CO <sub>2</sub> connection corridor – all phases	<p>The Scoping Report sets out that the Proposed Development does not include any works beyond routine maintenance for the repurposed CO<sub>2</sub> connection corridor and it has not been considered further within the assessment. However, it is not explicitly summarised as being scoped out within Table 14-3 of the Scoping Report.</p> <p>Noting this, the Inspectorate is content to scope this matter out for the construction. However, it is noted that the Scoping Report does not define the terms post-construction and post-decommissioning. Without this information, the Inspectorate does not at this stage agree to the scoping of for these phases.</p> <p>The Inspectorate advises that this matter should be assessed for operation and decommissioning phases, or justification provided to demonstrates that there will be no LSE.</p>
3.9.2	Paragraph 14.7.9 and Table 14-3	Localised disturbance to the bed morphology caused by the cofferdam and temporary structures – construction and decommissioning	<p>The Inspectorate has considered the information included in the Scoping Report regarding disturbance to the seabed caused by the cofferdam and temporary structures and advice provided by NRW.</p> <p>NRW consider that this matter should not be scoped out at this stage, requiring further information.</p> <p>The Inspectorate concurs with this view.</p> <p>The Applicant's attention is directed to the response of NRW (see Appendix 2) which highlights information regarding disturbance to the bed morphology which the Applicant should have regard to.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.3	Paragraph 14.7.9 and Table 14-3	Water connection corridor discharge and abstraction – operation	The Inspectorate notes that there are uncertainties in the works proposed for the water connection corridor, referenced in paragraph 14.3.2 of the Scoping Report. The Inspectorate is not content to scope out this matter based on the information available. It is deemed that the information provided is not sufficient to make an informed assessment of potential impacts to seabed morphology and other receptors. The maximum volume of water proposed to be abstracted and discharged should be assessed within the ES, as well as the LSE.
3.9.4	Paragraph 14.7.11 and Table 14-3	Scouring due to the presence of new outfall structures affecting local flows and seabed levels – operation	<p>The Inspectorate has considered the information included in the Scoping Report regarding scouring due to the presence of new outfall structures affecting local flows and seabed levels during operation and advice provided by NRW response.</p> <p>The Inspectorate considers that this matter should not be scoped out at this stage. Further information should be provided on potential impacts to sensitive receptors caused by scouring and/ or sediment redeposition.</p> <p>The Applicant's attention is directed to the response of NRW (see Appendix 2) which highlights information regarding disturbance to the bed morphology which the Applicant should have regard to.</p>

ID	Ref	Description	Inspectorate's comments
3.9.5	Paragraphs 14.4.1 and 14.4.12	ZoI	The Inspectorate notes that the ZoI extends beyond the water connection corridor; however, limited information has been provided to explain how the study area was selected. The ES should include an explanation, noting that the ZoI should be based upon receptors and potential impact pathways to LSE and not a nominal area or distance.

ID	Ref	Description	Inspectorate's comments
			The Applicant is advised that the maximum spring tide excursion should be used in determining the ZoI.
3.9.6	Paragraph 14.4.3	Baseline understanding and methodology	NRW provides advice (see Appendix 2) referring to information that it deems necessary to understand the baseline and assess LSE. The Applicant is directed to this response and encouraged to agree the methodology with NRW.
3.9.7	Paragraph 14.7.3	Cofferdam installation	The ES should set out maximum parameters for the proposed temporary cofferdam, including if/ how it could lead to increased levels of suspended sediment. Any LSE should be assessed.
3.9.8	Paragraph 14.7.4	Spoil Disposal	The disposal of spoil following maintenance dredging should be considered within the ES and include details of the disposal location, amount, and type of material, as well as an assessment into the potential impacts to the receiving site and surrounding area.
3.9.9	Paragraph 14.7.5	Impact pathways	The Scoping Report is not clear in relation to the impact pathway referred to in this paragraph. This should be clarified within the ES. The ES should confirm which receptors will be affected by suspended sediment concentration (SSC) plumes and potential release of contamination from the seabed.
3.9.10	Paragraphs 14.7.7 - 14.7.9	Scour of the seabed caused by water discharge – operation	<p>The Inspectorate has considered the information included in the Scoping Report regarding scour of the seabed and the response from NRW, which queries the assumption that minimal impact would occur with discharge taking place during high tide and the effects of discharging water.</p> <p>The Inspectorate advises that scouring of the seabed caused by water discharge should be scoped into the ES at this stage.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
			The Applicant is encouraged to discuss this and agree the approach with relevant consultation bodies.



### 3.10 Cultural heritage

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 15-4	Terrestrial cultural heritage: buried archaeology – operation and decommissioning phase	<p>The Scoping Report notes that any impacts on terrestrial cultural heritage will have occurred and been mitigated during the construction phase.</p> <p>The Inspectorate is content that significant effects on buried archaeology during operation and decommissioning are not likely and this matter can be scoped out of the assessment.</p> <p>However, information regarding decommissioning is limited and therefore the Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning.</p>
3.10.2	Table 15-4	Marine cultural heritage: direct impacts on known and potential marine cultural heritage receptors on previously disturbed sediment – construction phase	<p>The Scoping Report proposes to scope out an assessment of the direct impacts on known and potential marine cultural heritage receptors on previously disturbed sediment during construction on the basis that no known maritime heritage has been identified within the Proposed Development site, and construction activities will occur on previously disturbed mobile intertidal sediments which have been disturbed by installation of the original outflow.</p> <p>The Inspectorate is content that significant effects on marine cultural heritage during construction, for the reasons noted above, are not likely and this matter can be scoped out.</p>
3.10.3	Table 15-4	Marine cultural heritage: indirect impacts to marine heritage receptors due to altered sediment	<p>The Scoping Report proposes to scope out an assessment of the indirect impacts on marine heritage receptors due to altered sediment or hydrological processes on the basis that changes to hydrodynamics</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
		or hydrological processes – construction and operation phase	and sedimentary processes during construction and operation are expected to be negligible.  The Inspectorate is content that significant effects on marine cultural heritage during construction and operation are not likely and this matter can be scoped out.
3.10.4	Table 15-4	Marine cultural heritage: direct impacts on known and potential marine cultural heritage receptors and deposits of archaeological importance as a result of operational activities and maintenance dredging – operation phase	The Scoping Report notes that significant effects from operational activities and maintenance dredging are unlikely on the basis that these activities will take place in areas where the dredging impact has already occurred.  The Inspectorate is content that significant effects on marine cultural heritage during operation are not likely and that this matter can be scoped out.
3.10.5	Table 15-4	Marine cultural heritage receptors	The Inspectorate agrees that there is not expected to be any potential impacts to buried marine archaeology during the decommissioning and therefore this matter can be scoped out.  The Inspectorate directs the Applicant to comments in ID 2.1.12 which should be addressed in the ES in relation to decommissioning.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.10.6	N/A	Archaeological fieldwork methodology	The Applicant should seek to agree a methodology with relevant consultation bodies including Cadw and Flintshire Council. Cadw have highlighted as part of their representation that the Historic Environment (Wales) Act is to be enacted in the near future, updating a number of guidance and policy documents. The EIA methodology should be based upon the most up to date methodology.

### 3.11 Socio-economics, recreation and tourism

(Scoping Report Section 16)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.11.1	Table 16-8	Permanent disruption to traffic on the local and Strategic Road network – operation phase	<p>The Scoping Report proposes to scope out an assessment of permanent disruption to traffic on the local and strategic road networks during the operation phase.</p> <p>Noting the comment made in relation to the scope of the traffic and transport aspect assessment in ID 3.3.1, the Inspectorate is content that disruption to traffic during operation is unlikely to result in a significant effect; however, the Applicant should consider any potential LSE from cumulative projects on the strategic road network. The Applicant is encouraged to discuss this and seek agreement from relevant consultation bodies.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.11.2	Table 16-8	Scope of assessment – tourism and community facilities – all phases	The Scoping Report identifies potential effects on visitor attractions and community facilities but does not specifically explain how these are proposed to be considered as part of the socio-economic assessment. The ES should set out a clear methodology and impacts on visitor attractions and community facilities should be assessed in the ES where significant effects are considered likely.
3.11.3	Table 16-8	Scope of assessment – PRoW – construction and decommissioning phase	The Scoping Report identifies potential temporary and permanent effects on PRoW during the construction and decommissioning phases. The Scoping Report does not explain how impacts on PRoW are to be considered as part of the socio-economic assessment

ID	Ref	Description	Inspectorate's comments
			methodology. Impacts on PRow should be assessed in the ES where significant effects are likely and mitigation detailed.
3.11.4	N/A	Crime and safety – all phases	No reference is made to crime and safety in the Scoping Report. The ES should set out whether the characteristics of the Proposed Development are likely to have any significant effects on crime and safety and provide justification if it is proposed to scope this matter out. The ES should explain how any required security measures are secured.

### 3.12 Climate change

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

### 3.13 Human health

(Scoping Report Section 18)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.13.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.13.2	N/A	Scope of assessment – housing supply	The Scoping Report does not consider the impacts of the Proposed Development on housing supply. The ES should contain an assessment of the housing needs of the workforce and any LSE on local housing supply should be described.
3.13.3	N/A	Scope of assessment – vulnerable populations/ sensitive receptors	The Inspectorate advises that, whilst an initial approach to the identification of sensitive receptors has been provided, the impacts on health and wellbeing and health inequalities of the Proposed Development may have particular impact on vulnerable or sensitive populations, including those that fall within the list of protected characteristics. These receptors, if present, should therefore be included in the scope of assessment.

### 3.14 Major accidents and disasters

(Scoping Report Section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Table 19-7	Construction phase hazards	<p>The Scoping Report proposes to scope out an assessment of the following hazards for the construction phase:</p> <ul style="list-style-type: none"> <li>▪ Other industrial hazards</li> <li>▪ Meteorological hazards</li> <li>▪ Hydrological hazards</li> <li>▪ Geophysical hazards</li> <li>▪ Other natural hazards</li> <li>▪ Societal hazards</li> </ul> <p>These matters are proposed to be scoped out on the basis that the likelihood of a major accident or disaster is low given the relatively short duration of the construction phase and small chemical inventory.</p> <p>Based on the information in the Scoping Report, the Inspectorate is content that risks to or from the Proposed Development from these matters are not likely to result in significant effects. These matters can be scoped out of the assessment.</p>
3.14.2	Table 19-7	Commissioning phase hazards	<p>The Scoping Report proposes to scope out an assessment of the following hazards for the commissioning phase:</p> <ul style="list-style-type: none"> <li>▪ Other industrial hazards</li> <li>▪ Meteorological hazards</li> <li>▪ Hydrological hazards</li> </ul>

ID	Ref	Applicant’s proposed matters to scope out	Inspectorate’s comments
			<ul style="list-style-type: none"> <li>▪ Geophysical hazards</li> <li>▪ Other natural hazards</li> <li>▪ Societal hazards</li> </ul> <p>These matters are proposed to be scoped out on the basis that the likelihood of a major accident or disaster is low given the relatively short duration of the commissioning phase.</p> <p>Based on the evidence presented in the Scoping Report, the Inspectorate is content that risks to or from the Proposed Development from these matters are not likely to result in significant effects. These matters can be scoped out of the assessment.</p>
3.14.3	Table 19-7	Decommissioning Phase hazards	The Inspectorate directs the Applicant to comments in ID 2.1.11, which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.



### 3.15 Materials and waste

(Scoping Report Section 20)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	Paragraph 20.7.2 and Table 20-14	Changes to allocated/ safeguarded mineral or waste site – construction, operation, and decommissioning	The Scoping Report does not identify any allocated/ safeguarded mineral or waste sites present within the site boundary, as such, the Inspectorate is content to scope this matter out.
3.15.2	Paragraph 20.7.2 and Table 20-14	Changes to Mineral Safeguarding Areas (MSAs) – construction, operation, and decommissioning	The proposed CO <sub>2</sub> connection corridor is located within an MSA. The Scoping Report states that impacts to MSAs are not proposed to be assessed in the ES as they would be considered separately as a planning consideration. It is stated that this is in accordance with IEMA Guidance. Based on the Proposed Development and noting that potential severance and/ or sterilisation of the resource would be assessed as part of the Geology and Ground Conditions ES chapter, the Inspectorate is content to scope this matter out.
3.15.3	Paragraph 20.7.2 and Table 20-14	Waste arising from extraction, processing and manufacture of construction components and products – operation and decommissioning	The Scoping Report sets out that products used for the Proposed Development would be developed in a manufacturing environment with its own waste management plans, facilities, and supply chain and as such, are outside of the geographical scope of the study area. On this basis the Inspectorate is content to scope this matter out.
3.15.4	Paragraph 20.7.2 and Table 20-14	Other environmental impacts associated with the management of waste to or from the Proposed Development – operation and decommissioning	The Applicant proposes to address other environmental impacts associated with the management of materials and waste to or from the Proposed Development in other relevant environmental aspect chapters of the ES. On this basis the Inspectorate is content to scope this matter out. Cross-references should however be made between aspect chapters where appropriate to ensure a comprehensive assessment.

<b>ID</b>	<b>Ref</b>	<b>Applicant’s proposed matters to scope out</b>	<b>Inspectorate’s comments</b>
3.15.5	Paragraph 20.7.2 and Table 20-14	Changes in availability of materials and landfill capacity - operation and decommissioning	The Applicant does not deem forecasting the availability of materials and landfill capacity an accurate reflection and states that it could be unreliable, noting the time periods involved. The Inspectorate agrees with this approach and on this basis is content to scope this matter out. Consideration at appropriate intervals regarding the availability of materials and landfill capacity will however need to be considered over the lifetime of the Proposed Development, including decommissioning. It is expected that reference to this will be made in the DEMP, site waste management plan (SWMP), and materials management plan (MMP).

### 3.16 Cumulative and combined effects

(Scoping Report Section 21)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.16.1	Paragraph 21.1.3	Decommissioning	The Inspectorate directs the Applicant to comments in ID 2.1.11, which should be addressed in the ES in relation to decommissioning and therefore does not agree to scope out this matter on the information provided.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.16.2	Paragraph 21.2.2	Study Area	The Scoping Report sets out that 15km is the maximum study area. The Inspectorate considers that this may need to be revised to ensure consideration of all study areas in other environmental aspect chapters as some of these study areas may exceed 15km.
3.16.3	Table 21-1	Port of Mostyn	It is noted that the Port of Mostyn is missing from the list of cumulative projects identified in Scoping Report Table 21-1. It is noted that this may be as a result of a nominal screening distance having been applied. The Applicant should ensure that a maximum screening distance is used and justified as being applicable to all assessments undertaken as part of the EIA.
3.16.4	Appendix D Table 1	Shotton Paper Mill site	It is noted that recent approved and proposed developments at the Shotton Paper Mill site (less than 1km from the Proposed Development application site) have not been included in Appendix D, Table 1. These developments should be included in the ES and consideration should be given as to whether they should be scoped into the cumulative effects assessment.

### 3.17 Aspects to be scoped out

(Scoping Report Section 22)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.17.1	Table 22.1	Shipping and navigation	The Inspectorate is content that through adhering to best practice methods and established procedures relating to usage of the River Dee, the Proposed Development is unlikely to result in significant effects relating to shipping and navigation and therefore the matters listed in paragraph 22.1.11 are considered appropriate to be scoped out. The Inspectorate would however wish to see agreement to this approach by relevant consultation bodies involved in the procedures managing use and safety of the River Dee in the ES.
3.17.2	Table 22.1	Commercial fisheries	The Inspectorate is content that as a result of the location of the Proposed Development and notably the cofferdam in relation to the fishing activities, significant effects are unlikely. The potential for cockle dredging is noted but due to the scale of activity, the Inspectorate agrees that significant effects are unlikely. The Inspectorate therefore considers that the matters listed in paragraph 22.2.9 can be scoped out of the ES.
3.17.3	Table 22.1	Transboundary effects	The Inspectorate is content to scope this matter out, please see comments in ID 2.2.5.
3.17.4	Table 22.1	Aviation	The Inspectorate notes information provided in the Scoping Report, standard practices in terms of notification that will be followed and responses from relevant consultation bodies and is content for this matter to be scoped out.
3.17.5	Table 22.1	Electronic interference and electromagnetic fields (EMF)	Noting that matters relating to health from EMF are scoped into the assessment, the Inspectorate is content to scope electronic

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed aspects to scope out</b>	<b>Inspectorate's comments</b>
			interference and EMF out of the assessment as a standalone aspect providing consideration as part of other aspects is documented where relevant.

## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>1</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Welsh Ministers	Welsh Government
The Health and Safety Executive	Health and Safety Executive
The relevant fire and rescue authority	Cheshire Fire and Rescue Service
	North Wales Fire and Rescue Service
The relevant police and crime commissioner	Police and Crime Commissioner for Cheshire
	North Wales Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Neston Town Council
	Puddington Parish Council
	Halkyn Community Council
	Flint Town Council
	Northop Community Council
	Sealand Community Council
	Connah's Quay Town Council
	Bagillt Community Council
	Hawarden Community Council
	Shotton Town Council
Northop Hall Community Council	
The Equality and Human Rights Commission	Equality and Human Rights Commission

<sup>1</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
Royal Commission On Ancient and Historical Monuments Of Wales	Royal Commission On Ancient and Historical Monuments Of Wales
The Natural Resources Body for Wales	Natural Resources Wales
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency	The Maritime and Coastguard Agency - North West England
The Marine Management Organisation	Natural Resources Wales
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Flintshire County Council
The Passengers Council	Transport Focus
The Disabled Persons Transport Advisory Committee	Disabled Persons Transport Advisory Committee
The Coal Authority	The Coal Authority
Office of Rail and Road	Office of Rail and Road
Approved Operator	Network Rail Infrastructure Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	Ofwat
The relevant waste regulation authority	Natural Resources Wales
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The relevant local resilience forum	North Wales Resilience Forum
The Crown Estate Commissioners	The Crown Estate
The Natural Resources Body for Wales	Natural Resources Wales
The relevant local health board	Betsi Cadwaladr University Health Board
The National Health Service Trusts	Health Protection Team Public Health Wales

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
	Welsh Ambulance Services NHS Trust
	Velindre NHS Trust
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>2</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant NHS Trust	Health Protection Team Public Health Wales
	Welsh Ambulance Services NHS Trust
	Velindre NHS Trust
The relevant local health board	Betsi Cadwaladr University Health Board
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	Association of Inland Navigation Authorities (AINA)
Dock and Harbour authority	Dee Conservancy
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
The relevant Environment Agency	Natural Resources Wales
The relevant water and sewage undertaker	Dwr Cymru (Welsh Water)
The relevant public gas transporter	Cadent Gas Limited

<sup>2</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)



STATUTORY UNDERTAKER	ORGANISATION
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Gas
The relevant electricity generator with CPO Powers	Uniper UK Limited
	Deeside Power (UK) Limited
The relevant electricity distributor with CPO Powers	SP Manweb Plc

STATUTORY UNDERTAKER	ORGANISATION
	Aidien Ltd
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited
	EirGrid Interconnector Designated Activity Company

**TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>3</sup>**

<sup>3</sup> Sections 43 and 42(B) of the PA2008

<b>LOCAL AUTHORITY<sup>4</sup></b>
Wrexham County Borough Council
Wirral Metropolitan Borough Council
Cheshire West and Chester Council
Denbighshire County Council
Flintshire County Council

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

<b>ORGANISATION</b>
Cadw
Welsh Language Commissioner
Trafnidiaeth Canolbarth Cymru (TraCC)
Transport Management Team South East Wales Directors of Environment and Regeneration (SewDER)

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<sup>4</sup> As defined in Section 43(3) of the PA2008

## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

<b>CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:</b>
Cadent Gas
Cadw
Flint Town Council
Flintshire County Council
Halkyn Community Council
Health and Safety Executive
Maritime and Coastguard Agency
Ministry of Defence
National Gas Transmission
NATS Safeguarding
Natural Resources Wales
Network Rail
Office for Nuclear Regulation
Public Health Wales
The Coal Authority
Trinity House
UK Health Security Agency

**From:** [Feirn, Toby](#)  
**To:** [Connahs Quay](#)  
**Cc:** [.box.Landservicesworkrequest.GD16](#)  
**Subject:** RE: [EXT] EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation  
**Date:** 09 February 2024 13:15:39  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Hi.

Thank you for the below request.

Following a review of our records, I can confirm this project falls outside of Cadent's operational area and therefore has nothing to add.

Kind regards

Toby

---

**From:** Connahs Quay <ConnahsQuay@planninginspectorate.gov.uk>  
**Sent:** 09 February 2024 12:33  
**To:** Feirn, Toby [REDACTED]@cadentgas.com>  
**Cc:** .box.Landservicesworkrequest.GD16 <LandServices@cadentgas.com>  
**Subject:** [EXT] EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation

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Dear Sir/Madam

Please see attached correspondence on the proposed Connah's Quay Lower Carbon Power Project.

Please note the deadline for consultation responses is 08 March 2024, which is a statutory requirement that cannot be extended.

Kind regards

Joseph Jones



**Joseph Jones | Associate EIA Advisor**  
**The Planning Inspectorate**



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

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Laura Feekins-Bate  
Senior EIA Advisor  
The Planning Inspectorate

[connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)

Eich cyfeirnod Your reference	EN010166-000024
Ein cyfeirnod Our reference	
Dyddiad Date	8 March 2024
Llinell uniongyrchol Direct line Eboست Email:	0300 0250566  Cadwplanning@gov.wales

Dear Laura

## Connah's Quay Lower Carbon Power Project - EIA Scoping Consultation

Thank you for your letter of 9 February asking for Cadw's view on the above.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

### Assessment

This advice is given in response to scoping opinion as to the contents of an Environmental Impact Assessment (EIA) that will be submitted in support of an application for the Connah's Quay Lower Carbon Power Project.

The request for a scoping opinion is accompanied by a scoping report produced by AECOM with Chapter 15 considering the methodology for assessing the impact of the proposed development on the Cultural Heritage.

The designated historic assets in Annex A are inside 3km of the application area. As such, we expect that the impact of the proposed windfarm on all these designated historic assets will be assessed in accordance with the Welsh Government guidance given in the document “The Setting of Historic Assets in Wales”. We would expect a stage 1 assessment to be carried out for all the listed designated historic assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific historic assets. The results of the stage 1 assessment should be included in the EIA, possibly as an appendix.

It is noted that section 15.4.40 identifies that there may be a need for archaeological fieldwork to be carried out after the completion of the desk-based assessment. It is recommended that Cadw and the Dyfed Archaeological Trust are consulted once the desk-based assessment and walkover survey have been completed to agree if there is a need for further surveys.

The requirement for geophysical survey would be triggered by clusters of surface monuments suggesting high levels of nearby activity, for which associated sub-surface archaeology may be present, but cannot be properly quantified and located. It may also be triggered where prior surveys cannot accurately define the nature of surface or sub-surface features without retrieving more information. If geophysical anomalies are located but are not diagnostic enough to allow informed opinions on dating, function, level of preservation and importance then additional intervention by targeted evaluation trenching may also be required within the pre-determination assessment stage and in accordance with Planning Policy Wales and TAN24.

A realistic time period should be set aside to complete the archaeological assessment, reporting and mitigation discussion before the application is formally submitted for examination and in accordance with guidance on pre-determination archaeological evaluation set out in Technical Advice Note 24 (May 2017), paragraph 4.7 and Planning Policy Wales (Feb 2021), paragraph 6.1.26. Failure to complete the appropriate surveys may result in delays at the examination stage if additional information is required. The applicant should therefore adjust their application submission dates if necessary to ensure these surveys are fully completed.

Finally, it should be noted that the Historic Environment (Wales) Act 2023 will have been enacted before the EIA is completed and that many associated documents, such as TAN 24, will be updated in accordance with the Act.

Yours sincerely

Jenna Arnold

Historic Environment Branch



## Annex A

### Scheduled Monuments

FL002 Castell Ewloe  
FL003 Castell y Fflint  
FL023 Llys Edwin Medieval Fortified House Site  
FL064 Bryn y Cwm Mound & Bailey Castle  
FL082 Wat's Dyke: Section from Coed Llys to Chester-Holywell Road  
FL083 Wat's Dyke: Section from Chester-Holywell Road to Soughton Farm  
FL131 Pentre Bridge Roman Site  
FL180 Kelsterton Brewery  
FL213 Croes Atti Roman Site

### Registered Parks and Gardens

PGW(C)18(FLT) Lower Soughton Hall  
PGW(C)25(FLT) Soughton Hall  
PGW(C)77(FLT) Shotton Steelworks Garden

### Listed Buildings

1	Kelsterton Hall	II	
2	Plas Bellin	II	
13	Ewloe Castle	I	
55	Top y Fron Hall	II*	
60	Church of St Ethelwold	II	
321	Church of St Eurgain and St Peter	I	
322	Highfield Hall	II	
323	Northop Hall Farm (Llaneurgain)	II*	
326	Coed-y-cra Uchaf	II*	
355	Oakenholt Hall	II	
521	Oakenholt Farmhouse	II	
524	34	II	
532	Bryn Edwin	II	
575	Former Maltings at Swndwr Farm	II	
581	Flint Railway Station	II	
582	Railway Goods Shed	II	
589	Lower Lodge to Soughton Hall	II	
592	Parkgate Farm Farmhouse and attached Shippon	II*	
14891	Town Hall	II	
15105	Main House at Castle Hill Farm	II	
15106	Low attached extensions at Castle Hill Farm	II	
15107	Granary at Castle Hill Farm	II	
15108	Former Brewery at Castle Hill Farm	II	
15109	Adjacent Malting Tower at Castle Hill Farm	II	
15110	Former Stable Block at Castle Hill Farm	II	
16403	Flint Castle including Revetment Wall of Ditch	I	
16404	War Memorial (CENOTAPH)	II	
16405	South African War Memorial	II	
16406	St Mary Church	II	
16407	Palace Social Club (former Plaza Cinema)	II	
16408	Waen Farmhouse	II	
16409	Leadbrook Hall	II	
18045	The Old School	II	


19185 Plymouth House and adjoining Coach-house II\*  
20519 Lislea House II  
21617 Former Stables at Lislea House II  
24440 Grammar School II\*  
25678 Entrance Piers, Gates and Boundary Wall to Church of St Eurgain and St Peter II  
25679 Boundary Wall to N of Lislea House II  
25680 Milestone II  
25685 Westminster House II  
25686 Stable and Coach-house at Westminster House II  
25687 Northop Social Club, Grosvenor House II  
25688 Glyndwr House II  
25689 Old Court House II  
25690 The Edith Bankes Memorial Institute II  
25692 Lower Soughton Hall II  
25693 Westminster Buildings II  
25694 Old Police Station II  
25695 Bath-house at Lower Soughton Hall II  
26194 Coed-y-cra Farmhouse II  
84396 Churchyard boundary wall, Church of St Ethelwold II  
84397 Forecourt walls, gates and railings, Shotton Infants School II  
84398 Former Police Station, including forecourt wall, gates & railings II  
84399 Hawarden Bridge

(also listed in Sealand rec no ) II  
84400 Shotton Infants School II  
84401 The Clwyd PH II  
84402 The Vicarage II  
85247 Office Building, Corus Steelworks II  
85250 Hawarden Bridge

(also listed in Shotton rec no 84399) II  
85253 Cheshire Farm II  
85254 Church of St Mark II  
85255 Dock Basin II  
85256 Farm Buildings at Cheshire Farm II  
85257 Former Barn, Old Quay House Inn II  
85258 Former Stable Block & attached boundary walls II  
85259 Kitchen Garden Walls at Top y Fron Hall II  
85260 Lychgate at Church of St Mark II  
85261 Multi-purpose Farm Building, Top y Fron Farm II  
85262 Old Quay House Inn II  
85263 Outbuilding including former stables, Top y Fron Hall II  
85264 The Ship Public House II  
85265 The Vicarage II  
85266 War Memorial II  
85267 Well at Top y Fron II  
87595 Enterprise House II  
87596 Unit 7 II  
87597 Unit 2 II  
87629 Former Office Buildings, Shotton Steelworks II

**From:** [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
**To:** [Connahs Quay](#)  
**Subject:** EN010166 Connahs Quay, LAND AT, AND IN THE VICINITY OF, THE EXISTING CONNAH'S QUAY, POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY, FLINTSHIRE, CH6 5SJ  
**Date:** 29 February 2024 11:15:43  
**Attachments:** [EN010166 Connahs Quay - TCA Response.docx](#)

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You don't often get email from [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk). 



Dear Planning Inspectorate

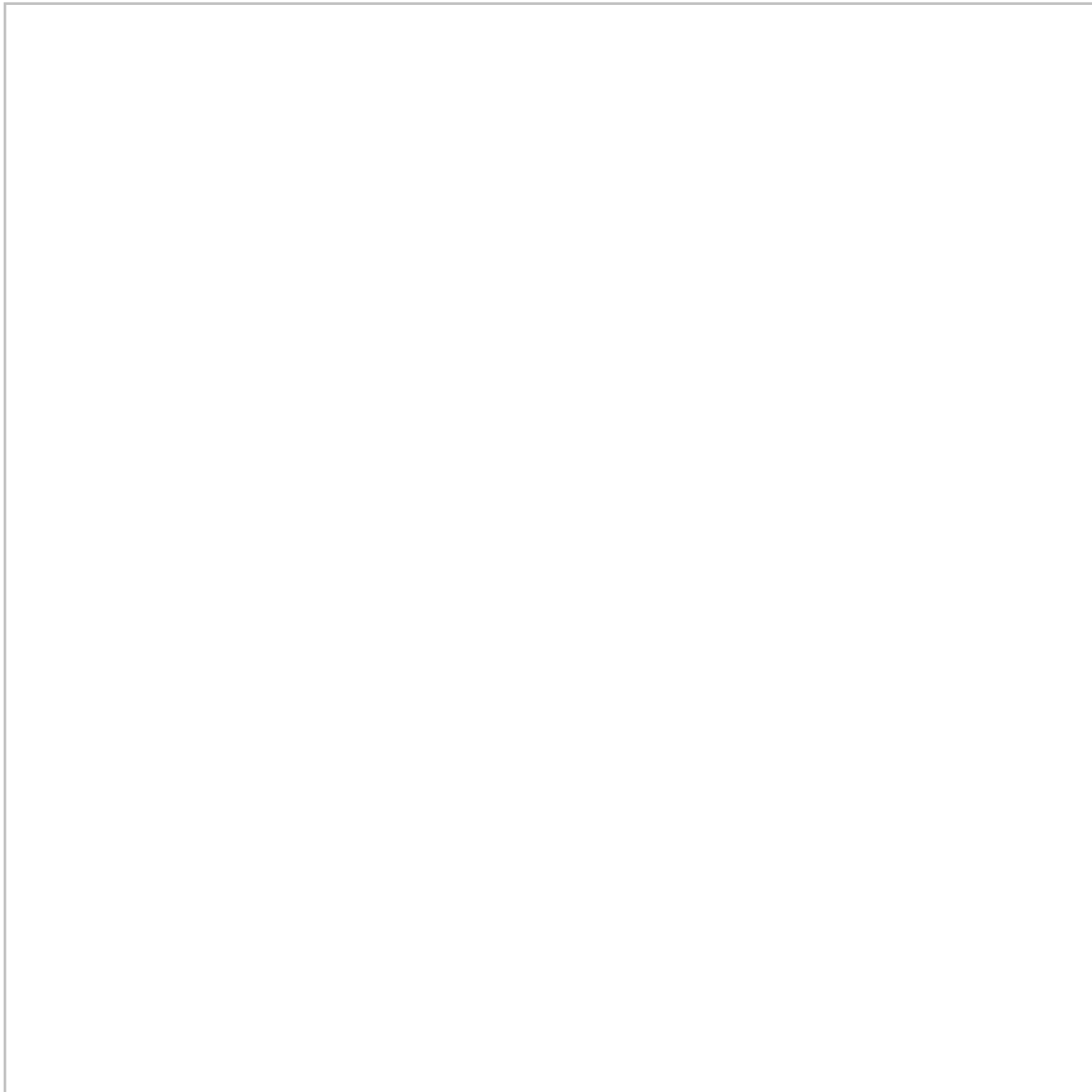
Following receipt of your consultation on 9 February 2024, please find attached our response.

If you would like to discuss this matter further, please contact the Planning team on the number below.

Regards

The Coal Authority Planning Team

<https://www.gov.uk/coalauthority>



This information has been sent to you from the Planning team, The Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG. T: [01623 637119](tel:01623637119) E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk) W: <https://www.gov.uk/coalauthority>

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Making a better future for people and the environment in mining areas. Like us on [Facebook](#) or follow us on [Twitter](#) and [LinkedIn](#).



The Coal  
Authority

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

W: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**For the attention of: Ms Laura Feekins-Bate – Senior EA Advisor  
The Planning Inspectorate – Environmental Services**

[By email: [connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)]

29<sup>th</sup> February 2024

Dear Ms Laura Feekins-Bate

**Re: EN010166 - Development Consent for the Connahs Quay Low Carbon Power Project (the Proposed Development); Land at, and in the vicinity of the existing Connah's Quay Power Station, Kelsterton Road, Connah's Quay, Flintshire, CH6 5SJ**

Thank you for your notification of the 9th February 2024 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that within the area of the re-purposed connection corridor there is an area of probable shallow coal workings. A small part of the connection corridor also falls within the boundary of a site from which coal has been removed by surface mining methods.

In paragraph 12.4.7 of the submitted Scoping Report, prepared by AECOM, acknowledges that the area overlapping the northern portion of the Repurposed CO<sub>2</sub> Connection Corridor and south-west of the main site is within the Development High Risk Area due to surface mining and coal outcrops in this area. The report authors note that prior to the assessment being undertaken the Coal Authority will be consulted. In paragraph 12.4.82 potential coal mine workings are identified as falling within the study area.

We assume based on the comments within the Scoping Report that consideration will be given to the potential risks posed by coal mining features to the connection corridor as part of a ground

conditions chapter within the ES. For clarity the 'main site' as identified does not fall within the defined Development High Risk Area and consideration of risk posed by coal mining features is not necessary.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely



**Melanie Lindsley** *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*

**Principal Planning & Development Manager**

### **Disclaimer**

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

**Andrew Farrow**  
Chief Officer (Planning, Environment & Economy)  
Prif Swyddog (Cynllunio, Amgylchedd ac Economi)



Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Your Ref/Eich Cyf	EN010166-000021
Our Ref/Ein Cyf	NAA/000138/24
Date/Dyddiad	8-Mar -2024
Ask for/Gofynner am	Charlie Pope
Direct Dial/Rhif Union	[REDACTED]

Dear Sir/ Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)  
– Regulations 10 and 11**

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

**Scoping consultation and notification of the Applicant's contact details and  
duty to make available information to the Applicant if requested**

I refer to the above application which has now been considered by Flintshire County Council and wish to thank you for the opportunity to comment thereto.

The Council welcomes the opportunity to comment on the Scoping Report submitted in relation to the Connah's Quay Low Carbon Power Project and would request that the attached detailed comments are taken into consideration when issuing the Scoping Opinion.

In addition to comments from the Council please find attached Appendix A with response from the following consultees:

County Hall, Mold. CH7 6NB  
[www.flintshire.gov.uk](http://www.flintshire.gov.uk)  
Neuadd y Sir, Yr Wyddgrug. CH7  
6NB [www.siryfflint.gov.uk](http://www.siryfflint.gov.uk)

We welcome correspondence in Welsh. We will respond to correspondence received in Welsh without delay.

Rydym yn croesawu gohebiaeth Gymraeg. Ymatebwn yn ddi-oed i ohebiaeth a dderbynnir drwy gyfrwng y Gymraeg.



- Natural Resources Wales dated 6 March 2024
- Deeside Naturalist Society dated 1 March 2024

Yours faithfully/Yr eiddoch yn gywir

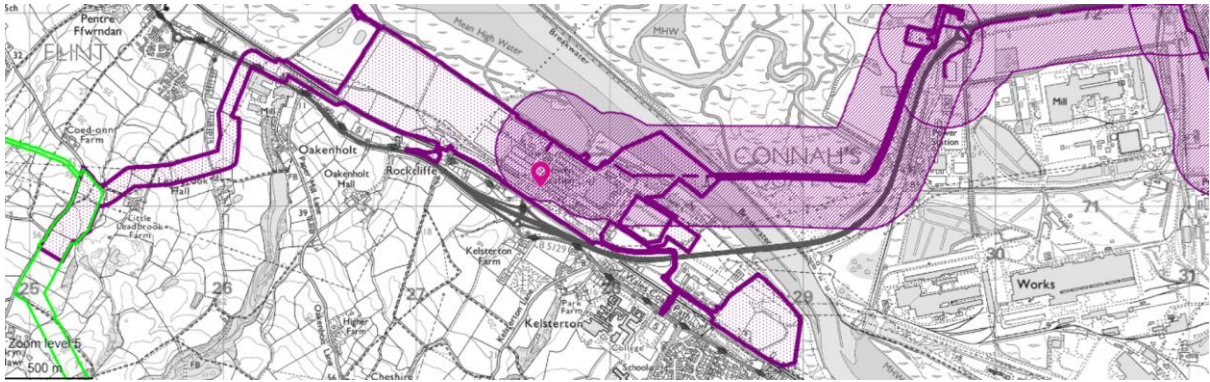


Chief Officer (Planning, Environment & Economy)  
Prif Swyddog (Cynllunio, Amgylchedd ac Economi)

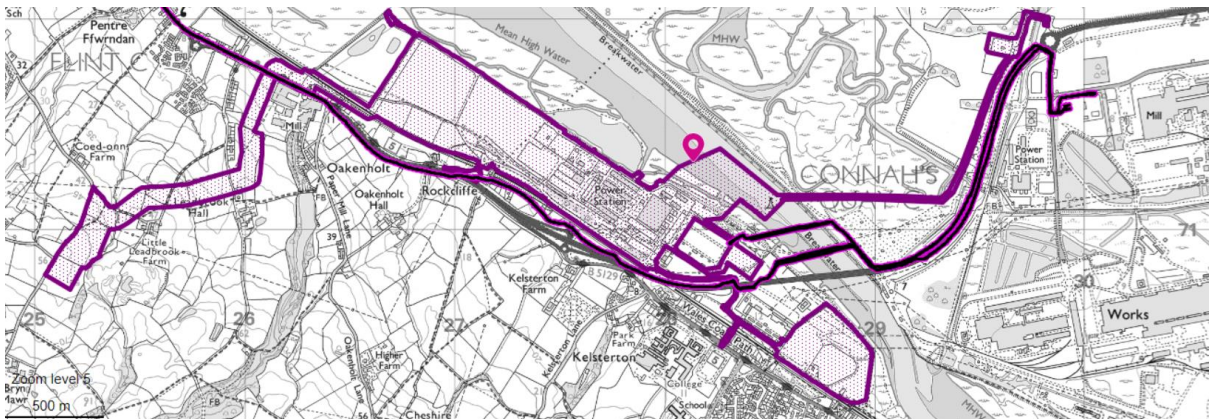




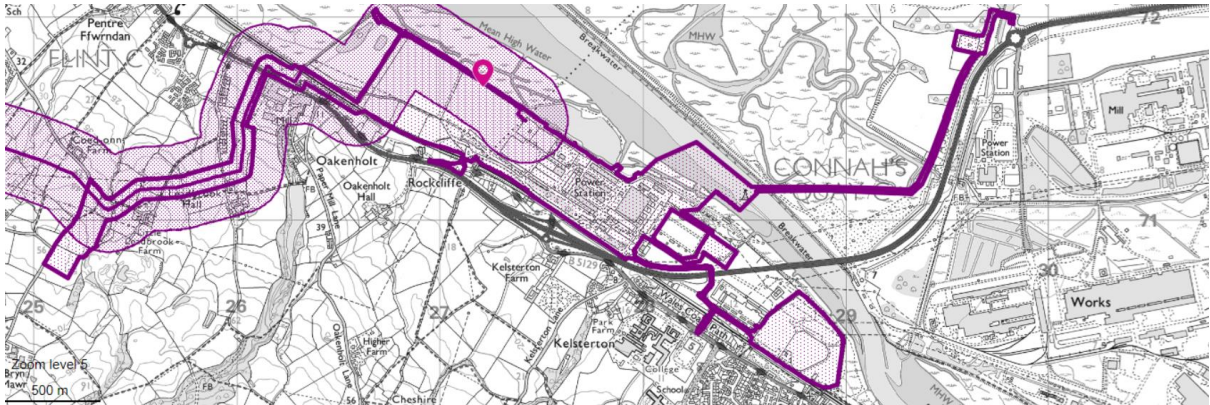




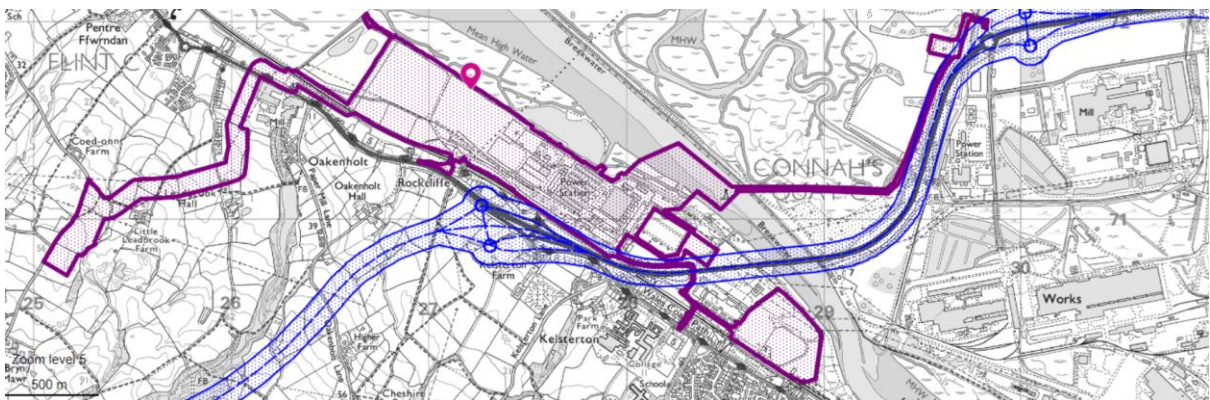
National High Pressure Gas Pipeline



EIR Grid East-West Interconnector Cable

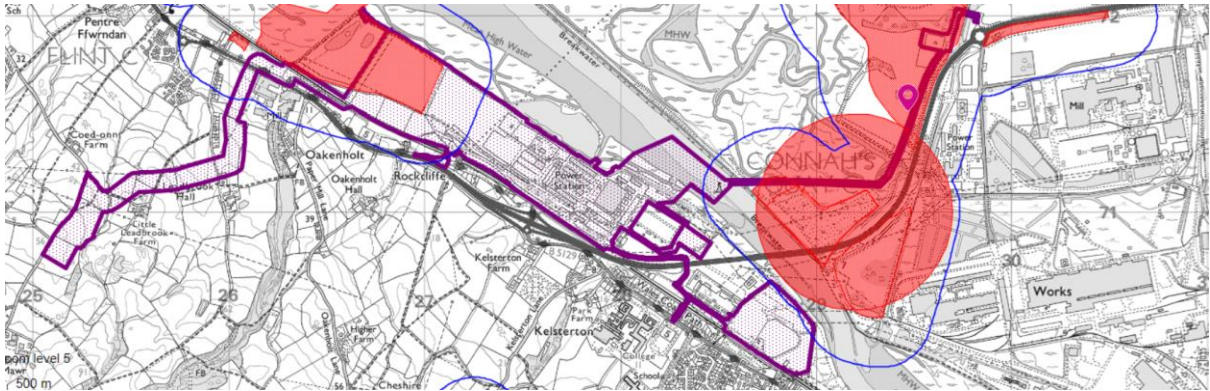


Point of Ayr to Connah's Quay Gas Pipeline

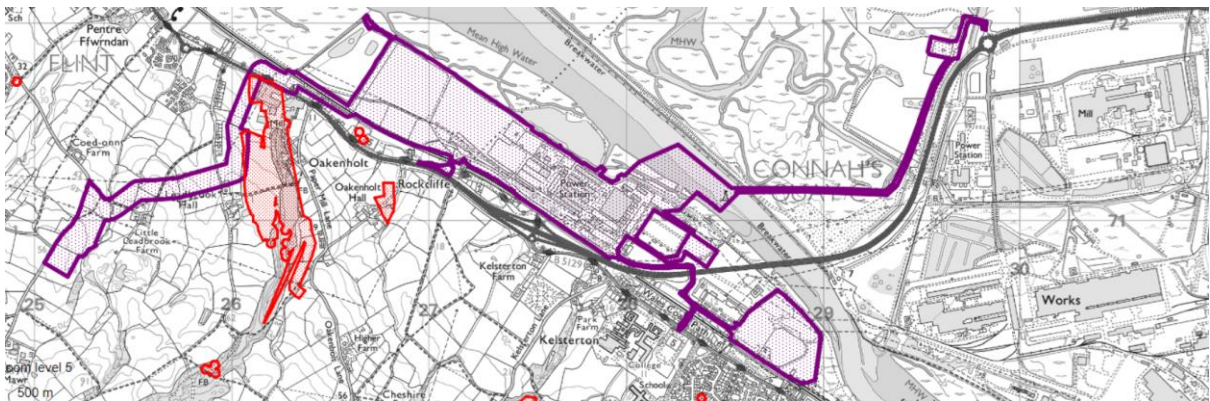


A55/A494/A548 Northtop to Shotwick Interchange Improvement Safeguarding

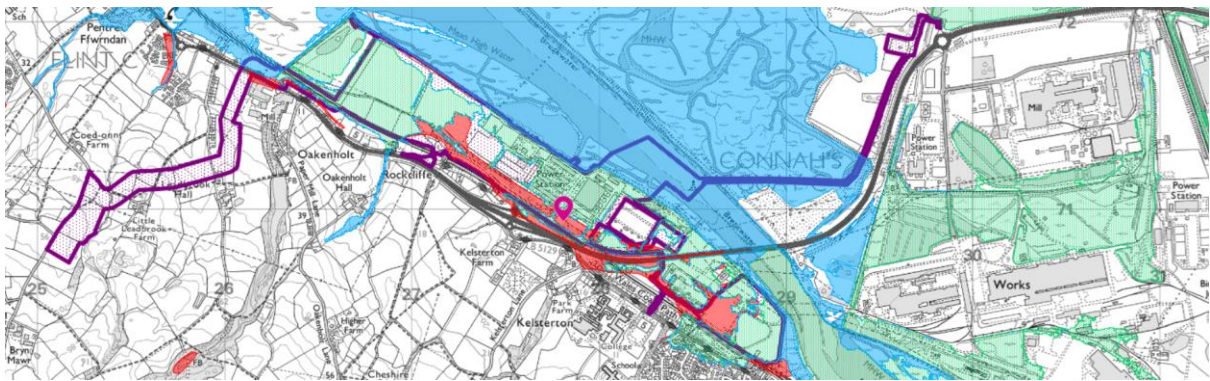




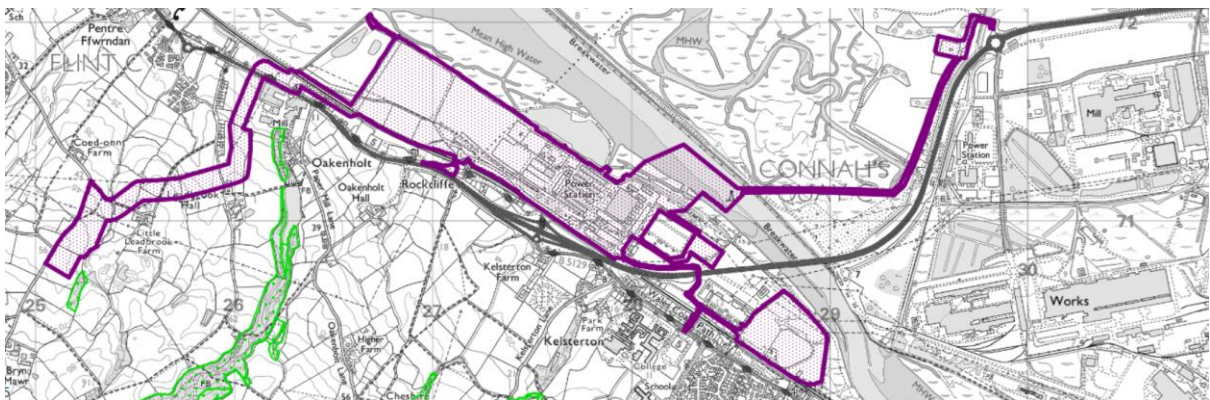
EA Landfill Sites



Coal Authority Referral Area

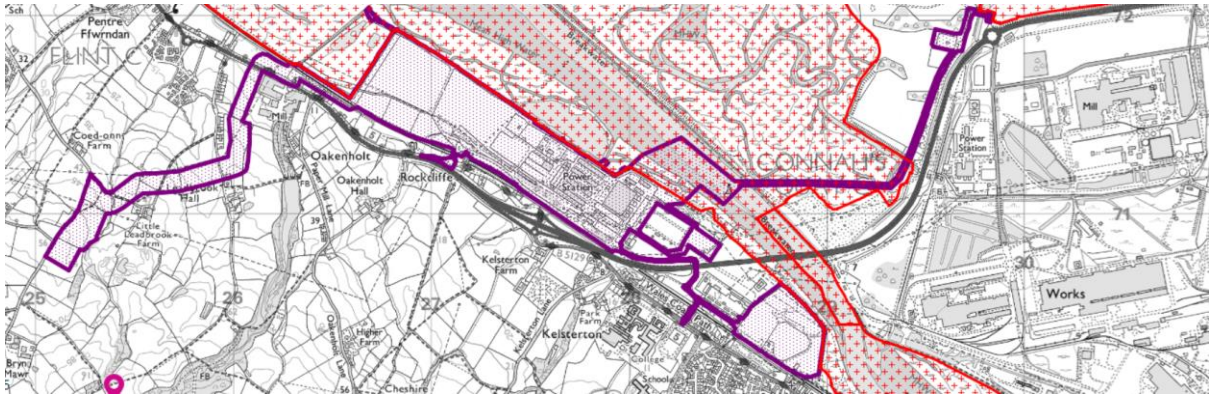


TAN 15 Floodrisk

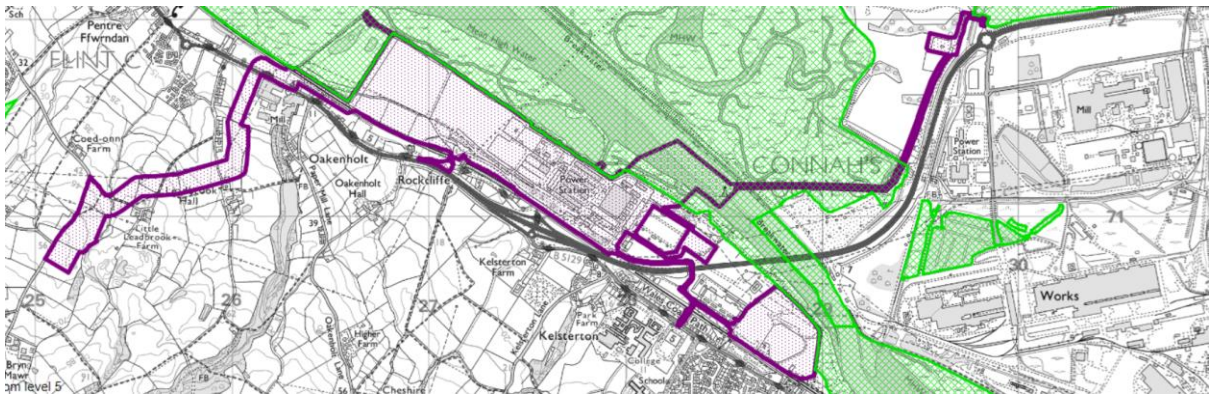


Ancient Woodland Sites

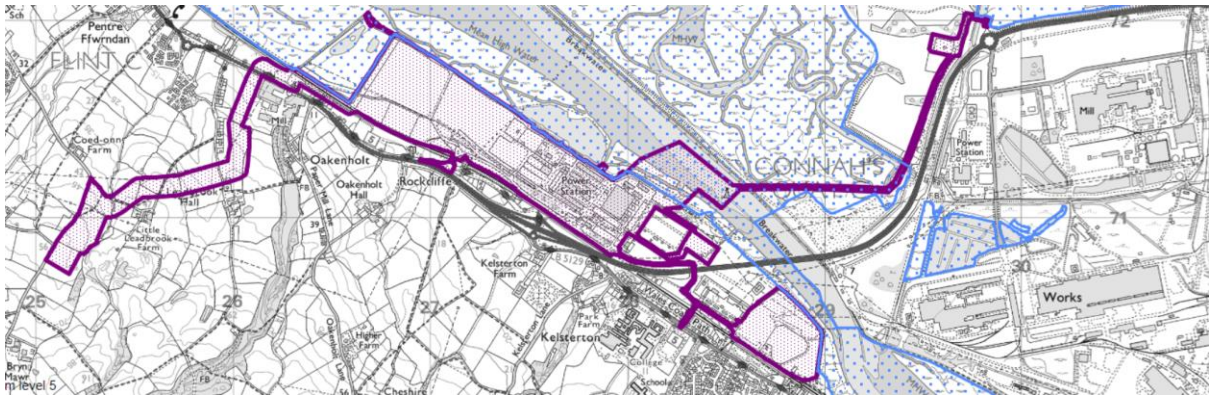




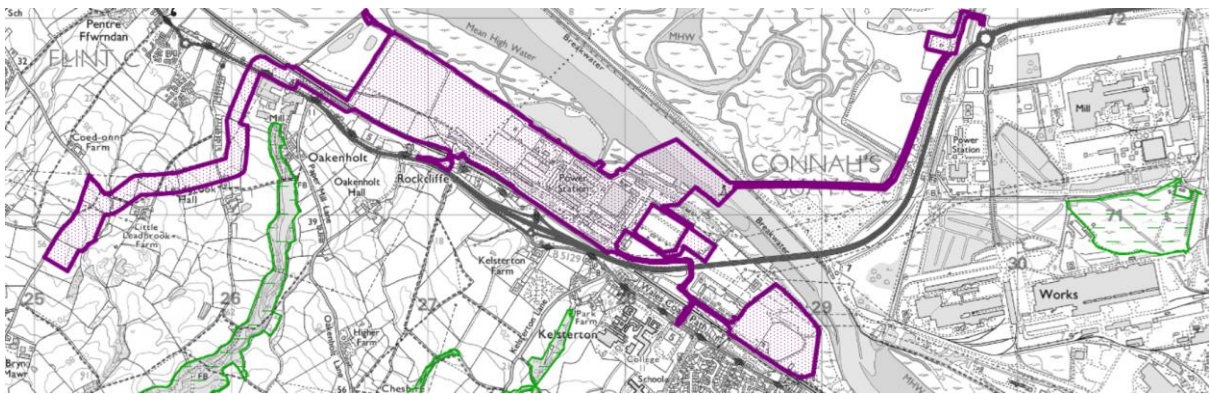
Dee Estuary / Aber Dyfrdwy Special Area Conservation (SAC)



Sites of Special Scientific Interest (SSSIs)

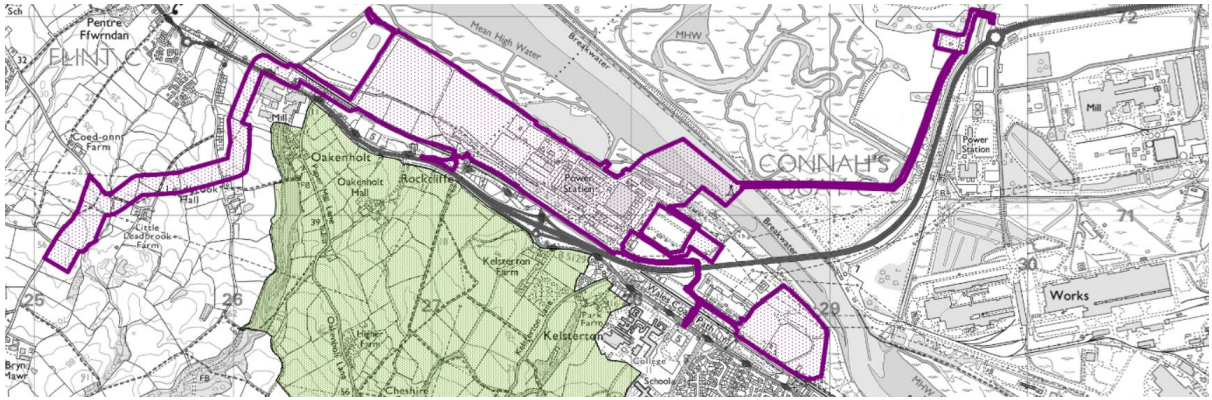


Special Protection Areas (SPAs)

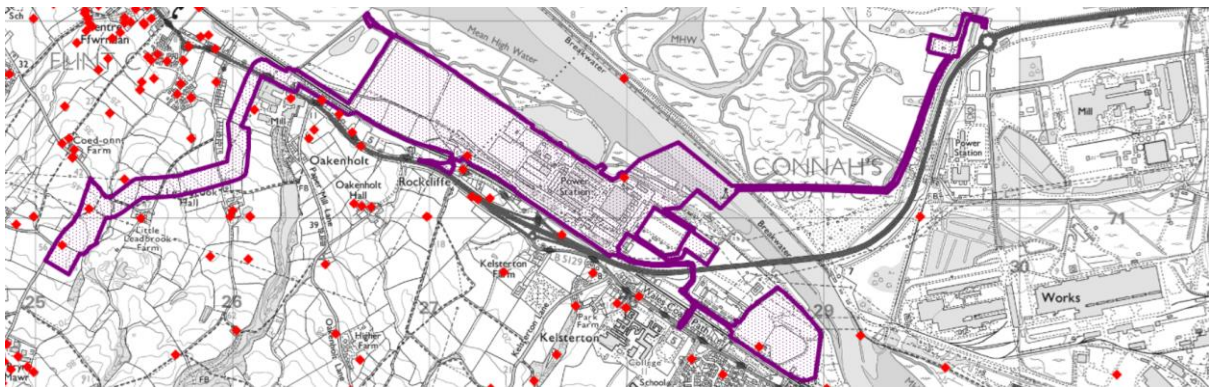


Wildlife Sites

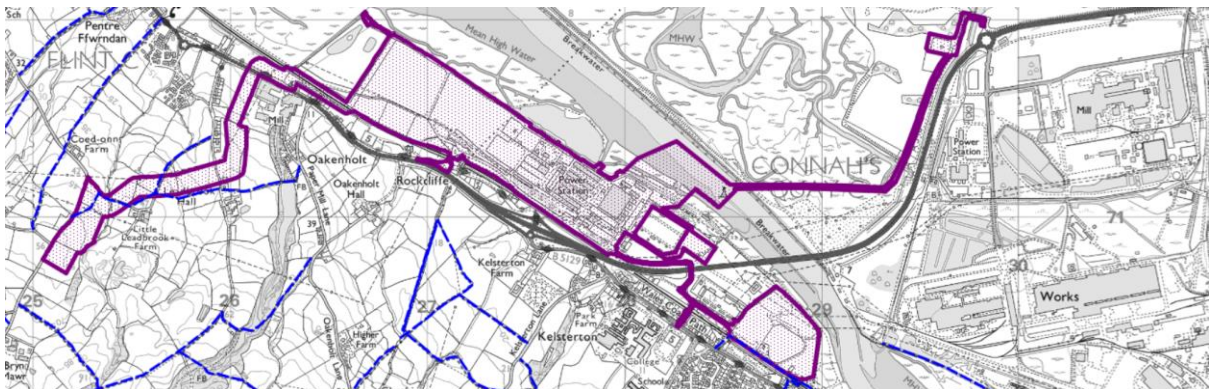




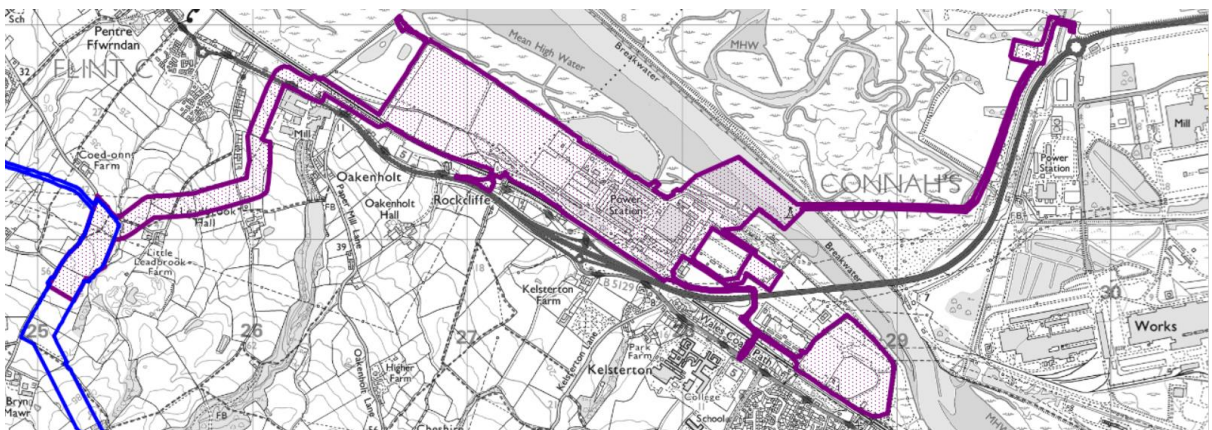
Green Barrier



Clwyd Powys Archaeological Trust Listings



Public Rights of Way



HyNet Pipeline Safeguarding Area

## **Review of Scoping Report Document (Reference 60717119)**

### ***Landscape & Visual Amenity***

The proposed development is located within an area characterised by industrial development. The site and its immediate setting are not designated in landscape terms at any level, and it does not contain any designated landscape or heritage features.

The Council acknowledges that the identified 16 Indicative Viewpoints for assessment, which have been subject to change, may be subject to further change during consultations with Local Planning Authorities prior to the Landscape and Visual Impact Assessment being undertaken (paragraph 13.4.20). The Council would be happy to provide input on this when necessary.

The Scoping Report provides no reference to the provision of a BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) survey. It would be standard practice to include a BS5837:2012 survey as an appendix to the Environmental Statement, which included a tree data table, accurate plotting of trees on site plans and an Arboricultural Implication Assessment. At this stage it appears the implications to trees and hedges are minor.

### ***Ecology & Nature Conservation***

The River Dee is designated as Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) lies immediately north of the site.

The Council is satisfied that Scoping Report Document (Reference 60717119) covers the key ecological issues associated with the site and its locality and that the Assessment will also be informed by other specialist assessments relating to Air Quality, Noise and Vibration, Marine Ecology and the Water Environment. The proposed Ecological Surveys and data collection table 9-5 based on the Preliminary Ecological Appraisal Report is acceptable. In addition we note that the Deeside Naturalist's Society Reserve is referenced as an ecological sensitive habitat and we would recommend discussions with this organisation in regards to specific local features - plants and insects etc as well as birds.

Chapter 6 'Air Quality' makes reference to the sensitive ecological receptors namely designated sites plus ancient woodland and local wildlife sites within the locality. 'Noise and Vibration' (Chapter 7) also has the potential to impact the designated sites/features during construction and operation and ecological sensitive receptors for noise/vibration do not appear to be specifically referenced. The Council believes they should be considered.

Technical appendices will include Habitat regulations assessment, which is welcomed, as is a Net Benefit for Biodiversity assessment. The biodiversity metric proposed to be used is acceptable providing that habitat and species proposals are considered together with biodiversity benefit and ecosystem resilience. We would we



welcome further discussion in Net Benefit for Biodiversity and potential mitigation options.

### ***Cultural Heritage & Archaeology***

There are five sites of heritage interest located within the proposed site including a former rifle range, the site of fisherman's/boat houses, the Old Shore Road, the Chester to Holyhead Railway and the former Connah's Quay power station.

The Council note the content of the Chapter 15 'Cultural Heritage' scope and have the following comments:

#### Appropriate Consultees

The CPAT Planning Services section are the primary advisors to the Local Planning Authority on matters relating to development impacts on any non-designated heritage assets. Information on designated assets would be obtained from Cadw via [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales) (scheduled monuments, registered parks and gardens, battlefields, world heritage sites) and from the Built Heritage Conservation Officer for Flintshire County Council (Chris Rees Jones) in terms of listed buildings, conservation areas.

With regard to marine and intertidal archaeology and related ship or aircraft wrecks the applicant should consult Dr Julian Whitewright (Marine Investigator) [julian.whitewright@rcahmw.gov.uk](mailto:julian.whitewright@rcahmw.gov.uk) regarding this scope and future assessment at the Royal Commission on the Ancient and Historical Monuments of Wales.

#### Baseline Sources

We normally expect all of the following sources to have been consulted to inform the baseline data:

- Designated asset data from Cadw (<http://historicwales.gov.uk>)
- Archaeological records held by the National Monuments record RCAHMW including information on historic place names <https://rcahmw.gov.uk/discover/list-of-historic-place-names/>
- Archaeological records held by Clwyd-Powys Archaeological Trust HER (via direct consultation with the HER team [her@cpat.org.uk](mailto:her@cpat.org.uk) and not just relying on Archwilio data).
- Relevant Conservation Area details from Flintshire County Council.
- LANDMAP datasets from NRW for Cultural Landscape and Historic Landscape aspect areas and associated character areas with the significance of impact to be quantified.
- Maps, plans and documents held in the Flintshire Archives <https://www.newa.wales/>
- Maps, plans and documentary sources held at National Library of Wales including the Tithe Maps of Wales <https://places.library.wales/home>

- Aerial photos held by the Central Register for Aerial Photography Wales (CRAPW) <http://aerialphotos.wales.gov.uk/> and the National Monuments Record RCAHMW
- Records held on the Portable Antiquities Scheme database here <https://finds.org.uk/>
- Readily available and relevant primary and secondary published sources and unpublished archaeological reports.
- ZTV / cumulative ZTV from roof/chimney top to determine those heritage assets within the study areas which will be affected visually for subsequent setting impact assessments.
- Findings of other environmental topics (landscape, peat, water, soils, noise, & vibration).

### Geophysics and Evaluation Trenching

During the iterative design process, and depending on the feedback from the desk based assessment and walkover surveys, there may be a requirement to gather more information on the sub-surface archaeological potential of the development area, which will not normally be apparent from a desk based and walkover study alone. We note the comments in Paragraph 15.4.23 and Paragraph 15.4.24 about the depths of made ground across the Main Site which vary between 1.6 - 4 metres of dumped material from the 1960's and later events. Depending on the depth of the new foundations and service trenches in this area it would seem highly unlikely that any significant archaeology survives or will be impacted. The potential for further geophysics and trenching within the Main Site area should be clearly stated in the desk based assessment and walkover report.

### Timing of the EIA Survey Window for Cultural Heritage Assessment

A realistic time period should be set aside to complete the archaeological assessment, reporting and mitigation discussion before the application is formally submitted for examination and in accordance with guidance on pre-determination archaeological evaluation set out in Technical Advice Note 24 (May 2017): Paragraph 4.7 and Planning Policy Wales (Feb 2021): Paragraph 6.1.26.

Failure to complete the appropriate surveys may result in delays at the examination stage if we have to ask for additional information to be supplied. The applicant should therefore adjust their application submission dates if necessary to ensure these surveys are fully completed.

Project Design Approval, Archiving and Reporting of Archaeological Assessments  
 With regard to reporting and archiving of any archaeological reports produced by the archaeological consultants/contractors for this assessment it should be noted that a high resolution digital pdf will be required by the CPAT Historic Environment Record to be sent via HEDDOS <https://cpat.org.uk/heddos.html> in accordance with the Welsh Archaeological Trusts HER submission guidelines here <https://cpat.org.uk/curatorial-services/historic-environment-record/#page-content>  
 And the full digital archive will need to be forwarded to the National Monuments Record, RCAHMW, Aberystwyth and/or the Archaeology Data Service in accordance with their submission guidelines.



We will need to approve a Written Scheme of Investigation (WSI) document (sometimes called a project design) before any new assessment work commences and WSI's will be required for any additional geophysics and evaluation trenching also. All WSI's and resulting final reports must include a Data 3 Management Plan (updated for final report), Archive Selection Strategy, Archive Content List and Archive Deposition Location Statement

### Further Consultation & Communication

We would welcome further direct correspondence and communication with the archaeological consultants/contractor who are engaged to complete the cultural heritage assessment as part of an iterative design process, and we would also wish to see copies of any cultural heritage assessment reports completed as the design process moves forward. We would expect to be consulted on the draft final ES cultural heritage chapter before it is submitted for examination.

We are in agreement with all other aspects of the scope.

### ***Hydrology, Geology, Land Quality & Water Resources***

The site is adjacent to the River Dee and a minor culverted watercourse is present in the south east of the site.

A Sustainable Urban Drainage System (SUDS) which will prevent reductions in water quality, attenuate surface runoff rates and form a part of landscape and ecological mitigation proposals will be required for consideration by the Council under the SAB (SUDS Approval Body).

The site lies within the flood zone of the River Dee and is at risk of flooding. Ground contamination and associated risks must be identified by way of a desk study, intrusive ground investigation and risk assessment.

During construction there is the risk that contaminants are mobilised and result in pollution. A Flood Consequence Assessment (FCA) should be undertaken.

### ***Land Use, Tourism, Recreation & Socio-Economics***

There are several Public Rights of Way (PROW) affected by the proposal:

Flint – Public Footpath No. 66

Flint – Public Footpath No. 67

Connah's Quay – Public Footpath No. 28

Two PROW (66 & 67) form part of the network around Little Leadbrook Farm linking Leadbrook Drive to Allt Goch Lane which are affected by the proposed Repurposed CO2 Connection Corridor. The Scoping Report Document (Reference 60717119) suggests that these two PROW would be temporarily affected while the pipeline is repurposed. It is anticipated that one formal legal temporary closure (comprising both footpaths) would be required.

There is no requirement to provide an alternative route while a route is temporarily closed but for routes of higher importance we would likely request alternatives so as to not detrimentally affect users.

On-site management to minimise risks to users and potentially safeguard safe passage for pedestrians while keeping PROW open would be welcome if it is achievable but this would depend on each site. Risk Assessments and methodology of working re sought for each specific PROW affected if temporary closures were not to be pursued and on-site management sought.

With regard to Public Footpath 28 in Connah's Quay, this route has been partially obstructed by vegetation for many years. The route connects to Public Footpath No. 27 in Connah's Quay, which is shown crossing the Chester - Holyhead railway line. The status of both Public Footpath 27 & 28 have been subject to scrutiny in recent years and there is doubt over their physical existence (more so Public Footpath 27). The alignment of Public Footpath 28 doesn't appear to be affected necessarily by the Indicative Enhancement Area, however the proposal as a whole project represents an opportunity to improve the network at this location as part of a wider community benefit. We would welcome engagement from the applicant further on in the process to discuss this matter.

### ***Traffic & Transport***

The Council is satisfied that Scoping Report Document (Reference 60717119) covers the key issues relating to traffic and transport.

The Council note the content of the Chapter 8 'Traffic and Transport' scope and consider that the information will provide for a robust assessment of the traffic and transport impacts associated with the construction phase of the proposed development.

### ***Air Quality During Construction***

There are no AQMAs designated near the proposed site, and local air quality monitoring indicates that there are no exceedances of the UK air quality objectives near the site.

During construction there is the potential for effects on air quality as a result of increased traffic movements and generation of dust from construction activities.

The Council have reviewed the Scoping Report Document (Reference 60717119) and the proposed methodologies within in it and can confirm that we have no adverse comments to make in terms of pollution control.

### ***Noise And Vibration***

The Council have reviewed the Scoping Report Document (Reference 60717119) and the proposed methodologies within in it and can confirm that we have no adverse comments to make in terms of pollution control.

## **Appendix A**

- **Natural Resources Wales dated 6 March 2024**
- **Deeside Naturalist Society dated 1 March 2024**

As attachments to email.

END

Date: 8/03/2024

Officer: Charlie Pope

1 March 2024

By email

Dear Mr Farrow,

**Re: PLANNING APPLICATION CONSULTATION - Ref No: NAA/000138/24**

Thank you for asking Deeside Naturalists for our comments on the scoping consultation - EN010166 - Connah's Quay Lower Carbon Power Project.

Formed in 1973, the aim of the Deeside Naturalists' Society is 'to stimulate interest in natural history and to play a part in the conservation of flora and fauna on Deeside and in the surrounding area'.

We have examined the sections of Scoping Report (main text and Appendix A) and Scoping Report (Appendices B-E) provided in the statutory consultation letter from the Planning Inspectorate that are most relevant to the Society's interest, specifically the Ecology, and especially, the Ornithology sections.

**Our comments are as follows:**

We note that the Scoping Report (Appendices B-E) – the Preliminary Ecological Appraisal (PEA) - identifies that the area proposed for development is important for wading birds, especially Curlew:

*2.10.5 Large numbers of foraging curlew (*Numenius arquata*) were present within these habitats at the time of the field surveys.*

**Curlew are one of the qualifying migratory species for the SPA/Ramsar designation, therefore we suggest there is more focus within the Scoping Report on fully researching the importance of the migratory Curlew population using the site, and assessing this in the context of the SPA/Ramsar site Curlew population to enable an effective mitigation and compensation strategy to be designed and implemented.**

Deeside Naturalists Society has a wealth of bird data, **and Uniper has much other data gathered by various bird watchers for at least 20 years (not all of which is in the public domain)** and other biodiversity data from the development area that should be used in helping assess both the impact of the development at the EIA stage, and in supporting the design of mitigation and compensation for Curlews and other wading birds using the area proposed for development.

We note that one of the purposes of the PEA is *'to begin to identify requirements for mitigation, including mitigation measures that will be required and those that may be required (depending on results of further surveys or final Proposed Development design)*.

*2.10.10 These surveys will inform what avoidance/mitigation and compensation*

*measures need to be put in place to ensure that the Proposed Development will not impact the Favorable Conservation Status of birds in the area and to minimize impacts of the Proposed Development on the assemblages of birds that use the nearby protected sites.*

**We cannot find any mitigation/compensation measures suggested so far for the impact on wintering Curlews. We wish to comment that this will be difficult to do as Curlews are known to have a high level of site fidelity to wintering areas.**

We note that the Scoping Report main text does not mention the importance of the development site for foraging Curlews within Section 9.4.32. We consider that this is a major omission.

9.4.32 *The surveys found the following:*

- *area within and adjacent to the Main Site:*
  - *two of the four Annex 1 species relevant to the Dee Estuary SPA/Ramsar site were recorded in notable numbers in the estuary adjacent to the Site. Of the qualifying migratory species, seven were recorded in the estuary in significant numbers: redshank *Tringa totanus*, shelduck *Tadorna tadorna*, teal *Anas crecca*, pintail *Anas acuta*, oystercatcher *Haematopus ostralegus*, dunlin *Calidris alpina* and black-tailed godwit *Limosa limosa*. All these species were typically observed as widespread within the estuary, although none were recorded within the area of the Main Site. Teal, pintail and black-tailed godwit were recorded within the Dee Estuary SPA/Ramsar site in notable numbers, all during the autumn;*
  - *the most notable breeding birds observed close to the Main Site were a nesting pair of avocet *Recurvirostra avosetta* (nationally rare, Schedule 1) on the island in the largest water body within the nature reserve. Cetti's warbler *Cettia cetti* (Schedule 1) was also recorded breeding in this area. Other common wetland breeding birds were also recorded as present; and*
  - *species breeding in terrestrial habitats within the Main Site and adjacent areas were common and widespread in a local and national context*

**We suggest adding the text from the PEA: 2.10.5 *Large numbers of foraging curlew (*Numenius arquata*) were present within these habitats at the time of the field surveys.* And adding that this is one of the qualifying migratory species for the SPA/Ramsar designation.**

Yours sincerely,



Secretary, Deeside Naturalist Society

[connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)

06/03/2024

Dear Sir/Madam,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA  
REGULATIONS) – REGULATIONS 10 AND 11**

**EIA SCOPING OPINION CONSULTATION REGARDING AN APPLICATION BY UNIPER  
UK LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE  
CONNAH'S QUAY LOW CARBON POWER PROJECT**

Thank you for referring the above proposal for a scoping opinion, which we received on 09/02/24. Natural Resources Wales (NRW) has reviewed the information provided in the "*Connah's Quay Low Carbon Power scoping report*", document reference 60717119, by AECOM Ltd., dated 2024.

Please note that the comments provided herein are made without prejudice to any further advice NRW may need to give, or decisions NRW may need to take, should different circumstances or new information emerge that NRW will need to take into account.

The comments provided in Annex I include those matters within NRW's remit that we consider will need to be taken into account and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES). In order to aid review, where possible our comments are provided under the chapter headings from the Scoping Report. For matters relating to English environmental interests we would defer to the advice of the Environment Agency (EA) and Natural England (NE).

We note that the Harbour Master has been consulted separately and has responded directly on maritime/navigation issues. In NRW's capacity as the Statutory Harbour Authority for the Dee Estuary Conservancy we also own land (riverbed and foreshore of the river Dee) associated with the Water Connection Corridor outlined in the Scoping Report. We therefore advise that the applicant contacts NRW's estates team

([EstatesNorthWest@cyfoethnaturiolcymru.gov.uk](mailto:EstatesNorthWest@cyfoethnaturiolcymru.gov.uk)) to discuss any relevant land ownership matters associated with this project.

Paragraph 1.7.1 of the Scoping Report refers to the applicant's proposed provisions for a 'deemed' Marine Licence within the Development Consent Order (DCO) application, depending on the works required in the marine environment. Please advise the applicant that there is no provision in legislation for a 'deemed' marine licence as part of the DCO process in the Welsh Inshore area. Therefore, a development that lies in the Welsh Inshore area and requires a Marine Licence from NRW cannot be deemed. We therefore advise that the applicant contacts NRW's Marine Licensing team ([marinelicensing@cyfoethnaturiolcymru.gov.uk](mailto:marinelicensing@cyfoethnaturiolcymru.gov.uk)) directly regarding any queries about this matter.

Our comments only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

The applicant should be advised that, in addition to development consent, it is their responsibility to ensure that they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yours faithfully,

**Chris Jones**

Uwch Gynghorydd, Cynllunio Datblygu / Senior Advisor, Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

## ANNEX I

### NRW ADVICE AND COMMENTS ON “CONNAH’S QUAY LOW CARBON POWER SCOPING REPORT”, DOCUMENT REFERENCE 60717119, BY AECOM LTD., DATED 2024

#### Chapter 6: Air Quality

1. In general, we are satisfied that the proposed scope of the air quality assessment appears reasonable and appropriate for a development of this type. However, we have the following detailed comments.
2. Paragraphs 6.4.8 – 6.4.10 outline the background data to be used in the assessment, this approach appears appropriate. This section also proposes a three-month survey using diffusion tubes to establish the Nitrogen Dioxide levels in the area immediately surrounding the site. This will give further confidence in the background data used in the assessment. However, it is not clear how this three-month measurement period will be projected to the annual statistical data requirements for background measurements. Therefore, this approach should be fully justified in the ES.
3. Paragraph 6.4.11 does not include all the Sites of Special Scientific Interest (SSSIs) located within 15km of the application site, as identified in Table 9-3 (Chapter 9) of the Scoping Report. We therefore advise that the air quality assessment considers all the SSSIs within 15km, as identified within Table 9-3.
4. Paragraph 6.5.2 states: *“The Applicant’s existing CCGT units at Connah’s Quay Power Station will be on-site and operating during construction and potentially operating during periods coinciding with the operation of the Proposed Development. The existing Connah’s Quay Power Station will therefore form part of the future baseline for the construction phase (which could commence in 2026 and last up to four years for Train 1 or combined single phase for Train 1 and Train 2) and potentially during the operational phase of the Proposed Development. Further information on the assumptions will be provided in the PEIR.”* This appears reasonable; however, we advise that an in-combination (i.e. existing power station plus proposed project) air quality assessment should also be completed.
5. We note that paragraph 6.5.13 states: *“AECOM has developed a screening model approach, in agreement with the Environment Agency, for assessment of emissions of amine degradation products from amine based CCP that includes consideration of both direct process emissions and indirect emissions generated through atmospheric degradation of amine post-release. This model approach will be utilised for the assessment of N-amines, subject to consultation with NRW, to assist with the establishment of appropriate stack heights and embedded mitigation.”* However, as full details have not been included in the Scoping Report, we are unable to comment further.



6. We note that the Amines Chemistry module developed by Cambridge Environmental Research Consultants (CERC) for ADMS 6 will be used in the assessment of N-amine impacts, with parameters developed in consultation with the project engineers and technology providers, this information will be presented in the ES. However, as full details have not been included in the Scoping Report, we are unable to comment further.
7. We note that operational traffic emissions have been scoped out of the ES as the increase in operational traffic is less than the recognised screening criteria. Whilst the average predicted vehicle movements during operation outlined in paragraphs 6.7.2 and 6.7.3 fall below the 500 Annual Average Daily Traffic (AADT) threshold for Light Duty Vehicles (LDV), the figure quoted (230 AADT) is close to 50% of this threshold. The Deeside area is currently experiencing elevated development pressure, including other projects associated with the HyNet carbon capture scheme as well as the re-development of Shotton Paper Mill. Given this context we advise that it would be precautionary (and in line with the principles outlined in the Wealden judgement, 2017) to scope operational vehicle movements into the ES and to consider these in combination with other plans and projects to assess whether a cumulative effect would give rise to an exceedance of the screening threshold.

## **Chapter 9: Terrestrial and Aquatic Ecology**

8. The ES should include sufficient information to enable the decision makers to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.
9. Evaluation of the impacts of the proposed scheme should include: direct and indirect; secondary; cumulative; short, medium and long-term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape, and public access.

### Description of the Project

10. Within the ES, the proposed scheme should be described in detail in its entirety. This description should cover construction, operation, and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

### Illustrations within the Environmental Statement

11. Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES, such as biodiversity.

### Description of Biodiversity

12. The ES should include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

### Significance and Favourable Conservation Status

13. We advise that the ES considers significance (both alone and in-combination) and where applicable, conservation status. In respect of conservation status, we advise consideration is given to current conservation status (CCS), and demonstration of no likely detriment to the maintenance of favourable conservation status (FCS) during construction, operation, and decommissioning phases of the scheme. In respect of paragraph 9.5.4 (scales of importance), we advise that consideration is also given to the FCS of each species assessed.

### Key Habitats

14. Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. We also advise that Habitats Directive Annex 1 habitats are identified as part of this assessment.

### ***Protected Species***

15. We advise that the site is subject to assessment to determine the likelihood of protected species being present and that targeted species surveys are undertaken for all species scoped in. These should comply with current best practice guidelines and in the event that the surveys deviate, or there are good reasons for deviation, full justification for this should be included within the ES.
16. Should protected species be found during the surveys, information should be provided identifying the species-specific impacts in the short, medium, and long-term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long-term financial, tenure, and management responsibility. Where the potential for significant impacts on protected species is identified, we advise that a Conservation Plan is prepared for the relevant species and included as an Annex to the ES.
17. We generally concur with the proposed approach to protected species surveys outlined in Table 9-5. However, while the breeding bird surveys are broadly appropriate for diurnal bird species, additional visits should be completed to determine the presence of crepuscular/nocturnal species such as the Schedule 1

listed barn owl. We would refer the applicant to the CIEEM guidelines for bird surveys ([Bird Survey Guidelines for assessing ecological impacts](#)) in this regard.

18. With reference to paragraph 9.4.36, we note that “*Technical engagement / consultation with Natural Resources Wales is also proposed to discuss and agree the scope of ornithological surveys.*” We would welcome further engagement with the applicant regarding this.
19. The Preliminary Ecological Appraisal (PEA, Appendix B) and relevant annexes do not appear to contain a robust summary of the bird species records returned from the local biological records centre. It is therefore not clear whether all ornithological receptors have been sufficiently identified and considered within the PEA and relevant annexes. For example, the application boundary appears to provide areas suitable for foraging, and possibly breeding, barn owl. Therefore, while we broadly concur with the birds that have been scoped in (Table 9-7), additional bird species may need to be considered for the ES.
20. We note that a conservation management plan is currently in place at the site, secured as mitigation for previous developments at this location. This involves areas of the site being managed for estuarine birds. However, no details have been provided to confirm if the applicant intends to continue to maintain or enhance the management of the site for estuarine birds. We would welcome further dialogue with the applicant regarding this.
21. Section 9.7.6 (Aquatic Ecology): we note that a number of watercourses are identified in Chapter 11, Water Environment and Flood Risk, Table 11-1. We therefore advise that impacts to fish, in particular European eel and Annex II species, are considered further in the Aquatic Ecology section of the ES.

### ***Protected Sites***

22. Our advice relates to designated nature conservation sites within Wales. We advise that Natural England is consulted regarding potential impacts to the relevant designated nature conservation sites that lie within England.
23. The scoping report highlights that potential impacts on birds include noise, light and visual disturbance during construction and operation, and permanent loss of habitat. We acknowledge that the preliminary bird surveys detected large numbers of birds, many of which are features of the Dee Estuary Special Protection Area (SPA) and other designated sites, and we note that further surveys are proposed.
24. We advise that Shotton Lagoons and Reedbeds SSSI and Inner Marsh Farm SSSI should also be scoped in for the construction, operation, and maintenance phases of the development.
25. As the proposed works may cause disturbance impacts during construction, operation, and maintenance, we advise that a sensitivity assessment is undertaken

and the applicant considers, for example, Cutts et al. (2009) regarding this (Cutts, N., Phelps, A. & Burdon D. 2009. Construction and waterfowl: Defining sensitivity, response, impacts and guidance. Report to Humber INCA).

26. We advise that further information on the nature and extent of the proposed permanent loss of habitat, and its effects on bird features, is provided in the ES.
27. There appears to be an error in Annex B, Preliminary Ecology Appraisal, Table 2-2 as the Dee Estuary SSSI is listed twice but with different proximities to the development site. We therefore advise that this is reviewed and corrected.
28. The determining authority for the DCO application is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended). As such, they must not agree to any plan or project unless they are certain it will not adversely affect the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA) and/or Ramsar site.
29. The determining authority should carry out a test of likely significant effects (TLSE) for the relevant SAC/SPA/Ramsar sites, which is required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This test applies to impacts on the sites from the proposed works, either alone or in-combination with other plans and projects.
30. If the test concludes there is likely to be a significant effect, then an Appropriate Assessment of the impacts on the SAC/SPA/Ramsar sites from the proposed works, either alone or in-combination with other plans and projects, will be required. We would be able to assist with that assessment in our role as the Statutory Nature Conservation Body under the above Regulations.
31. The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features. We refer you to our [website](#) for further advice.

#### Local Biodiversity Interests

32. We recommend that the applicant consults the local authority ecologist on the scope of the assessment to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and areas that are considered important for the conservation of biological diversity in Wales.
33. We would advise the applicant to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

### Legislation and Policy Compliance

34. We advise that provisions of the EIA audit compliance in respect of relevant nature conservation legislation (UK and Wales) together with relevant local and national policies, including BS 42020:2013.
35. Throughout the PEA and relevant annexes there is reference to Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. This has been superseded in Wales by the Environment (Wales) Act 2016. We therefore advise that the documents are amended to correct this and ensure that they refer to the relevant Welsh legislation and policy.

### Securing Net Benefit for Biodiversity

36. We advise that, in accordance with Planning Policy Wales, the application demonstrates how it will deliver a net benefit for biodiversity and thus contribute to promoting ecosystem resilience.

## **Chapter 10: Marine Ecology**

37. There is limited detail about the proposed works for the Water Connection Corridor during construction and operation/maintenance, and particularly the description of the worst-case scenario, which makes it difficult to advise fully on the extent of impacts to marine ecological features at this scoping stage. We therefore advise that more detailed information is provided to enable a robust assessment of impacts in the final ES.

### ***Marine and Estuarine Fish***

38. We note that the abstraction and discharge of cooling water is still to be confirmed and will be subject to an Environmental Permit. However, for EIA scoping purposes we advise that worst-case scenarios of proposed volumes and thermal impacts are considered for the assessment of impacts to aquatic receptors.
39. Paragraph 10.4.4: we note the requirement to implement intake screens to comply with the Eels Regulations 2009 has been recognised and that this will be considered in Chapter 9 (Terrestrial and Aquatic Ecology) of the ES. We advise that intake screens should also be designed to minimise impacts to migratory Annex II fish species, which are features of the Dee Estuary SAC and River Dee and Bala Lake SAC.
40. Paragraph 10.4.8 / Table 10-1: please note that bullhead (*Cottus gobio*) is also a qualifying feature of the River Dee and Bala Lake SAC.

41. Paragraph 10.4.19: non-migratory brook lamprey is mentioned in relation to the Dee estuary. However, brook lamprey is a feature of the River Dee and Bala Lake SAC, but not of the estuary, and is generally only found in freshwater.
42. Paragraph 10.6.7: regarding fish we advise that given the narrowness of the channel, impact piling should be avoided in favour of vibro piling.
43. We note and concur with the identified potential operational impacts to fish in Section 10.7.4, but we also advise that the potential impacts from simultaneous operation of both the existing and the new power station are fully considered in the ES.

### ***Marine Mammals***

44. Based on the limited amount of detailed information available about the proposed methodology for construction and operation we advise that the following impacts and sites should be scoped in regarding marine mammals:
  - Underwater sound assessment and vibration disturbance e.g., from piling
  - Accidental pollution
  - Collisions between any project vessels and marine mammals
  - Temporary habitat loss and/or disturbance
  - Impacts from release of sediment-bound contaminants
  - Indirect effects to marine mammals from changes in marine water quality
  - Temporary increases in suspended sediment concentrations and associated turbidity (please refer to our Physical Processes advice for further details)
45. A large grey seal 'haul-out' of 300-500 individuals, which forms part of the north Wales grey seal population, is present on the eastern side of Salisbury Middle, adjacent to Hilbre Island, located downstream of the Proposed Development in the mouth of the Dee estuary. Grey seals are a feature of the Pen Llŷn â'r Sarnau SAC and are functionally linked to the Dee estuary due to the mobile nature of this species and haul-out ranges along the north Wales coastline and within the Dee estuary, as well as their regular presence in the Dee estuary and river.
46. Therefore, we advise that Pen Llŷn â'r Sarnau SAC should be scoped in for assessment due to the potential underwater noise disturbance and vibration during construction (e.g. piling). The timing of the proposed works will affect the possibility of disturbance to grey seal due to the seasonality of their haul-outs. We therefore advise that details of any underwater noise disturbance and timing of these works are considered and assessed in the ES.
47. Harbour seals are also recorded hauled-out on the West Hoyle sandbank. However, exact haul-out numbers of this species are not known.
48. Harbour porpoise and bottlenose dolphin could occur in the surrounding coastal waters and within the outer Dee Estuary, and therefore have potential for underwater noise disturbance impacts. We advise that consideration is given to these species



and to North Anglesey Marine SAC (designated for harbour porpoise) which is the nearest marine mammal SAC in proximity to the Dee estuary.

49. With reference to paragraph 10.6.7, regarding marine mammals we welcome the proposed use of the standard JNCC mitigation measures for construction piling.
50. We advise that Table 10-1 should include Pen Llŷn â'r Sarnau SAC, due to the functional linkage with grey seals using the Dee estuary.
51. We also advise that Table 10-1 should refer to the qualifying features of each SAC and not coastal features, as this is the terminology used in the conservation advice. Conservation objectives should be taken from the Regulation 33 advice as these are the agreed conservation objectives for cross-border sites.

### ***Benthic Ecology***

52. Paragraph 10.6.3 notes that should the proposed development re-use, refurbish or replace the existing outfall located in the Water Connection Corridor, permanent habitat loss will be minimised as far as reasonably practicable. We advise that the worst-case scenario should be clarified and assessed and that the potential permanent loss of habitat should be calculated. We note that maintenance dredging is discussed but it is not clear where the dredge would be deposited, or the quantities and types of sediment to be dredged (please refer to para. 98 in our Physical Processes advice for further details).
53. The potential use of a cofferdam is not discussed in Chapter 10 (Marine Ecology) but is included in Chapter 14 (Physical Processes). We advise that details of the proposed works should be defined and described in the ES in order to understand the potential impacts from the proposed development. Furthermore, we advise that potential linkages between different receptors and/or chapters should be clearly identified as impacts to one receptor may inform impacts to another i.e. where potential impacts to physical processes inform impacts to benthic ecology receptors and water quality.
54. Based on the limited amount of detailed information available about the proposed methodology for construction and operation we advise that the following construction and operation impacts should be scoped in for benthic ecology receptors.

### **Construction impacts**

- Direct loss and physical disturbance to benthic habitats and species from works carried out below Mean High Water Spring tide limits (MHWS) within the Water Connection Corridor: this should be further defined to clearly differentiate between the impact pathways that relate to temporary habitat loss and/or disturbance from, for example, the movement of vehicles on the shore compared to impacts that could result in long-term habitat loss i.e. replacement of the Water Connection Corridor. We therefore advise that the following two impacts should be scoped in:

- Temporary benthic habitat loss and/or disturbance
  - Long-term benthic habitat loss
- Physical disturbance to benthic habitats and species from increased suspended sediment concentrations (i.e. increased turbidity and deposition): we advise that this should be defined as “*temporary increases in suspended sediment concentrations and associated turbidity*” as this would include potential impacts from smothering to benthic receptors
- Indirect impacts to benthic ecology from changes in marine water quality (excluding turbidity)
- Indirect impacts to benthic habitats from hydromorphological changes
- Introduction and/or spread of Invasive Non-Native Species (INNS): this should include potential introduction of INNS from the movement of vessels required to deliver materials to site
- Accidental pollution from vehicles, vessels, and equipment/machinery: this could be mitigated via production and adherence to standard post-consent plans e.g. a Construction Environmental Management Plan (CEMP)
- Impacts from release of sediment-bound contaminants: disturbance to intertidal/subtidal habitats associated with construction activities could lead to remobilisation of sediment-bound contaminants that may affect benthic communities

55. We would not expect underwater sound and vibration disturbance to benthic ecology receptors to be scoped in unless specific benthic species that are sensitive to noise and/or vibration are identified within the project’s Zone of Influence (Zol).

#### Operational impacts

56. We advise that the following operational impacts should be scoped in:

- Temporary habitat loss and/or disturbance e.g. maintenance dredging
- Indirect impacts to benthic receptors from changes to existing thermal and chemical effects from treated water discharge
- Indirect impacts to benthic receptors from hydromorphological changes: this should consider ongoing scour, potentially leading to habitat alteration - please also refer to our Physical Processes advice regarding changes to seabed/riverbed morphology (para. 109) and scour of seabed caused by water discharge (para. 110 - 112)
- Impacts from release of sediment-bound contaminants
- Indirect impacts to benthic ecology from changes in marine water quality (excluding turbidity)
- Temporary increases in suspended sediment concentrations and associated turbidity (please refer to our Physical Processes advice below)
- Introduction and/or spread of INNS e.g. from maintenance vessels if required, and also to account for any new infrastructure to function as a ‘stepping-stone’ for INNS
- Accidental pollution



- Increases in water temperature: this is discussed in Chapter 11 but not Chapter 10 regarding benthic ecology. Some benthic habitats and/or species are sensitive to changes in temperature. We therefore advise that this should be scoped in.
57. Section 10.4.5 (Sources of Information): the Marine Evidence Based Sensitivity Assessment ([MarESA](#)) should be referred to for any future sensitivity assessments as this supersedes and replaces the Marine Life Information Network (MarLIN) approach.
  58. Section 10.4.23 (Marine Ecological Surveys and Data Collection): we agree that more recent surveys should be completed to characterise the intertidal habitats present and potentially affected by the development. This survey should include potential habitats affected within the defined Zol. We would welcome engagement with the applicant when devising their characterisation survey. Please also refer to [Natural Resources Wales / Benthic habitat assessments for marine developments](#) for best practice guidance on how to carry out benthic habitat surveys and monitoring in relation to marine developments.
  59. Section 10.5 (Impact Assessment Methodology): with reference to the draft assessment methodology including definitions for longevity of an impact (i.e. short, medium, long term), extent and magnitude, we advise that the sensitivity of receptors should be defined and presented in the ES. Section 4.4.6 notes that specific criteria for each technical assessment will be developed but this has not been presented in Chapter 10.
  60. Section 10.6 (Embedded Mitigation): we advise that a full Biosecurity Risk Assessment and INNS Management Plan should be completed in relation to all marine operation activities associated with the proposal. The risk assessment and management plan should include consideration of all activities, vehicles and equipment used as well as how the risk will be minimised through appropriate mitigation and adherence to best practice guidance and management measures. The risk assessment should include a review of all available data in relation to the presence of marine INNS where applicable to the proposal, and the potential risks associated with each species identified.

## **Chapter 11: Water Resources and Flood Risk**

### ***Flood Risk***

61. Our Flood Risk Map confirms the development site to be located partially within Zone C1 (and Zone B) of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and most of it is within Flood Zone 3 (Sea).
62. We note that a range of flood risk impacts have been scoped in for both the construction and operational phases, as outlined in Table 11-8. We are satisfied with

the potential effects identified. We also note that the applicant has confirmed a Flood Consequences Assessment (FCA) will be prepared in support of the submission. We confirm that we would expect a detailed FCA to be prepared in support of this proposal. We consider that an FCA would be needed for any energy project in Zone C / Flood Zone 3, not only those greater than one hectare as is stated in paragraph 11.2.1 of the Scoping Report.

63. The FCA should be prepared in compliance with Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The updated TAN15 is yet to be published or adopted. However, we advise that the Flood Map for Planning should still be referred to, as confirmed in the letter from Welsh Government dated 15 December 2021, which confirms the FMfP represents better and more up-to-date information on areas at flood risk than the DAM.
64. Based on the 'Indicative Site Map' contained within the Connah's Quay Low Carbon Power Project Newsletter (February 2024), a considerable portion of the proposed development would appear to be located on undeveloped arable land, with a smaller section within the footprint of the existing power station. We therefore consider that the proposal should be treated as new highly vulnerable development, as this undeveloped land is unlikely to benefit from an existing land use, and the proposal would also be an intensification of use. However, we advise that the Planning Inspectorate provides direction on this.
65. The FCA should include a comprehensive assessment of flood risk from all sources, including the tidal Dee and fluvial sources, including Kelsterton Brook. The primary source of flood risk is likely to be tidal from the Dee. We note from paragraph 11.4.56 that "*no hydraulic modelling is proposed as part of the EIA as there is sufficient existing hydraulic modelling for this area to be provided by NRW and the Environment Agency.*" However, the tidal Dee model does not include the site within the 1D-2D model extent, and it is therefore likely that some additional modelling will be required to quantify the flood risk posed to the site (whether this be an update to the existing model or a new study), and to assess the impact on flood risk elsewhere, especially as the Scoping Report indicates land raising of up to 1 metre will be required on parts of the site.
66. We note that paragraph 11.5.6 refers to "*existing NRW defences*" which interface with the proposed development site. However, we understand that the feature along the site boundary is maintained privately, and we have no information on the standard of protection, maintenance regime or composition of this defence. We would therefore advise any modelling study to be based on an 'undefended' scenario which ignores the presence of this defence, to provide a precautionary assessment of flood risk.
67. Several sections of the Scoping Report (including Table 11-8) refer to the breach scenario being a 'residual risk'. We advise that a breach scenario (or in this case the undefended scenario due to the nature of the defence adjacent to the site) should be considered as the design event, and not a residual risk. The FCA should demonstrate that the entire site (as defined by the redline application boundary) can be designed

to be flood-free in the 0.5% Annual Exceedance Probability (AEP) undefended event with an allowance for climate change for tidal flood risk, and the 1% AEP event with an allowance for climate change for fluvial flood risk.

68. The 0.1% AEP event (with an allowance for climate change for tidal flood risk) should also be assessed, and the assessment of the proposal's impacts on flood risk elsewhere should be based on this event. The impacts of any land raising on tidal and fluvial flood risk should be quantified, and if any increases in flood risk elsewhere are identified these will need to be managed to an acceptable level.
69. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

#### ***Water Framework Directive (WFD) Compliance Assessment***

70. We advise that the scoping out of water bodies should be based on the project's Zol (see para. 96 and 101 of our Physical Processes advice below,). Therefore, we do not agree that some water bodies should be screened out as they are 2km away (i.e. paragraph 11.4.1 and Table 11-1), as there may be impacts to fish, for example, due to a thermal plume.
71. Table 11-2: note that the name of the transitional water body is "Dee (N. Wales)" not "River Dee". We advise that the target status of the Dee (N. Wales) water body is "Good" by 2027. Please also note that an interim classification is due in 2024 and the final assessment should be based on the most up to date information available.
72. Table 11-3: we concur with the designated sites identified and agree that there are no Bathing Waters in proximity to the development.
73. Paragraph 11.4.59: we advise that the "Clearing the Waters for All" WFD guidance is followed to inform screening and scoping. The WFD compliance assessment should include all parts of the development, including those licensable under Marine Licensing and the Environmental Permitting Regulations (i.e. water abstraction and discharge).
74. Paragraph 11.5.1: we advise that the Environment Agency (EA) are also consulted as the river water bodies lying to the north of the Dee estuary are within the EA's jurisdiction.
75. Paragraph 11.5.2: we agree that the assessment should consider construction, operation and decommissioning as well as abstraction and discharges. We also

agree that foul water should be considered. Any risks from the mobilisation of contamination to the water environment (to be addressed in Chapter 12, Geology and Ground Conditions) should also be considered in the WFD compliance assessment.

76. Paragraph 11.5.5: H1 assessment, dispersion modelling and sediment transport modelling are mentioned as potential assessment techniques. We advise that temperature modelling may also be required if a thermal plume is to be generated by the development. We note from paragraph 11.5.13 that any modelling requirements will be agreed with NRW, and we would welcome further engagement regarding this.

### ***Hydrology***

77. We are content with the proposed scoping of hydrological elements for the EIA. We advise that all works in and adjacent to watercourses associated with the proposal should aim to:
- reduce impacts as far as practicable through expert geomorphological input in the siting and design of assets within the river and riparian zone (e.g. favouring directional drilling above open cut techniques, using clear-span structures rather than culverts)
  - mitigate any residual risks and impacts, work with the natural riverine processes present and actively seek to enhance the local environment through restoration of natural features and processes
78. We note that the proposal will require water to be abstracted from the river Dee estuary. We advise that the ES should confirm if this would involve additional water to the currently licenced quantities. It is likely that amendments to the existing abstraction licence would be required even if the quantities of water do not change, such as a change of “purpose”, licence holder or intake location. Any such amendments would need to be addressed by NRW’s abstraction licencing process.
79. We note that reference 203 of the Scoping Report (page 145), contains the wrong web page address. We therefore advise that the correct address is used in the ES.
80. We are content with the scoping in of the various water quality aspects as per Chapter 11 and note that there are also some key uncertainties (paragraph 11.3.3) which may require water quality modelling to support the EIA. We also note that a CEMP would be produced, and this would incorporate control measures for potential water quality impacts.
81. With regards to Section 11.6 (Embedded Mitigation) we advise that the applicant considers the [Guidance for Pollution Prevention](#) series.

### ***Groundwater***

82. We note that groundwater flooding is scoped in. We advise that the groundwater flood risk at this site is heightened because the groundwater table is high. A robust baseline of groundwater conditions should therefore be determined. Such conditions would

include groundwater depths as these will vary as a result of tidal influence, flow paths, gradients, and salinity. This information would also be important in assessing contamination pathways for the construction, operation, and decommissioning phases notably because of the proximity to designated sites. Changing climate impacts on tidal influence, tidal surges, sea-level rise, and salinity should also be considered as these have the potential to influence the transport of chemicals that may have leaked or been inadvertently released into the subsurface during the operational life of the facility.

83. The permeability of near-surface materials including Tidal Flat Deposits may be moderate to high and depending on the nature of construction excavations, hydraulic control through dewatering has the potential to generate significant volumes of water. Dewatering could also generate a moderate cone of influence which may 'spread' existing contamination and salinity, although saline groundwater may be ubiquitously present given the site setting. Saline conditions should be confirmed through site investigation. A site investigation that defines the baseline groundwater conditions, including permeabilities, against knowledge of what will need to be excavated and its location would help to determine the nature of dewatering and potential associated contamination issues. This should be considered within the EIA.
84. The ability to assess the potential of groundwater flow impediment is predicated on a sound understanding of baseline groundwater conditions and what would be built in the subsurface and its location. Groundwater levels may rise at the site because of sea-level rise during the operational life of the project and this should be considered within the risk assessment. The presence of private water supplies, notably any that relies on near-surface groundwater, should be determined as changes to the flow-regimes from the construction (dewatering) and operational site can potentially affect their performance; for example, increasing the salinity of the local groundwater because of dewatering or operational influence.
85. Given the high groundwater table and proximity to sensitive environmental receptors, we advise that operational contamination assessment aspects are included/cross-referenced within the Major Accidents and Disasters assessment; for which we note that industrial and hydrological hazards have been scoped in.

## **Chapter 12: Geology and Ground Conditions**

86. Paragraph 3.3.7 provides a commitment that a soil and groundwater investigation will be undertaken prior to commencing construction. We note that no further information is provided on the scope of this investigation, considering that the main site possesses a high groundwater table, is in close proximity to a highly sensitive environment (Dee estuary) and is at risk of groundwater flooding. We advise that ground baseline conditions at the site should be investigated and understood, with sufficient time factored in to any site investigation so that baseline characterisation through monitoring can be suitably determined.

87. We advise that a Decommissioning Assessment Report is prepared, with likely decommissioning tasks and estimated costings factored in for ground investigation and remediation scenarios, e.g., no contamination found after the operational life, some spot contamination found across the site, and major contamination across the site, along with potential long-term, post-decommissioning impacts associated with the project.
88. We note that adverse impacts on unsaturated soil and groundwater deriving from pollution events bypassing the drainage system are proposed to be scoped out. However, given that groundwater is very shallow at the site we advise that the ES includes a qualitative assessment of one or more pollution events to the wider environment using the source-pathway-receptor principle. This would enable a meaningful assessment based on a robust baseline upon which to assess contamination linkages i.e., which direction the contamination is likely to be directed towards.
89. The drainage system could significantly spread chemicals depending on its design. We advise that details of the chemical inventory at the site are considered to assess the types of contaminants that could occur at the operating facility and qualitative statements are provided within the ES on these risks.

### **Chapter 13: Landscape and Visual Amenity**

90. Our advice on Chapter 13 of the Scoping Report relates to the landscape character and visual amenity of the Clwydian Range and Dee Valley National Landscape (Area of Outstanding Natural Beauty).
91. The National Landscape (AONB) boundary is 8km from the application site at its closest point. We note that the Landscape and Visual Impact Assessment (LVIA) study area will be 10km. A viewpoint from Moel Famau on the National Landscape (AONB) ridgeline at just over 10km is likely to be included in the LVIA (reference viewpoint P) although the 10km study area would exclude the wider National Landscape (AONB) ridgeline.
92. A Zone of Theoretical Visibility (ZTV) is shown for the tallest element at 105m (Figure 13-8) and next tallest element at 56m (Figure 13-7). Both indicate visibility from Moel Famau. Forestry north of Moel Famau has recently been felled, and in any case, there would be views from the summit over the tree line.
93. We welcome the statement in paragraph 13.6.3 that a colour study of existing colours and materials within the surrounding landscape and existing power station will be undertaken to inform the design of the proposed development.
94. We advise that the following are addressed in the EIA:
- The LVIA study area should be expanded to include the Moel Famau viewpoint, and this should be used as a 'representative' viewpoint of other high points on the



ridge line of hill forts, including Moel Arthur at 456m and Moel y Parc at 398m which are all on the Offa's Dyke long distance footpath.

- Potential impacts on National Landscape (AONB) Special Qualities should be assessed in the LVIA and informed by detailed supporting evidence and assessment.
- The National Landscape (AONB) boundary should be shown on viewpoint and other relevant mapping within the LVIA.

## Chapter 14: Physical Processes

95. Given the uncertainties in the works proposed for the Water Connection Corridor and the construction methodology, all potential impacts relating to physical processes should remain scoped in until more information is available to make an informed assessment of impacts to seabed morphology and other receptors.
96. The project's Zol should be defined for each physical processes receptor and a description provided to show how the Zol has been determined.
97. Baseline Understanding: a more comprehensive understanding of circulation within the Dee estuary should be included in the ES and should consider the influence that freshwater input into the river Dee and estuary will have on the estuarine stratification and vertical mixing processes as well as the sediment transport and deposition processes. For the physical processes chapter, we advise that the applicant follows the recommendations outlined in:  
GN 041: [Natural Resources Wales / Marine physical processes and Environmental Impact Assessment \(EIA\)](#). The guidance includes two evidence reports:
  - Evidence Report No: 243 Guidance on Best Practice for Marine and Coastal Physical Processes Baseline Survey and Monitoring Requirements to inform EIA of Major Development Projects.
  - Evidence Report No: 208 Advice to Inform Development of Guidance on Marine, Coastal and Estuarine Physical Processes Numerical Modelling Assessments.
98. Maintenance Dredging: no consideration appears to have been given to the disposal of dredge spoil if maintenance dredging is conducted during project operation. At present the quantities and type of sediment to be dredged are unknown. If it is intended to deposit dredge spoil at a licenced disposal site, we advise that an assessment should be completed to determine whether the disposal site can receive the required amount of dredge spoil in the first instance. Potential impacts on receptors caused by both the dredging and disposal activities should be included in the ES. Please also consider NRW's position note regarding this: [PS 012 Sustainable management of marine and coastal sediment \(naturalresources.wales\)](#)
99. Toxic Contamination: we advise that the sheltered, low energy environment of the upper Dee estuary will function as a muddy sediment sink where contaminants can bind to the muddy sediment. Contaminants may be remobilised if the sediment is disturbed e.g. dredging, making them available as potential pollutants in the water

column, and being carried away from the site with the currents. We are concerned that contaminants released into the water column will not be adequately assessed in the correct chapter as there is currently incorrect signposting to Chapter 12 (Geology and Ground Conditions) which only deals with land contamination and not in-river contamination. We therefore advise that toxic contamination in the water column from sediment-bound contaminants is considered wholly in Chapter 11 (Water Resources and Flood Risk) under water quality and not signposted to other chapters.

100. We advise that where supporting literature is used to describe the baseline environment, the evidence should include an in-text citation with author and reference details next to the figure or text that is being referred to.
101. Paragraph 14.4.12: the tidal excursion distance is an important parameter that needs to be fully understood for the Dee estuary, particularly when determining the fate of Suspended Sediment Concentration (SSC) plumes and potential contaminants derived from construction and operational works in the upper estuary. We advise that the maximum spring tide excursion should be used to determine the Zol relating to the spatial extent of potential impacts in relation to physical processes (e.g. SSC plumes and transport of remobilised contaminants). We advise that the applicant follows the recommendations outlined in NRW Guidance Note (GN) 041 ([Natural Resources Wales / Marine physical processes and Environmental Impact Assessment \(EIA\)](#)), which provides best practice guidance on coastal processes modelling.
102. Paragraph 14.4.30: we advise that sediment samples and core samples are collected in the Water Connection Corridor to determine the presence of contaminants and the size and distribution of seabed sediments. These data are required to inform the assessment of impacts to other receptors caused by maintenance dredging and/or construction works remobilising sediment into suspension to be transported by the current regime and redeposited.
103. Paragraph 14.5.2: we advise that it is not only modified flows which may mobilise sediment. Maintenance dredging activities and excavation works could also disturb sediment off the seabed with the potential for SSC plumes to develop as a result. We welcome the intention to model the dispersion of suspended sediment from works carried out below MHWS associated with the project.
104. Paragraph 14.5.3: the applicant is advised to note and consider NRW Guidance Note GN 041 (referenced in para. 101 above).
105. Paragraph 14.7.3: clarification should be provided on how and where the cofferdam will be installed, how long it will be in place and how it will lead to increased levels of suspended sediment and contaminant dispersion.
106. Paragraph 14.7.4: we advise that consideration should be given to the resultant SSC plumes caused by the maintenance dredging and the potential for SSC plume dispersion and sediment redeposition onto habitats which could be sensitive to



sediment smothering and chemical contamination. The SSC plumes will also change the water clarity and, if present, the contaminants will lead to water quality deterioration.

107. Clarification should be provided on the disposal location of the maintenance dredged material. The amount and type of material to be dredged should be confirmed and detail of the disposal site provided. We advise that if the maintenance dredge material is to be disposed of in a marine disposal site, an assessment should be completed to determine any potential impacts to the receiving site and surrounding area from disposal of the maintenance dredge material.
108. Clarification should also be provided with regards to which impact pathway is referred to in paragraph 14.7.5, as it is unclear if the applicant is referring to sediment disturbance leading to SSC plumes. We advise that the potential release of contaminants should be treated separately. Clarification should be provided on which receptors will be affected by the SSC plumes and subsequent deposition and what receptors will be affected by the potential release of contaminants from the seabed sediments. We advise that a summary table is included in the ES to describe the activities affecting physical processes and the receptors potentially affected by each impact pathway.
109. Paragraph 14.7.6 (Changes to seabed/riverbed morphology): we note that it is unknown how long the cofferdam will be in place. However, scour pits could potentially develop due to alteration in flow i.e. flow acceleration effects against the cofferdam. Depressions in the seabed may also persist following excavation works during the construction of the intake and outfall structures. At this stage there are uncertainties in the works proposed for the Water Connection Corridor. We therefore advise that changes to seabed/riverbed morphology from scour or excavation during construction works should not be scoped out at this stage, until a more informed assessment can be completed.
110. Paragraphs 14.7.7 – 14.7.9 (scour of the seabed caused by water discharge): based on the information presented we note that cooling water discharge will not occur at high water but towards low water (HW +1 to HW +4 i.e. on the ebb tide). We therefore consider the assumption that the impact is expected to be minimal due to the discharge taking place during high tide to be incorrect. The discharge of water will increase flow velocity and potentially cause scouring of the seabed and sediment suspension and redeposition. We therefore advise that scouring of the seabed caused by discharge of cooling water is scoped in as a continual impact over the operational phase of the project.
111. We advise that the impact on the seabed/riverbed levels caused by cooling water discharge should remain scoped in until a scour assessment is completed which considers the volume and velocity of discharge and the seabed sediment type, bedload morphology along with the presence of sensitive receptors which could be affected by the scouring and increase in water velocity.

112. Paragraphs 14.7.10 – 14.7.11: we advise that changes to morphology caused by scour around the intake and outfall channels should not be scoped out until a scour assessment has been undertaken considering the potential impact to sensitive receptors caused by scouring and/or sediment redeposition.

### **Chapter 17: Climate Change**

113. We are content with the proposed scoping for each of the three methodological aspects of climate change assessment and note that the relevant data sources, climate hazards and impacts are referred to that we would expect for this type of development. For climate, we note that no elements are scoped out and the categorisation and thresholds for significance are as standard. Therefore, we have no concerns to raise at this scoping stage.

### **Chapter 20: Materials and Waste**

114. We are content with the proposed scoping of materials and waste aspects.

### **Chapter 21: Cumulative and Combined Effects**

115. We note that the Port of Mostyn is missing from the list of cumulative projects identified in Table 21-1, this may be due to the relative constrained screening distance of 15km. However, for some receptors this may need to be revised, please see our advice for benthic habitats and physical processes above.
116. We also note that recent approved and proposed developments at the Shotton Paper Mill site (less than 1km from the DCO application site) have not been included in Appendix D, Table 1. We therefore advise that these are included in Table 1 and consideration is given as to whether they should be scoped in to the cumulative effects assessment.

## **Annex B: Advice for the Applicant/Developer**

The following advice is provided for the Applicant/Developer, and we would therefore be grateful if you could share it with them.

### **Permits/Licences/Consents**

As the scheme may require one or more consents for which we are the consenting body, we would refer the applicant to the [NRW table of consents](#). This table sets out the determination period for consents for which we are the consenting body.

#### Environmental Permit

Uniper UK Ltd. hold an Environmental Permit for the existing operation of four Combined Cycle Gas Turbines (CCGTs) and the now decommissioned gas treatment plant at the Connaught Quay Power station. The permit implements the requirements of Chapter III of the EU Directive on Industrial Emissions for large combustion plant (LCP).

In accordance with the Environmental Permitting (England and Wales) Regulations 2016, the proposed development would require a substantial variation to the existing Environmental Permit. The new combustion plant will also be subject to Chapter III of the Industrial Emissions Directive. The operation of a carbon capture plant would require the introduction of a new listed activity to the Environmental Permit (Schedule 1, Chapter 6, Section 6.10, Part A(1)(a)).

#### Species licensing

Where a European Protected Species is identified and the development proposal is predicted to likely contravene the legal protection they are afforded, a licence should be sought from NRW. The ES should include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.' These requirements are translated into planning policy through Planning Policy Wales (PPW), edition 12, dated February 2024, sections 6.4.35 and 6.4.36 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The relevant decision maker should take them into account when considering development proposals where a European Protected Species is present.

#### Flood Risk Activity Permit (FRAP)

The site is located close to the river Dee, which is a main river. We advise that a Flood Risk Activity Permit (FRAP) (Environmental Permitting (England & Wales) Regulations 2016) may be required for any permanent or temporary works in, over, under or within 16 metres of a tidal main river, or within 16 metres of any flood defence structure on that river, or within a

flood plain. See our website for further information: [Natural Resources Wales / Flood risk activity permits](#).

We note that some works will be in the marine environment and will be subject to a Marine Licence, including the possible new abstraction and discharge infrastructure and new eel screens. Any works covered by a Marine Licence will be excluded from requiring a FRAP. However, any works that do not require or are exempt from a Marine Licence may still need a FRAP, if they meet the definition of a flood risk activity.

**From:** [Town Clerk - FTC](#)  
**To:** [Connahs Quay](#)  
**Subject:** RE: Scoping opinion for the Environmental Statement  
**Date:** 22 February 2024 12:44:20  
**Attachments:** [image002.png](#)  
[image003.png](#)

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You don't often get email from [REDACTED]@flinttowncouncil.gov.wales. [REDACTED]

Apologies, I have noted an error on previous email, please use below.



**FLINT TOWN COUNCIL / CYNGOR TREF Y FFLINT**  
**Mrs. Lesley Wood, Town Clerk**  
**Email:** [REDACTED][@flinttowncouncil.gov.wales](mailto:[REDACTED]@flinttowncouncil.gov.wales)  
**Telephone number:** [REDACTED]  
**Town Hall, Market Square, Flint, CH6 5NW**

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**From:** Town Clerk - FTC  
**Sent:** Thursday, February 22, 2024 12:37 PM  
**To:** 'connahsquay@planninginspectorate.gov.uk' <connahsquay@planninginspectorate.gov.uk>  
**Subject:** Scoping opinion for the Environmental Statement

On behalf of Flint Town Council, please find the below proposals to be put forward as a scoping opinion for the Environmental Statement.

- CO2/CO/ NOx emissions from the site currently and projected after completion.
- Particulate emissions from the site currently and projected after completion.
- Predicted construction emissions in terms of machinery.
- They advised they are responsible for management of SSSI at the briefing meeting. Can we have an impact assessment of what future plans they have for the site and what they will do during construction to mitigate risk.
- Opportunities to improve active travel routes in the area in line with Flintshire County Council definitive map for active travel routes in the area
- Opportunities for innovative technologies zero carbon technologies for alternative fuels in the required vehicles as part of the construction phase to reduce the number of and impact of road haulage vehicles.
- Opportunities to strengthen links of the project in particular the carbon capture and storage aspects of the scheme and the links to STEM subjects with local secondary schools in the area (including Richard Gwyn and Flint High School in particular) as part of Unipers outreach programme.

Thank you.



**FLINT TOWN COUNCIL / CYNGOR TREF Y FFLINT**

**Mrs. Lesley Wood, Town Clerk**

**Email:** [REDACTED] [@flinttowncouncil.gov.wales](mailto:[REDACTED]@flinttowncouncil.gov.wales)

**Telephone number:** [REDACTED]

**Town Hall, Market Square, Flint, CH6 5NW**

**From:** [Clerk To Halkyn Community Council](#)  
**To:** [Connahs Quay](#)  
**Subject:** RE: EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation  
**Date:** 21 February 2024 18:58:10  
**Attachments:** [~WRD0860.jpg](#)  
[image006.jpg](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)

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You don't often get email from clerk@halkyn.org.uk. [REDACTED]

Hello,

I brought to the attention of the Halkyn Community Council Members the below e-mail together with attached letter, at their meeting held on Monday evening of this week. However, the Councillors had been forwarded the correspondence prior to the meeting for perusal.

I write to advise, that the Council agreed the following response: No observations to the scoping consultation.

Regards.

Phillip.

R. Phillip Parry (CiLCA)  
Clerc a Swyddog Cyllid /  
Clerk and Financial Officer  
Cyngor Cymuned Helygain /  
Halkyn Community Council

[REDACTED]  
[clerk@halkyn.org.uk](mailto:clerk@halkyn.org.uk)  
[www.halkyn.org.uk](http://www.halkyn.org.uk)



Halkyn Community Council's policies under the General Data Protection Regulation - sets out how the Council uses your personal data. [Please click this link to view the Councils 'Privacy and Information Data Protection Policies'](#)

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**From:** Connahs Quay <ConnahsQuay@planninginspectorate.gov.uk>  
**Sent:** Friday, February 9, 2024 12:13 PM  
**Subject:** EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation

Dear Sir/Madam,

We are contacting you at this time in relation to the Connahs Quay Lower Carbon Power Project which is a Nationally Significant Infrastructure Project (NSIP). NSIPs are defined in Part 3, Regulation 14 of the Planning Act 2008, and are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by a responsible Secretary of State. A

summary of the NSIP planning process can be found in the list of links at the bottom of this page. This project is currently in the pre-application stage.

To meet the requirements of the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations (2017) (“the EIA Regulations”), NSIPs which are likely to have a significant effect on the environment are required to undertake an EIA and to provide an Environmental Statement (ES) to accompany the application. An ES will set out the potential impacts and likely significant effects of the Proposed Development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES. You can find out more detail on ES documents and the EIA process in the links at the bottom of this page.

To inform the scope and level of detail of the information to be provided within the ES, the Applicant has requested a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State under Regulation 10 of the EIA Regulations.

Before adopting a Scoping Opinion, the Inspectorate must consult the relevant ‘consultation bodies’ defined in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see link below). You have been identified as a consultation body for this project, please see attached correspondence. Both Local Planning Authorities and Parish/Town Councils play an important role in the planning process by providing area specific knowledge and representing local communities. The Applicant must have regard to comments made within the Scoping Opinion as the submitted ES must be based on the most recently adopted Scoping Opinion. Therefore, your comments at this stage are valuable at influencing the scope of the ES by reviewing the Applicant’s approach to EIA as set out within their Scoping Report. Please note this consultation relates solely to the EIA Scoping process. Please rest assured that there are further opportunities for you to engage with and provide views on the project more generally, including through the Applicant’s own consultation. Applicants have a duty to undertake statutory consultation and are required to have regard to all responses to their statutory consultation.

Please note the deadline for consultation responses is 08 March 2024 and is a statutory deadline which cannot be extended. Responses submitted before the deadline will be considered, and published at the end of the Scoping Opinion, by the Planning Inspectorate.

For further information about the NSIP planning process, please click on the links below:

- [Overview of the NSIP Planning Process](#)
- [Information on the stages, services and participation in NSIP planning](#)
- [FAQs relating to the Scoping process](#)
- [Information in relation to specific matters within the planning process, e.g. the role of local authorities, local impact reports, the EIA Process, Habitats Regulations Assessment \(HRA\), etc.](#)
- [Information on legislation, guidance, and National Policy Statements \(NPSs\)](#)

The relevant legal framework and regulations include:

- [The Planning Act 2008](#)
- [The Infrastructure Planning \(Environmental Impact Assessment\) Regulations \(2017\)](#)
- [Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009](#)

If you have any questions regarding any of this information, please do not hesitate to get in touch by way of return to this email address.



Kind regards,

Joseph Jones

Annwyl Syr/Fadam,

Rydym yn cysylltu â chi yn awr ynglŷn â Connahs Quay Lower Carbon Power Project, sy'n Brosiect Seilwaith o Arwyddocâd Cenedlaethol (NSIP). Diffinnir NSIPau yn Rhan 3, Rheoliad 14 Deddf Cynllunio 2008, ac maen nhw'n brosiectau o fathau penodol, dros faint penodol, y mae'r Llywodraeth o'r farn eu bod mor fawr a phwysig yn genedlaethol fel bod angen i ganiatâd i'w hadeiladu gael ei roi ar lefel genedlaethol, gan Ysgrifennydd Gwladol cyfrifol. Mae crynodeb o'r broses gynllunio NSIP ar gael yn y rhestr o ddolenni ar waelod y dudalen hon. Mae'r prosiect hwn ar y cam cyn-ymgeisio ar hyn o bryd.

Er mwyn bodloni gofynion Rheoliadau Cynllunio Seilwaith (Asesu Effeithiau Amgylcheddol) (EIA) 2017 ("y Rheoliadau EIA"), mae'n ofynnol i NSIPau sy'n debygol o gael effaith arwyddocaol ar yr amgylchedd gynnal EIA a darparu Datganiad Amgylcheddol i gyd-fynd â'r cais. Bydd Datganiad Amgylcheddol yn amlinellu effeithiau posibl ac effeithiau arwyddocaol tebygol y Datblygiad Arfaethedig ar yr amgylchedd. Mae Atodlen 4 y Rheoliadau EIA yn amlinellu gwybodaeth gyffredinol i'w chynnwys mewn Datganiad Amgylcheddol. Mae rhagor o fanylion am ddogfennau Datganiad Amgylcheddol a'r broses EIA yn y dolenni ar waelod y dudalen hon.

Er mwyn llywio cwmpas y wybodaeth sydd i'w darparu yn y Datganiad Amgylcheddol a faint o fanylion i'w cynnwys, mae'r Ymgeisydd wedi gofyn am Farn Gwmpasu gan yr Arolygiaeth Gynllunio, ar ran yr Ysgrifennydd Gwladol o dan Reoliad 10 y Rheoliadau EIA.

Cyn mabwysiadu Barn Gwmpasu, mae'n rhaid i'r Arolygiaeth ymgynghori â'r 'cyrff ymgynghori' perthnasol a ddiffinnir yn Rheoliadau Cynllunio Seilwaith (Ceisiadau: Ffurflenni a Gweithdrefn Ragnodedig) 2009 (gweler y ddolen isod). Rydych wedi cael eich nodi'n gorff ymgynghori ar gyfer y prosiect hwn; gweler yr ohebiaeth atodedig. Mae Awdurdodau Cynllunio Lleol a Chynghorau Plwyf/Tref yn cyflawni rôl bwysig yn y broses gynllunio trwy ddarparu gwybodaeth benodol am yr ardal a chynrychioli cymunedau lleol. Mae'n rhaid i'r Ymgeisydd ystyried sylwadau a wnaed yn y Farn Gwmpasu oherwydd bod rhaid i'r Datganiad Amgylcheddol gael ei seilio ar y Farn Gwmpasu a fabwysiadwyd yn fwyaf diweddar. Felly, mae eich sylwadau ar y cam hwn yn werthfawr wrth ddylanwadu ar gwmpas y Datganiad Amgylcheddol trwy adolygu ymagwedd yr Ymgeisydd at EIA, fel yr amlinellir yn ei Adroddiad Cwmpasu. Sylwch fod yr ymgynghoriad hwn yn ymwneud â'r Broses Gwmpasu EIA yn unig. Fe'ch sicreir y bydd cyfleoedd pellach i chi ymgysylltu â'r prosiect a rhoi safbwyntiau arno yn fwy cyffredinol, gan gynnwys trwy ymgynghoriad yr Ymgeisydd ei hun. Mae gan ymgeiswyr ddyletswydd i gynnal ymgynghoriad statudol ac mae'n ofynnol iddynt ystyried yr holl ymatebion i'w hymgynghoriad statudol.

Sylwch mai'r dyddiad cau ar gyfer ymatebion ymgynghori yw 08 Mawrth 2024 Dyddiad cau statudol yw hwn na ellir ei ymestyn. Bydd ymatebion a gyflwynir cyn y dyddiad cau yn cael eu hystyried, a'u cyhoeddi ar ddiwedd y Farn Gwmpasu, gan yr Arolygiaeth Gynllunio.

I gael rhagor o wybodaeth am y broses gynllunio NSIP, cliciwch ar y dolenni isod:

- [Trosolwg o'r Broses Gynllunio NSIP](#)

- [Gwybodaeth am gamau, gwasanaethau a chyfranogi mewn cynllunio NSIP](#)
- [Cwestiynau Cyffredin yn ymwneud â'r Broses Gwmpasu](#)
- [Gwybodaeth yn ymwneud â materion penodol o fewn y broses gynllunio, e.e. rôl awdurdodau lleol, adroddiadau ar yr effaith leol, y Broses EIA, Asesiad Rheoliadau Cynefinoedd \(HRA\), ac ati](#)
- [Gwybodaeth am ddeddfwriaeth, canllawiau, a Datganiadau Polisi Cenedlaethol \(NPSau\)](#)

Mae'r fframwaith cyfreithiol a'r rheoliadau perthnasol yn cynnwys:

- [Deddf Cynllunio 2008](#)
- [Rheoliadau Cynllunio Seilwaith \(Asesu Effeithiau Amgylcheddol\) 2017](#)
- [Rheoliadau Cynllunio Seilwaith \(Ceisiadau: Ffurflenni a Gweithdrefn Ragnodedig\) 2009](#)

Os oes gennych unrhyw gwestiynau ynglŷn ag unrhyw ran o'r wybodaeth hon, mae croeso i chi gysylltu â ni trwy ymateb i'r cyfeiriad e-bost hwn.

Cofion cynnes,

Joseph Jones



**Joseph Jones** | Associate EIA Advisor  
**The Planning Inspectorate**



[@PINSgov](#)



[The Planning Inspectorate](#)



[planninginspectorate.gov.uk](#)

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DPC:76616c646f72



**From:** [NSIP Applications](#)  
**To:** [Connahs Quay](#)  
**Cc:** [NSIP Applications](#); [Cathy Williams](#); [Pam Shea](#); [Gill Smart](#)  
**Subject:** EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation - HSE response  
**Date:** 21 February 2024 12:26:36  
**Attachments:** [~WRD0000.jpg](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)

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You don't often get email from nsip.applications@hse.gov.uk. 

Good afternoon

Thank you for your email dated 9/02/2024 consulting HSE on the EIA Scoping Consultation for the proposed Connah's Quay Lower Carbon Power development of National Significance (DNS). Please find HSE's advice below.

### **CEMHD5 Contribution to Consultation**

#### **Will the proposed development fall within any of HSE's consultation distances?**

1. With reference to the redlined *Indicative Site Boundary* shown on **Plate 1-1 Indicative DCO Site Layout** contained in document [**Connah's Quay Low Carbon Power (Uniper), Scoping Report, Document Reference 60717119 – AECOM**] areas of the proposed development fall within HSE public safety zones associated with Major Accident Hazard Pipeline(s) and Major Hazard Installation(s):

Pipeline(s)

- 21 Feeder Mickle Trafford / Deeside [HSE ref 7630, Transco ref: 1881] - Pipeline Operator: National Grid Gas PLC
- NTS (Burton Point) to Connahs Quay PS Pipeline [HSE ref 11891] - Pipeline Operator: Uniper
- Point of Ayr to Connahs Quay Pipeline [HSE ref 11888] - Pipeline Operator: ENI Liverpool Bay Operating Company

Major Hazard Installation(s)

- H4216 Tata Steel UK Ltd, Flintshire

2. There is currently insufficient information available for HSE to provide its' public safety Land Use Planning Advice. However, by way of general guidance HSE would not advise against the proposed development providing no population(s), either temporary or permanent, is introduced within any of HSE's public safety zones nor would HSE advise against Workplaces (DT1.1 - Workplaces)\*, *providing for less than 100 occupants in each building and less than 3 occupied storeys.*

\* HSE's Land Use Planning Methodology **Table 1 Development type: People at work, Parking** [<https://www.hse.gov.uk/landuseplanning/methodology.htm>]

3. Should a new Major Accident Hazard Pipeline be introduced, or existing Pipeline modified prior to the determination of the present application, then the HSE reserves the right to revise its advice.
4. If prior to the determination of the present application, a Hazardous Substances Consent be granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed development, then the HSE reserves the right to revise its advice.

### **Would Hazardous Substances Consent be needed?**

5. The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) (Wales) Regulations 2015.
6. Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.
7. Further information on HSC should be sought from the relevant Hazardous Substances Authority.

### **Explosives sites**

-  
HSE has no comment to make on the proposed development.

Please send any future correspondence to [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk)

Kind regards,  
NSIP Team



**NSIP Team | Land Use Planning Team** | Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.

---

**From:** Connahs Quay <ConnahsQuay@planninginspectorate.gov.uk>

**Sent:** Friday, February 9, 2024 11:57 AM



Maritime &  
Coastguard  
Agency

Helen Duncan  
**Maritime and Coastguard Agency**  
Bay 2/24  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

[www.gov.uk/mca](http://www.gov.uk/mca)

Your Ref : EN010166-000021

6 March 2024

Via email: [connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)

Dear Planning Inspectorate

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

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

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your letter dated 9 February 2024 inviting the Maritime and Coastguard Agency (MCA) to comment on the Scoping Report which will inform the Environmental Statement for the Connah's Quay Low Carbon Power Project.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works.

The Proposed Development would comprise (but is not limited to):

- a Combined Cycle Gas Turbine Generating Plant (CCGT) fitted with Carbon Capture Plant (CCP) at the existing Connah's Quay Power Station in North Wales. This includes a Repurposed CO2 Connection Corridor and a Proposed CO2 Connection Corridor
- the 'Main Site' which comprises the CCGT and CCP site including the proposed laydown area, internal access roads, existing utilities connections for welfare use, and the existing Connah's Quay Power Station
- the 'Existing Surface Water Outfall' which is the area surrounding the existing artificial outfall for surface water drainage from the Main Site towards the Dee Estuary
- a 'Water Connection Corridor' which is the area surrounding the existing (and location of potential replacement) abstraction and discharge infrastructure for cooling water sourced from the River Dee

covering both intertidal habitats of the Dee Estuary and the River Dee itself. The Water Connection Corridor contains the existing cooling water intake and outfall pipelines for the existing Connah's Quay Power Station but may require additional/ new abstraction and discharge infrastructure

The MCA notes that the Proposed Development expects to make use of transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project (The Hynet CO2 Pipeline would not form part of this Application but is the subject of separate consent applications by third parties). We note that the transport of gas is being done via Above Ground Installation which includes an Existing Natural Gas Connection pipeline, but that there will also be a newbuild CO2 Pipeline which will be below ground.

The Scoping report has been considered by representatives of UK Technical Services Navigation and we would like to comment as follows;

1. The MCA has an interest in the works undertaken in the marine environment and on this occasion the Water Connection Corridor, which impacts the River Dee. The River Dee is navigable and the proposed works for the cooling water abstraction and discharge points may impact other marine users. It is not yet clear from the Scoping Report the extent of any upgrades that may be required to existing infrastructure or what new infrastructure is required. The installation of a cofferdam may also be required during the construction phase of the Proposed Development and a Jack up barge may be used to install and remove the cofferdam.
2. We note that there will be no capital dredging required as part of the construction works. If maintenance dredging is required around the intakes, it is assumed within the proposals that this will be considered within any Deemed Marine License (DML) that forms part of the draft Development Consent Order (DCO).
3. We note that further technical studies will consider how construction materials will be brought to the site. A number of routes are under consideration to be used for the shipborne delivery of large plant and equipment during construction and the detail will be provided in the ES. The Port of Mostyn may be used for the shipborne delivery of the largest Abnormal Indivisible Loads (AIL) during construction.
4. It is noted that Shipping and navigation has been identified as a potential receptor during the construction phase which the MCA welcomes. This is due to potential interactions between existing vessel traffic in the River Dee and the works proposed within the Water Connection Corridor during the installation phase. The Scoping Report states there is limited potential for significant effects to other mariners during construction works within the Water Connection Corridor, and these potential impacts are proposed to be scoped out of the EIA.
5. The MCA would expect that the impacts and effects in relation to shipping and navigation to be subject to further consideration by the applicant, including effects of transportation of AIL by vessel to the Port.
6. It is our understanding that the site falls within the jurisdiction of a Statutory Harbour Authority (SHA) – Dee Conservancy. The SHA is responsible for maintaining the safety of navigation within their waters during the construction and the operational phase of the project.
7. Therefore, the applicant should consult and work with the SHA to develop a robust Safety Management System (SMS) for the project in accordance with the Port Marine Safety Code (PMSC) and its associated Guide to Good Practice, to ensure that the risk and impact on other marine users are As Low As Reasonably Practicable (ALARP). Further local stakeholder engagement may also be required to determine the minimum acceptable provision and to determine the necessary risk

mitigation measures for construction and operation of the project. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.

The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the discussion with the SHA and further stakeholder consultation.

I hope you find this useful at Scoping stage.

Yours sincerely,

[Redacted signature]

Helen Duncan  
Marine Licensing Project Lead  
UK Technical Services Navigation



# Defence Infrastructure Organisation

Andy White  
Ministry of Defence  
Safeguarding Department  
DIO Head Office  
St George's House  
DMS Whittington  
Lichfield  
Staffordshire WS14 9PY

Your reference: EN010166

E-mail: [DIO-safeguarding-statutory@mod.gov.uk](mailto:DIO-safeguarding-statutory@mod.gov.uk)

Our reference: DIO 10061831

[www.mod.uk/DIO](http://www.mod.uk/DIO)

The Planning Inspectorate  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

08 March 2024

## By email only

Good afternoon,

### **MOD Safeguarding – SOSA (Site outside of statutory safeguarding areas)**

**Proposal:** Planning Act 2008 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 10  
Application by Uniper UK Limited for an Order Granting Development Consent for the Connah's Quay Low Carbon Power Project  
Scoping consultation with non-prescribed consultation bodies.

**Location:** Connah's Quay Power Station.

**Grid Ref:** OS grid reference 327761, 371166

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 9 February 2024.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The applicant Uniper UK Limited seeks consent for development for the Connah's Quay Low Carbon Power Project.



I am writing to tell you that, **subject to the conditions detailed in Appendix A**, the MOD has no concerns regarding the proposed development.

The application includes absorber stack(s) of the Proposed Development which are expected to reach circa 105 m indicative height AGL.

The principal safeguarding concern of the MOD with respect to this development are the absorber stack(s) and their potential to create a physical obstruction to air traffic movements.

### **Physical Obstruction**

In this case the development falls within Low Flying Area 7 (LFA 07), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of structure(s) in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address this impact, and given the location and scale of the development, the MOD require conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. Suggested condition wordings are set out in Appendix A.

As a minimum the MOD would require that the tallest structure on the site be fitted with 25cd visible or infra-red beacons, and for any of the structures at the site over 50m to be charted.

### **Summary**

Subject to the two conditions requested above and provided in Appendix A, the MOD has no objections to the development.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the documents:

EN010166 000035 EN010166 Scoping Report main text and Appendix A  
EN010166 000036 EN010166 Scoping Report Appendices B to E  
EN010166 Non statutory consultation letter

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely



Andy White  
Assistant Safeguarding Manager

## Appendix A

### **Condition - Aviation Lighting**

Prior to commencing construction of any chimney stacks or deploying any construction equipment 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Planning Authority in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of the chimney stacks and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of the chimneys featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the chimneys; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

#### Reason for condition.

To maintain aviation safety.

### **Condition - Aviation Charting and Safety Management**

DIO Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.


The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

#### Reason for condition.

To maintain aviation safety.

**From:** [NGTDCO](#)  
**To:** [Connahs Quay](#)  
**Cc:** [Ellie-May Craddock](#)  
**Subject:** NGT - Scoping Opinion  
**Date:** 07 March 2024 18:05:17  
**Attachments:** [EIA Scoping - Connah's Low Carbon Power Project .pdf](#)  
[NGT-2024-02-RW-INT-Connah's Quay Low Carbon Power Project.pdf](#)

---

You don't often get email from [ngtdco@fishergerman.co.uk](mailto:ngtdco@fishergerman.co.uk). 

Dear Sirs,

Please find attached a response to the scoping report from NGT.

Please send any correspondence or questions to Fisher German – [NGTDCO@fishergerman.co.uk](mailto:NGTDCO@fishergerman.co.uk)

Kind regards,

Submitted via email to: [connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)

Date: 7<sup>th</sup> March 2024

Dear Sir/Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

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

I refer to your email dated 9<sup>th</sup> February 2024 regarding the above proposed DCO. This is a response on behalf of National Gas PLC (NGT). Having reviewed the scoping consultation documents, NGT wishes to make the following comments regarding gas infrastructure which may be affected by proposals.

NGT has two feeder mains located within or in proximity to the Order limits. Details of this infrastructure is as follows:

- Feeder Mains (Mickle-Trafford to Deeside PS & Burton Point Spur)
- Freehold Land – CYM342149
- Ancillary apparatus

Please note that NGT has existing easements for these pipelines which provides rights for ongoing access and prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip.

You should also be aware of NGT's guidance for working in proximity to its assets, further guidance and links are available as follows.

**Where the Promoter intends to acquire land, extinguish rights, or interfere with any of NGT's apparatus, NGT will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions. A Deed of Consent will also be required for any works proposed within the easement strip.**

**Key Considerations:**

- NGT has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.
- Please be aware that written permission is required before any works commence within the NGT easement strip. Furthermore a Deed of Consent will be required prior to commencement of works within NGT's easement strip subject to approval by NGT's plant protection team.
- Any large installations which may result in a large population increase in the vicinity of a high pressure gas pipeline must comply with the HSE's Land Use Planning methodology, and the HSE response should be submitted to National Gas Transmission for review
- The below guidance is not exhaustive and all works in the vicinity of NGT's asset shall be subject to review and approval from NGT's plant protection team in advance of commencement of works on site.

**General Notes on Pipeline Safety:**

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and NGT's Dial Before You Dig Specification for Safe Working in the Vicinity of NGT Assets. There will be additional requirements dictated by NGT's plant protection team.
- NGT will also need to ensure that its pipelines remain accessible during and after completion of the works.
- Our pipelines are normally buried to a depth cover of 1.1 metres, however actual depth and position must be confirmed on site by trial hole investigation under the supervision of a NGT representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of NGT High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a NGT representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with NGT's Plant Protection team is essential:
  - Demolition
  - Blasting
  - Piling and boring
  - Deep mining
  - Surface mineral extraction
  - Landfilling

- Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.)
- Wind turbine installation - minimum separation distance of 1.5x the mast/hub height is required, and any auxiliary installations such as cable or track crossings will require a deed of consent.
- Solar farm installation
- Tree planting schemes

#### Traffic Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- Permanent road crossings will require a surface load calculation, and will require a deed of consent.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with NGT prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the NGT pipeline without the prior permission of NGT
- NGT will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to NGT.
- An NGT representative shall monitor any works within close proximity to the pipeline to comply with NGT specification T/SP/SSW22

#### New Asset Crossings:

- New assets (cables/pipelines etc) may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- The separation distance for a cable >33kV is 1000mm and pre and post energisation surveys may be required at National Gas Transmission's discretion. A risk assessment/method statement will need to be provided to, and accepted by National Gas Transmission prior to the deed of consent being agreed. Where a new asset is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- A new service should not be laid parallel within an easement strip
- Clearance must be at least 600mm above or below the pipeline
- An NGT representative shall approve and supervise any cable crossing of a pipeline.

- A Deed of Consent is required for any cable crossing the easement

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGT apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO. NGT requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection.**

**Adequate access to NGT pipelines must be maintained at all times during construction and post construction to ensure the safe operation of our network.**

Yours Faithfully

Asset Protection Team

### **Further Safety Guidance**

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<https://www.hse.gov.uk/pubns/books/hsg47.htm>

Working Near National Gas Assets

<https://www.nationalgas.com/land-and-assets/working-near-our-assets>

Specification for Safe Working in the Vicinity of National Gas High Pressure Pipelines and Associated Installations

<https://www.nationalgas.com/document/82951/download>

Tree Planting Guidance

<https://www.nationalgas.com/document/82976/download>

Excavating Safely

<https://www.nationalgas.com/document/82971/download>

Dial Before You Dig Guidance

<https://www.nationalgas.com/document/128751/download>

Essential Guidance:

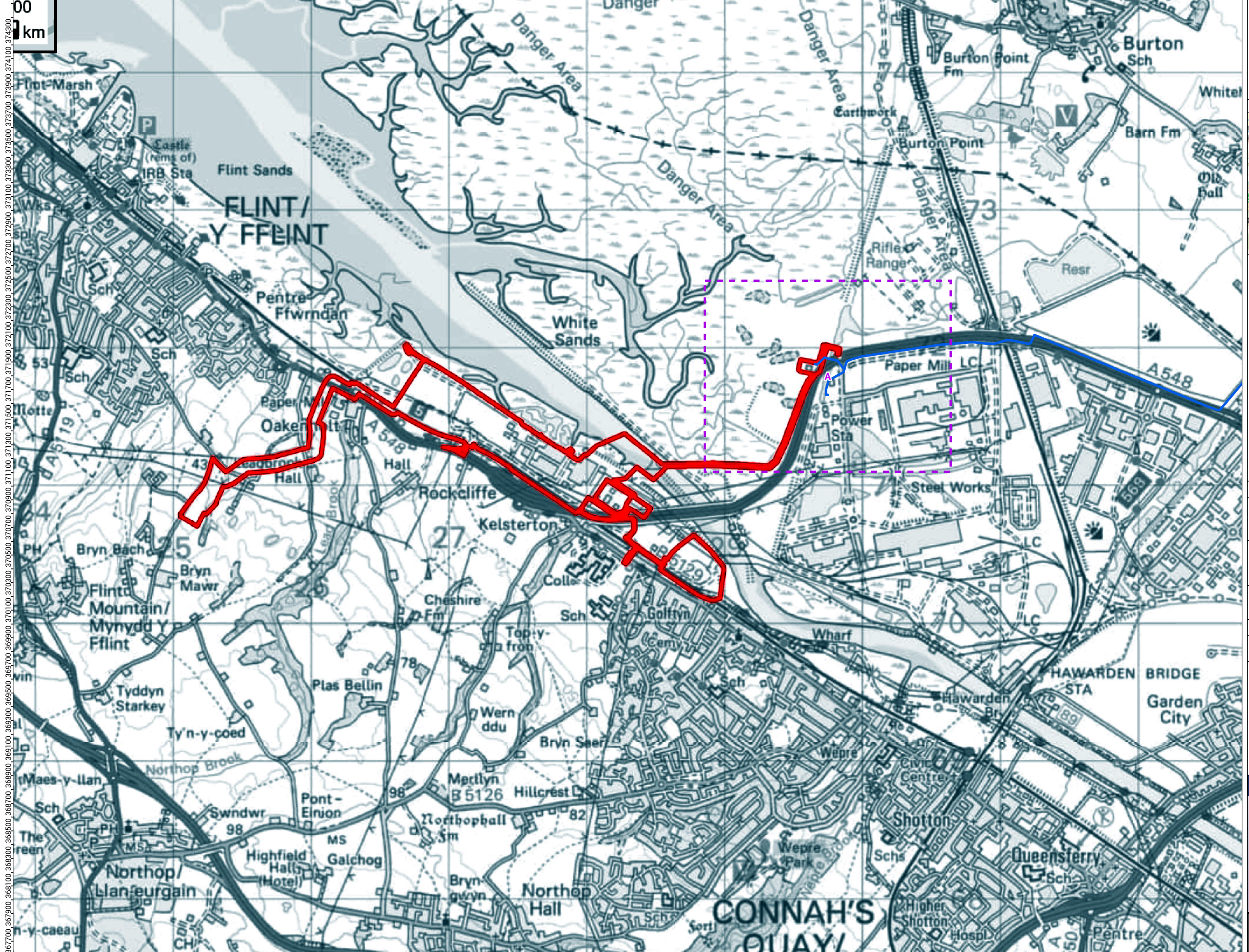
<https://www.nationalgas.com/gas-transmission/document/82931/download>

Solar Farm Guidance

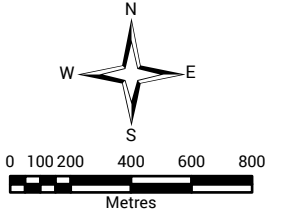
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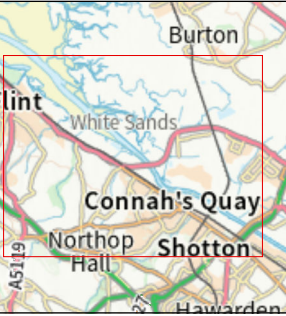
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1 km



OVERVIEW WINDOW



- LEGEND:
- NGT Pipelines
  - Page Extents

REVISION: A



SCHEME:  
Connah's Quay Low Carbon Power Project

TITLE:  
Interaction Plan

FP: 105183-066

SCALE: 1:25,000 @ A3  
DATE: 15/02/2024

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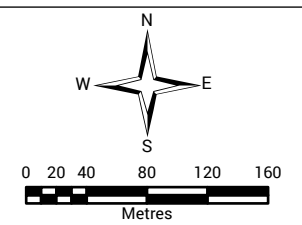
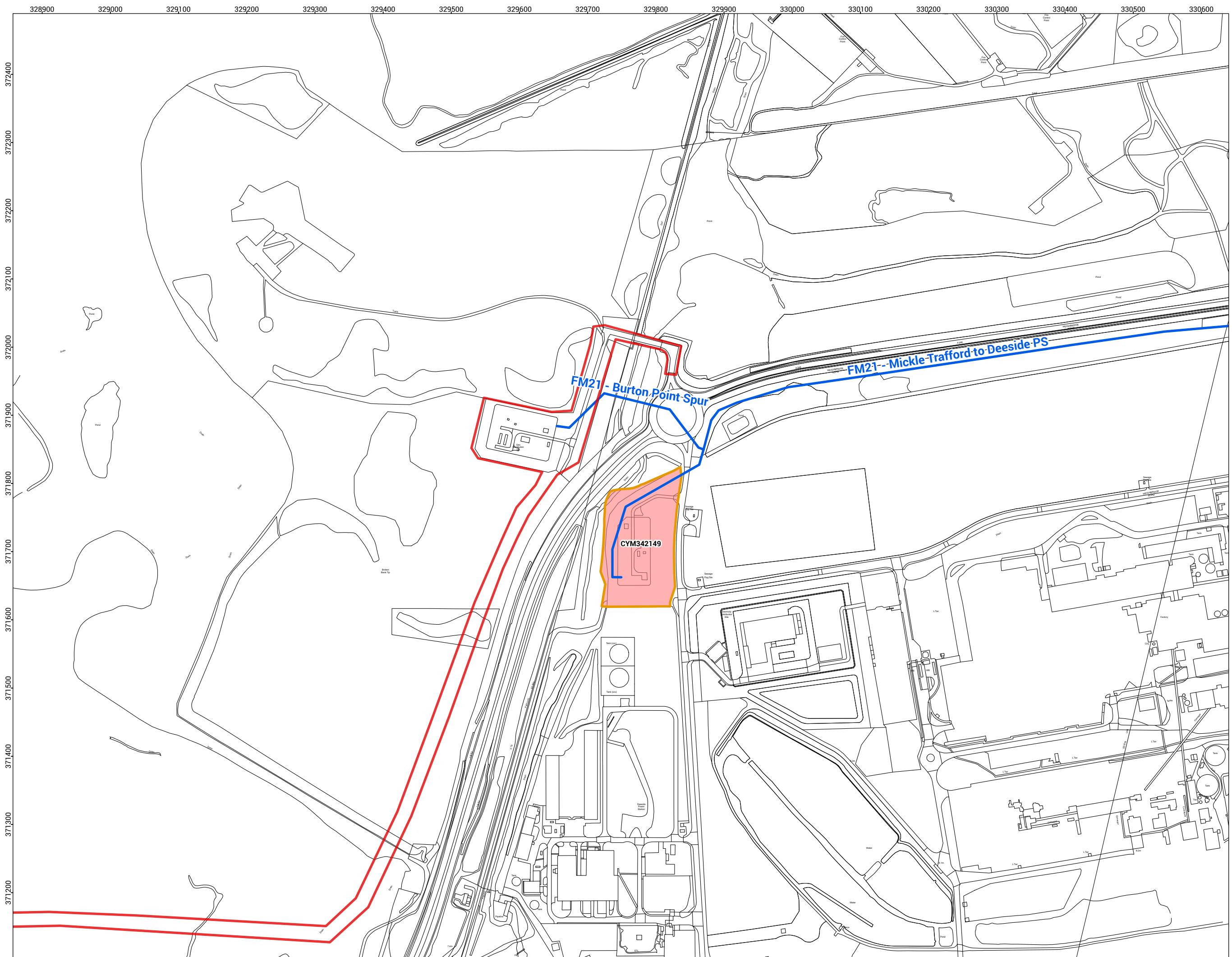


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DRAWING REF:  
NGT-2024-02-RW-INT-Connah's Quay Low Carbon Power Project Overall





OVERVIEW WINDOW



- LEGEND:
- Indicative Site Boundary
  - NGT Pipelines
  - NG Freeholds

REVISION: A

CLIENT: national gas

SCHEME:  
Connah's Quay Low Carbon Power Project

TITLE:  
Interaction Plan

FP: 105183-066

SCALE: 1:5,000 @ A3

DATE: 15/02/2024

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DRAWING REF:  
NGT-2024-02-RW-INT-Connah's Quay Low Carbon Power Project A

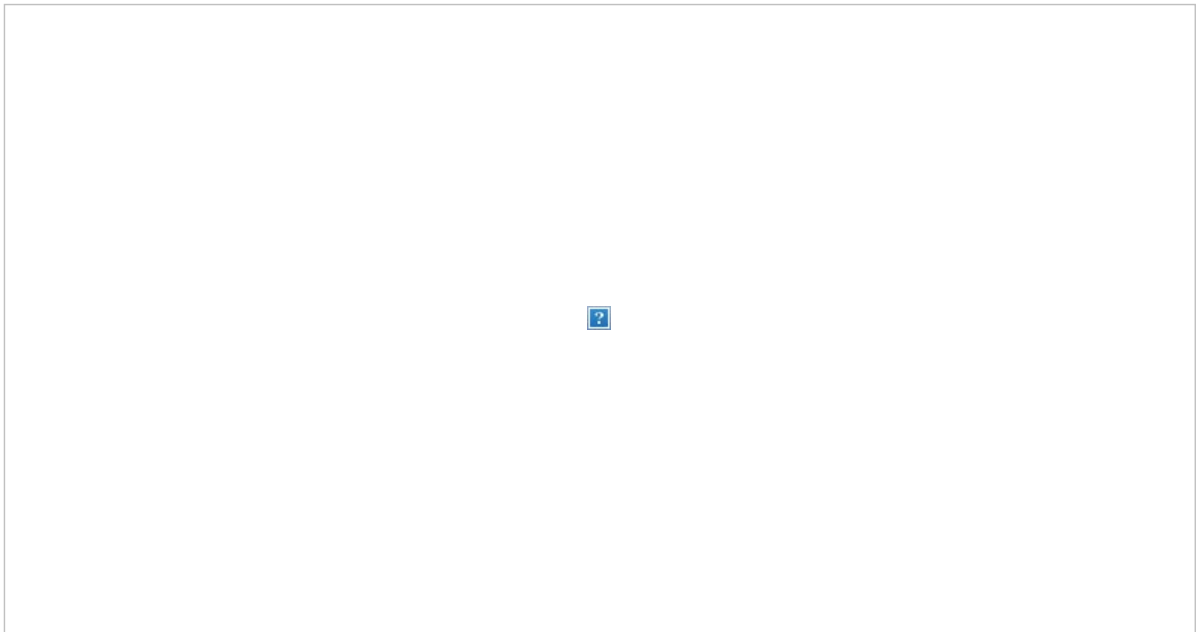
**From:** [ROSSI, Sacha](#)  
**To:** [Connahs Quay](#)  
**Cc:** [NATS Safeguarding](#)  
**Subject:** RE: EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation [SG36904]  
**Date:** 12 February 2024 13:50:19  
**Attachments:** [image006.jpg](#)  
[image007.png](#)  
[image008.png](#)  
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[image016.png](#)  
[image017.png](#)  
[image018.jpg](#)

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Dear Sirs,

NATS operates no infrastructure within 10km of the development site. Accordingly it anticipates no impact from the proposal and has no comments to make on the Scoping Report.

Regards  
S. Rossi  
NATS Safeguarding Office



**Sacha Rossi**  
ATC Systems Safeguarding Engineer



E: @nats.co.uk

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Fareham, Hants PO15 7FL  
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**From:** Connahs Quay <[ConnahsQuay@planninginspectorate.gov.uk](mailto:ConnahsQuay@planninginspectorate.gov.uk)>  
**Sent:** Friday, February 9, 2024 11:57 AM  
**Subject:** EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation

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Dear Sir/Madam

Please see attached correspondence on the proposed Connah's Quay Low Carbon Power Project.

Please note the deadline for consultation responses is 08 March 2024, which is a statutory requirement that cannot be extended.

Kind regards,

Joseph Jones



**Joseph Jones** | Associate EIA Advisor  
**The Planning Inspectorate**



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

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---

[connahsquay@planninginspectorate.gov.uk](mailto:connahsquay@planninginspectorate.gov.uk)

06/03/2024

Dear Sir/Madam,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA  
REGULATIONS) – REGULATIONS 10 AND 11**

**EIA SCOPING OPINION CONSULTATION REGARDING AN APPLICATION BY UNIPER  
UK LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE  
CONNAH'S QUAY LOW CARBON POWER PROJECT**

Thank you for referring the above proposal for a scoping opinion, which we received on 09/02/24. Natural Resources Wales (NRW) has reviewed the information provided in the "*Connah's Quay Low Carbon Power scoping report*", document reference 60717119, by AECOM Ltd., dated 2024.

Please note that the comments provided herein are made without prejudice to any further advice NRW may need to give, or decisions NRW may need to take, should different circumstances or new information emerge that NRW will need to take into account.

The comments provided in Annex I include those matters within NRW's remit that we consider will need to be taken into account and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES). In order to aid review, where possible our comments are provided under the chapter headings from the Scoping Report. For matters relating to English environmental interests we would defer to the advice of the Environment Agency (EA) and Natural England (NE).

We note that the Harbour Master has been consulted separately and has responded directly on maritime/navigation issues. In NRW's capacity as the Statutory Harbour Authority for the Dee Estuary Conservancy we also own land (riverbed and foreshore of the river Dee) associated with the Water Connection Corridor outlined in the Scoping Report. We therefore advise that the applicant contacts NRW's estates team

([EstatesNorthWest@cyfoethnaturiolcymru.gov.uk](mailto:EstatesNorthWest@cyfoethnaturiolcymru.gov.uk)) to discuss any relevant land ownership matters associated with this project.

Paragraph 1.7.1 of the Scoping Report refers to the applicant's proposed provisions for a 'deemed' Marine Licence within the Development Consent Order (DCO) application, depending on the works required in the marine environment. Please advise the applicant that there is no provision in legislation for a 'deemed' marine licence as part of the DCO process in the Welsh Inshore area. Therefore, a development that lies in the Welsh Inshore area and requires a Marine Licence from NRW cannot be deemed. We therefore advise that the applicant contacts NRW's Marine Licensing team ([marinelicensing@cyfoethnaturiolcymru.gov.uk](mailto:marinelicensing@cyfoethnaturiolcymru.gov.uk)) directly regarding any queries about this matter.

Our comments only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

The applicant should be advised that, in addition to development consent, it is their responsibility to ensure that they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yours faithfully,

**Chris Jones**

Uwch Gynghorydd, Cynllunio Datblygu / Senior Advisor, Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

## ANNEX I

### NRW ADVICE AND COMMENTS ON “CONNAH’S QUAY LOW CARBON POWER SCOPING REPORT”, DOCUMENT REFERENCE 60717119, BY AECOM LTD., DATED 2024

#### Chapter 6: Air Quality

1. In general, we are satisfied that the proposed scope of the air quality assessment appears reasonable and appropriate for a development of this type. However, we have the following detailed comments.
2. Paragraphs 6.4.8 – 6.4.10 outline the background data to be used in the assessment, this approach appears appropriate. This section also proposes a three-month survey using diffusion tubes to establish the Nitrogen Dioxide levels in the area immediately surrounding the site. This will give further confidence in the background data used in the assessment. However, it is not clear how this three-month measurement period will be projected to the annual statistical data requirements for background measurements. Therefore, this approach should be fully justified in the ES.
3. Paragraph 6.4.11 does not include all the Sites of Special Scientific Interest (SSSIs) located within 15km of the application site, as identified in Table 9-3 (Chapter 9) of the Scoping Report. We therefore advise that the air quality assessment considers all the SSSIs within 15km, as identified within Table 9-3.
4. Paragraph 6.5.2 states: *“The Applicant’s existing CCGT units at Connah’s Quay Power Station will be on-site and operating during construction and potentially operating during periods coinciding with the operation of the Proposed Development. The existing Connah’s Quay Power Station will therefore form part of the future baseline for the construction phase (which could commence in 2026 and last up to four years for Train 1 or combined single phase for Train 1 and Train 2) and potentially during the operational phase of the Proposed Development. Further information on the assumptions will be provided in the PEIR.”* This appears reasonable; however, we advise that an in-combination (i.e. existing power station plus proposed project) air quality assessment should also be completed.
5. We note that paragraph 6.5.13 states: *“AECOM has developed a screening model approach, in agreement with the Environment Agency, for assessment of emissions of amine degradation products from amine based CCP that includes consideration of both direct process emissions and indirect emissions generated through atmospheric degradation of amine post-release. This model approach will be utilised for the assessment of N-amines, subject to consultation with NRW, to assist with the establishment of appropriate stack heights and embedded mitigation.”* However, as full details have not been included in the Scoping Report, we are unable to comment further.



6. We note that the Amines Chemistry module developed by Cambridge Environmental Research Consultants (CERC) for ADMS 6 will be used in the assessment of N-amine impacts, with parameters developed in consultation with the project engineers and technology providers, this information will be presented in the ES. However, as full details have not been included in the Scoping Report, we are unable to comment further.
7. We note that operational traffic emissions have been scoped out of the ES as the increase in operational traffic is less than the recognised screening criteria. Whilst the average predicted vehicle movements during operation outlined in paragraphs 6.7.2 and 6.7.3 fall below the 500 Annual Average Daily Traffic (AADT) threshold for Light Duty Vehicles (LDV), the figure quoted (230 AADT) is close to 50% of this threshold. The Deeside area is currently experiencing elevated development pressure, including other projects associated with the HyNet carbon capture scheme as well as the re-development of Shotton Paper Mill. Given this context we advise that it would be precautionary (and in line with the principles outlined in the Wealden judgement, 2017) to scope operational vehicle movements into the ES and to consider these in combination with other plans and projects to assess whether a cumulative effect would give rise to an exceedance of the screening threshold.

## **Chapter 9: Terrestrial and Aquatic Ecology**

8. The ES should include sufficient information to enable the decision makers to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.
9. Evaluation of the impacts of the proposed scheme should include: direct and indirect; secondary; cumulative; short, medium and long-term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape, and public access.

### Description of the Project

10. Within the ES, the proposed scheme should be described in detail in its entirety. This description should cover construction, operation, and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

### Illustrations within the Environmental Statement

11. Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES, such as biodiversity.



### Description of Biodiversity

12. The ES should include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

### Significance and Favourable Conservation Status

13. We advise that the ES considers significance (both alone and in-combination) and where applicable, conservation status. In respect of conservation status, we advise consideration is given to current conservation status (CCS), and demonstration of no likely detriment to the maintenance of favourable conservation status (FCS) during construction, operation, and decommissioning phases of the scheme. In respect of paragraph 9.5.4 (scales of importance), we advise that consideration is also given to the FCS of each species assessed.

### Key Habitats

14. Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. We also advise that Habitats Directive Annex 1 habitats are identified as part of this assessment.

### ***Protected Species***

15. We advise that the site is subject to assessment to determine the likelihood of protected species being present and that targeted species surveys are undertaken for all species scoped in. These should comply with current best practice guidelines and in the event that the surveys deviate, or there are good reasons for deviation, full justification for this should be included within the ES.
16. Should protected species be found during the surveys, information should be provided identifying the species-specific impacts in the short, medium, and long-term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long-term financial, tenure, and management responsibility. Where the potential for significant impacts on protected species is identified, we advise that a Conservation Plan is prepared for the relevant species and included as an Annex to the ES.
17. We generally concur with the proposed approach to protected species surveys outlined in Table 9-5. However, while the breeding bird surveys are broadly appropriate for diurnal bird species, additional visits should be completed to determine the presence of crepuscular/nocturnal species such as the Schedule 1

listed barn owl. We would refer the applicant to the CIEEM guidelines for bird surveys ([Bird Survey Guidelines for assessing ecological impacts](#)) in this regard.

18. With reference to paragraph 9.4.36, we note that “*Technical engagement / consultation with Natural Resources Wales is also proposed to discuss and agree the scope of ornithological surveys.*” We would welcome further engagement with the applicant regarding this.
19. The Preliminary Ecological Appraisal (PEA, Appendix B) and relevant annexes do not appear to contain a robust summary of the bird species records returned from the local biological records centre. It is therefore not clear whether all ornithological receptors have been sufficiently identified and considered within the PEA and relevant annexes. For example, the application boundary appears to provide areas suitable for foraging, and possibly breeding, barn owl. Therefore, while we broadly concur with the birds that have been scoped in (Table 9-7), additional bird species may need to be considered for the ES.
20. We note that a conservation management plan is currently in place at the site, secured as mitigation for previous developments at this location. This involves areas of the site being managed for estuarine birds. However, no details have been provided to confirm if the applicant intends to continue to maintain or enhance the management of the site for estuarine birds. We would welcome further dialogue with the applicant regarding this.
21. Section 9.7.6 (Aquatic Ecology): we note that a number of watercourses are identified in Chapter 11, Water Environment and Flood Risk, Table 11-1. We therefore advise that impacts to fish, in particular European eel and Annex II species, are considered further in the Aquatic Ecology section of the ES.

### ***Protected Sites***

22. Our advice relates to designated nature conservation sites within Wales. We advise that Natural England is consulted regarding potential impacts to the relevant designated nature conservation sites that lie within England.
23. The scoping report highlights that potential impacts on birds include noise, light and visual disturbance during construction and operation, and permanent loss of habitat. We acknowledge that the preliminary bird surveys detected large numbers of birds, many of which are features of the Dee Estuary Special Protection Area (SPA) and other designated sites, and we note that further surveys are proposed.
24. We advise that Shotton Lagoons and Reedbeds SSSI and Inner Marsh Farm SSSI should also be scoped in for the construction, operation, and maintenance phases of the development.
25. As the proposed works may cause disturbance impacts during construction, operation, and maintenance, we advise that a sensitivity assessment is undertaken

and the applicant considers, for example, Cutts et al. (2009) regarding this (Cutts, N., Phelps, A. & Burdon D. 2009. Construction and waterfowl: Defining sensitivity, response, impacts and guidance. Report to Humber INCA).

26. We advise that further information on the nature and extent of the proposed permanent loss of habitat, and its effects on bird features, is provided in the ES.
27. There appears to be an error in Annex B, Preliminary Ecology Appraisal, Table 2-2 as the Dee Estuary SSSI is listed twice but with different proximities to the development site. We therefore advise that this is reviewed and corrected.
28. The determining authority for the DCO application is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended). As such, they must not agree to any plan or project unless they are certain it will not adversely affect the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA) and/or Ramsar site.
29. The determining authority should carry out a test of likely significant effects (TLSE) for the relevant SAC/SPA/Ramsar sites, which is required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This test applies to impacts on the sites from the proposed works, either alone or in-combination with other plans and projects.
30. If the test concludes there is likely to be a significant effect, then an Appropriate Assessment of the impacts on the SAC/SPA/Ramsar sites from the proposed works, either alone or in-combination with other plans and projects, will be required. We would be able to assist with that assessment in our role as the Statutory Nature Conservation Body under the above Regulations.
31. The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features. We refer you to our [website](#) for further advice.

#### Local Biodiversity Interests

32. We recommend that the applicant consults the local authority ecologist on the scope of the assessment to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and areas that are considered important for the conservation of biological diversity in Wales.
33. We would advise the applicant to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

### Legislation and Policy Compliance

34. We advise that provisions of the EIA audit compliance in respect of relevant nature conservation legislation (UK and Wales) together with relevant local and national policies, including BS 42020:2013.
35. Throughout the PEA and relevant annexes there is reference to Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. This has been superseded in Wales by the Environment (Wales) Act 2016. We therefore advise that the documents are amended to correct this and ensure that they refer to the relevant Welsh legislation and policy.

### Securing Net Benefit for Biodiversity

36. We advise that, in accordance with Planning Policy Wales, the application demonstrates how it will deliver a net benefit for biodiversity and thus contribute to promoting ecosystem resilience.

## **Chapter 10: Marine Ecology**

37. There is limited detail about the proposed works for the Water Connection Corridor during construction and operation/maintenance, and particularly the description of the worst-case scenario, which makes it difficult to advise fully on the extent of impacts to marine ecological features at this scoping stage. We therefore advise that more detailed information is provided to enable a robust assessment of impacts in the final ES.

### ***Marine and Estuarine Fish***

38. We note that the abstraction and discharge of cooling water is still to be confirmed and will be subject to an Environmental Permit. However, for EIA scoping purposes we advise that worst-case scenarios of proposed volumes and thermal impacts are considered for the assessment of impacts to aquatic receptors.
39. Paragraph 10.4.4: we note the requirement to implement intake screens to comply with the Eels Regulations 2009 has been recognised and that this will be considered in Chapter 9 (Terrestrial and Aquatic Ecology) of the ES. We advise that intake screens should also be designed to minimise impacts to migratory Annex II fish species, which are features of the Dee Estuary SAC and River Dee and Bala Lake SAC.
40. Paragraph 10.4.8 / Table 10-1: please note that bullhead (*Cottus gobio*) is also a qualifying feature of the River Dee and Bala Lake SAC.

41. Paragraph 10.4.19: non-migratory brook lamprey is mentioned in relation to the Dee estuary. However, brook lamprey is a feature of the River Dee and Bala Lake SAC, but not of the estuary, and is generally only found in freshwater.
42. Paragraph 10.6.7: regarding fish we advise that given the narrowness of the channel, impact piling should be avoided in favour of vibro piling.
43. We note and concur with the identified potential operational impacts to fish in Section 10.7.4, but we also advise that the potential impacts from simultaneous operation of both the existing and the new power station are fully considered in the ES.

### ***Marine Mammals***

44. Based on the limited amount of detailed information available about the proposed methodology for construction and operation we advise that the following impacts and sites should be scoped in regarding marine mammals:
  - Underwater sound assessment and vibration disturbance e.g., from piling
  - Accidental pollution
  - Collisions between any project vessels and marine mammals
  - Temporary habitat loss and/or disturbance
  - Impacts from release of sediment-bound contaminants
  - Indirect effects to marine mammals from changes in marine water quality
  - Temporary increases in suspended sediment concentrations and associated turbidity (please refer to our Physical Processes advice for further details)
45. A large grey seal 'haul-out' of 300-500 individuals, which forms part of the north Wales grey seal population, is present on the eastern side of Salisbury Middle, adjacent to Hilbre Island, located downstream of the Proposed Development in the mouth of the Dee estuary. Grey seals are a feature of the Pen Llŷn â'r Sarnau SAC and are functionally linked to the Dee estuary due to the mobile nature of this species and haul-out ranges along the north Wales coastline and within the Dee estuary, as well as their regular presence in the Dee estuary and river.
46. Therefore, we advise that Pen Llŷn â'r Sarnau SAC should be scoped in for assessment due to the potential underwater noise disturbance and vibration during construction (e.g. piling). The timing of the proposed works will affect the possibility of disturbance to grey seal due to the seasonality of their haul-outs. We therefore advise that details of any underwater noise disturbance and timing of these works are considered and assessed in the ES.
47. Harbour seals are also recorded hauled-out on the West Hoyle sandbank. However, exact haul-out numbers of this species are not known.
48. Harbour porpoise and bottlenose dolphin could occur in the surrounding coastal waters and within the outer Dee Estuary, and therefore have potential for underwater noise disturbance impacts. We advise that consideration is given to these species

and to North Anglesey Marine SAC (designated for harbour porpoise) which is the nearest marine mammal SAC in proximity to the Dee estuary.

49. With reference to paragraph 10.6.7, regarding marine mammals we welcome the proposed use of the standard JNCC mitigation measures for construction piling.
50. We advise that Table 10-1 should include Pen Llŷn â'r Sarnau SAC, due to the functional linkage with grey seals using the Dee estuary.
51. We also advise that Table 10-1 should refer to the qualifying features of each SAC and not coastal features, as this is the terminology used in the conservation advice. Conservation objectives should be taken from the Regulation 33 advice as these are the agreed conservation objectives for cross-border sites.

### ***Benthic Ecology***

52. Paragraph 10.6.3 notes that should the proposed development re-use, refurbish or replace the existing outfall located in the Water Connection Corridor, permanent habitat loss will be minimised as far as reasonably practicable. We advise that the worst-case scenario should be clarified and assessed and that the potential permanent loss of habitat should be calculated. We note that maintenance dredging is discussed but it is not clear where the dredge would be deposited, or the quantities and types of sediment to be dredged (please refer to para. 98 in our Physical Processes advice for further details).
53. The potential use of a cofferdam is not discussed in Chapter 10 (Marine Ecology) but is included in Chapter 14 (Physical Processes). We advise that details of the proposed works should be defined and described in the ES in order to understand the potential impacts from the proposed development. Furthermore, we advise that potential linkages between different receptors and/or chapters should be clearly identified as impacts to one receptor may inform impacts to another i.e. where potential impacts to physical processes inform impacts to benthic ecology receptors and water quality.
54. Based on the limited amount of detailed information available about the proposed methodology for construction and operation we advise that the following construction and operation impacts should be scoped in for benthic ecology receptors.

### **Construction impacts**

- Direct loss and physical disturbance to benthic habitats and species from works carried out below Mean High Water Spring tide limits (MHWS) within the Water Connection Corridor: this should be further defined to clearly differentiate between the impact pathways that relate to temporary habitat loss and/or disturbance from, for example, the movement of vehicles on the shore compared to impacts that could result in long-term habitat loss i.e. replacement of the Water Connection Corridor. We therefore advise that the following two impacts should be scoped in:



- Temporary benthic habitat loss and/or disturbance
  - Long-term benthic habitat loss
- Physical disturbance to benthic habitats and species from increased suspended sediment concentrations (i.e. increased turbidity and deposition): we advise that this should be defined as “*temporary increases in suspended sediment concentrations and associated turbidity*” as this would include potential impacts from smothering to benthic receptors
- Indirect impacts to benthic ecology from changes in marine water quality (excluding turbidity)
- Indirect impacts to benthic habitats from hydromorphological changes
- Introduction and/or spread of Invasive Non-Native Species (INNS): this should include potential introduction of INNS from the movement of vessels required to deliver materials to site
- Accidental pollution from vehicles, vessels, and equipment/machinery: this could be mitigated via production and adherence to standard post-consent plans e.g. a Construction Environmental Management Plan (CEMP)
- Impacts from release of sediment-bound contaminants: disturbance to intertidal/subtidal habitats associated with construction activities could lead to remobilisation of sediment-bound contaminants that may affect benthic communities

55. We would not expect underwater sound and vibration disturbance to benthic ecology receptors to be scoped in unless specific benthic species that are sensitive to noise and/or vibration are identified within the project’s Zone of Influence (Zol).

#### Operational impacts

56. We advise that the following operational impacts should be scoped in:

- Temporary habitat loss and/or disturbance e.g. maintenance dredging
- Indirect impacts to benthic receptors from changes to existing thermal and chemical effects from treated water discharge
- Indirect impacts to benthic receptors from hydromorphological changes: this should consider ongoing scour, potentially leading to habitat alteration - please also refer to our Physical Processes advice regarding changes to seabed/riverbed morphology (para. 109) and scour of seabed caused by water discharge (para. 110 - 112)
- Impacts from release of sediment-bound contaminants
- Indirect impacts to benthic ecology from changes in marine water quality (excluding turbidity)
- Temporary increases in suspended sediment concentrations and associated turbidity (please refer to our Physical Processes advice below)
- Introduction and/or spread of INNS e.g. from maintenance vessels if required, and also to account for any new infrastructure to function as a ‘stepping-stone’ for INNS
- Accidental pollution

- Increases in water temperature: this is discussed in Chapter 11 but not Chapter 10 regarding benthic ecology. Some benthic habitats and/or species are sensitive to changes in temperature. We therefore advise that this should be scoped in.
57. Section 10.4.5 (Sources of Information): the Marine Evidence Based Sensitivity Assessment ([MarESA](#)) should be referred to for any future sensitivity assessments as this supersedes and replaces the Marine Life Information Network (MarLIN) approach.
  58. Section 10.4.23 (Marine Ecological Surveys and Data Collection): we agree that more recent surveys should be completed to characterise the intertidal habitats present and potentially affected by the development. This survey should include potential habitats affected within the defined Zol. We would welcome engagement with the applicant when devising their characterisation survey. Please also refer to [Natural Resources Wales / Benthic habitat assessments for marine developments](#) for best practice guidance on how to carry out benthic habitat surveys and monitoring in relation to marine developments.
  59. Section 10.5 (Impact Assessment Methodology): with reference to the draft assessment methodology including definitions for longevity of an impact (i.e. short, medium, long term), extent and magnitude, we advise that the sensitivity of receptors should be defined and presented in the ES. Section 4.4.6 notes that specific criteria for each technical assessment will be developed but this has not been presented in Chapter 10.
  60. Section 10.6 (Embedded Mitigation): we advise that a full Biosecurity Risk Assessment and INNS Management Plan should be completed in relation to all marine operation activities associated with the proposal. The risk assessment and management plan should include consideration of all activities, vehicles and equipment used as well as how the risk will be minimised through appropriate mitigation and adherence to best practice guidance and management measures. The risk assessment should include a review of all available data in relation to the presence of marine INNS where applicable to the proposal, and the potential risks associated with each species identified.

## **Chapter 11: Water Resources and Flood Risk**

### ***Flood Risk***

61. Our Flood Risk Map confirms the development site to be located partially within Zone C1 (and Zone B) of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and most of it is within Flood Zone 3 (Sea).
62. We note that a range of flood risk impacts have been scoped in for both the construction and operational phases, as outlined in Table 11-8. We are satisfied with



the potential effects identified. We also note that the applicant has confirmed a Flood Consequences Assessment (FCA) will be prepared in support of the submission. We confirm that we would expect a detailed FCA to be prepared in support of this proposal. We consider that an FCA would be needed for any energy project in Zone C / Flood Zone 3, not only those greater than one hectare as is stated in paragraph 11.2.1 of the Scoping Report.

63. The FCA should be prepared in compliance with Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The updated TAN15 is yet to be published or adopted. However, we advise that the Flood Map for Planning should still be referred to, as confirmed in the letter from Welsh Government dated 15 December 2021, which confirms the FMfP represents better and more up-to-date information on areas at flood risk than the DAM.
64. Based on the 'Indicative Site Map' contained within the Connah's Quay Low Carbon Power Project Newsletter (February 2024), a considerable portion of the proposed development would appear to be located on undeveloped arable land, with a smaller section within the footprint of the existing power station. We therefore consider that the proposal should be treated as new highly vulnerable development, as this undeveloped land is unlikely to benefit from an existing land use, and the proposal would also be an intensification of use. However, we advise that the Planning Inspectorate provides direction on this.
65. The FCA should include a comprehensive assessment of flood risk from all sources, including the tidal Dee and fluvial sources, including Kelsterton Brook. The primary source of flood risk is likely to be tidal from the Dee. We note from paragraph 11.4.56 that "*no hydraulic modelling is proposed as part of the EIA as there is sufficient existing hydraulic modelling for this area to be provided by NRW and the Environment Agency.*" However, the tidal Dee model does not include the site within the 1D-2D model extent, and it is therefore likely that some additional modelling will be required to quantify the flood risk posed to the site (whether this be an update to the existing model or a new study), and to assess the impact on flood risk elsewhere, especially as the Scoping Report indicates land raising of up to 1 metre will be required on parts of the site.
66. We note that paragraph 11.5.6 refers to "*existing NRW defences*" which interface with the proposed development site. However, we understand that the feature along the site boundary is maintained privately, and we have no information on the standard of protection, maintenance regime or composition of this defence. We would therefore advise any modelling study to be based on an 'undefended' scenario which ignores the presence of this defence, to provide a precautionary assessment of flood risk.
67. Several sections of the Scoping Report (including Table 11-8) refer to the breach scenario being a 'residual risk'. We advise that a breach scenario (or in this case the undefended scenario due to the nature of the defence adjacent to the site) should be considered as the design event, and not a residual risk. The FCA should demonstrate that the entire site (as defined by the redline application boundary) can be designed

to be flood-free in the 0.5% Annual Exceedance Probability (AEP) undefended event with an allowance for climate change for tidal flood risk, and the 1% AEP event with an allowance for climate change for fluvial flood risk.

68. The 0.1% AEP event (with an allowance for climate change for tidal flood risk) should also be assessed, and the assessment of the proposal's impacts on flood risk elsewhere should be based on this event. The impacts of any land raising on tidal and fluvial flood risk should be quantified, and if any increases in flood risk elsewhere are identified these will need to be managed to an acceptable level.
69. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

#### ***Water Framework Directive (WFD) Compliance Assessment***

70. We advise that the scoping out of water bodies should be based on the project's Zol (see para. 96 and 101 of our Physical Processes advice below,). Therefore, we do not agree that some water bodies should be screened out as they are 2km away (i.e. paragraph 11.4.1 and Table 11-1), as there may be impacts to fish, for example, due to a thermal plume.
71. Table 11-2: note that the name of the transitional water body is "Dee (N. Wales)" not "River Dee". We advise that the target status of the Dee (N. Wales) water body is "Good" by 2027. Please also note that an interim classification is due in 2024 and the final assessment should be based on the most up to date information available.
72. Table 11-3: we concur with the designated sites identified and agree that there are no Bathing Waters in proximity to the development.
73. Paragraph 11.4.59: we advise that the "Clearing the Waters for All" WFD guidance is followed to inform screening and scoping. The WFD compliance assessment should include all parts of the development, including those licensable under Marine Licensing and the Environmental Permitting Regulations (i.e. water abstraction and discharge).
74. Paragraph 11.5.1: we advise that the Environment Agency (EA) are also consulted as the river water bodies lying to the north of the Dee estuary are within the EA's jurisdiction.
75. Paragraph 11.5.2: we agree that the assessment should consider construction, operation and decommissioning as well as abstraction and discharges. We also

agree that foul water should be considered. Any risks from the mobilisation of contamination to the water environment (to be addressed in Chapter 12, Geology and Ground Conditions) should also be considered in the WFD compliance assessment.

76. Paragraph 11.5.5: H1 assessment, dispersion modelling and sediment transport modelling are mentioned as potential assessment techniques. We advise that temperature modelling may also be required if a thermal plume is to be generated by the development. We note from paragraph 11.5.13 that any modelling requirements will be agreed with NRW, and we would welcome further engagement regarding this.

### ***Hydrology***

77. We are content with the proposed scoping of hydrological elements for the EIA. We advise that all works in and adjacent to watercourses associated with the proposal should aim to:
- reduce impacts as far as practicable through expert geomorphological input in the siting and design of assets within the river and riparian zone (e.g. favouring directional drilling above open cut techniques, using clear-span structures rather than culverts)
  - mitigate any residual risks and impacts, work with the natural riverine processes present and actively seek to enhance the local environment through restoration of natural features and processes
78. We note that the proposal will require water to be abstracted from the river Dee estuary. We advise that the ES should confirm if this would involve additional water to the currently licenced quantities. It is likely that amendments to the existing abstraction licence would be required even if the quantities of water do not change, such as a change of “purpose”, licence holder or intake location. Any such amendments would need to be addressed by NRW’s abstraction licencing process.
79. We note that reference 203 of the Scoping Report (page 145), contains the wrong web page address. We therefore advise that the correct address is used in the ES.
80. We are content with the scoping in of the various water quality aspects as per Chapter 11 and note that there are also some key uncertainties (paragraph 11.3.3) which may require water quality modelling to support the EIA. We also note that a CEMP would be produced, and this would incorporate control measures for potential water quality impacts.
81. With regards to Section 11.6 (Embedded Mitigation) we advise that the applicant considers the [Guidance for Pollution Prevention](#) series.

### ***Groundwater***

82. We note that groundwater flooding is scoped in. We advise that the groundwater flood risk at this site is heightened because the groundwater table is high. A robust baseline of groundwater conditions should therefore be determined. Such conditions would

include groundwater depths as these will vary as a result of tidal influence, flow paths, gradients, and salinity. This information would also be important in assessing contamination pathways for the construction, operation, and decommissioning phases notably because of the proximity to designated sites. Changing climate impacts on tidal influence, tidal surges, sea-level rise, and salinity should also be considered as these have the potential to influence the transport of chemicals that may have leaked or been inadvertently released into the subsurface during the operational life of the facility.

83. The permeability of near-surface materials including Tidal Flat Deposits may be moderate to high and depending on the nature of construction excavations, hydraulic control through dewatering has the potential to generate significant volumes of water. Dewatering could also generate a moderate cone of influence which may 'spread' existing contamination and salinity, although saline groundwater may be ubiquitously present given the site setting. Saline conditions should be confirmed through site investigation. A site investigation that defines the baseline groundwater conditions, including permeabilities, against knowledge of what will need to be excavated and its location would help to determine the nature of dewatering and potential associated contamination issues. This should be considered within the EIA.
84. The ability to assess the potential of groundwater flow impediment is predicated on a sound understanding of baseline groundwater conditions and what would be built in the subsurface and its location. Groundwater levels may rise at the site because of sea-level rise during the operational life of the project and this should be considered within the risk assessment. The presence of private water supplies, notably any that relies on near-surface groundwater, should be determined as changes to the flow-regimes from the construction (dewatering) and operational site can potentially affect their performance; for example, increasing the salinity of the local groundwater because of dewatering or operational influence.
85. Given the high groundwater table and proximity to sensitive environmental receptors, we advise that operational contamination assessment aspects are included/cross-referenced within the Major Accidents and Disasters assessment; for which we note that industrial and hydrological hazards have been scoped in.

## **Chapter 12: Geology and Ground Conditions**

86. Paragraph 3.3.7 provides a commitment that a soil and groundwater investigation will be undertaken prior to commencing construction. We note that no further information is provided on the scope of this investigation, considering that the main site possesses a high groundwater table, is in close proximity to a highly sensitive environment (Dee estuary) and is at risk of groundwater flooding. We advise that ground baseline conditions at the site should be investigated and understood, with sufficient time factored in to any site investigation so that baseline characterisation through monitoring can be suitably determined.

87. We advise that a Decommissioning Assessment Report is prepared, with likely decommissioning tasks and estimated costings factored in for ground investigation and remediation scenarios, e.g., no contamination found after the operational life, some spot contamination found across the site, and major contamination across the site, along with potential long-term, post-decommissioning impacts associated with the project.
88. We note that adverse impacts on unsaturated soil and groundwater deriving from pollution events bypassing the drainage system are proposed to be scoped out. However, given that groundwater is very shallow at the site we advise that the ES includes a qualitative assessment of one or more pollution events to the wider environment using the source-pathway-receptor principle. This would enable a meaningful assessment based on a robust baseline upon which to assess contamination linkages i.e., which direction the contamination is likely to be directed towards.
89. The drainage system could significantly spread chemicals depending on its design. We advise that details of the chemical inventory at the site are considered to assess the types of contaminants that could occur at the operating facility and qualitative statements are provided within the ES on these risks.

### **Chapter 13: Landscape and Visual Amenity**

90. Our advice on Chapter 13 of the Scoping Report relates to the landscape character and visual amenity of the Clwydian Range and Dee Valley National Landscape (Area of Outstanding Natural Beauty).
91. The National Landscape (AONB) boundary is 8km from the application site at its closest point. We note that the Landscape and Visual Impact Assessment (LVIA) study area will be 10km. A viewpoint from Moel Famau on the National Landscape (AONB) ridgeline at just over 10km is likely to be included in the LVIA (reference viewpoint P) although the 10km study area would exclude the wider National Landscape (AONB) ridgeline.
92. A Zone of Theoretical Visibility (ZTV) is shown for the tallest element at 105m (Figure 13-8) and next tallest element at 56m (Figure 13-7). Both indicate visibility from Moel Famau. Forestry north of Moel Famau has recently been felled, and in any case, there would be views from the summit over the tree line.
93. We welcome the statement in paragraph 13.6.3 that a colour study of existing colours and materials within the surrounding landscape and existing power station will be undertaken to inform the design of the proposed development.
94. We advise that the following are addressed in the EIA:
- The LVIA study area should be expanded to include the Moel Famau viewpoint, and this should be used as a 'representative' viewpoint of other high points on the



ridge line of hill forts, including Moel Arthur at 456m and Moel y Parc at 398m which are all on the Offa's Dyke long distance footpath.

- Potential impacts on National Landscape (AONB) Special Qualities should be assessed in the LVIA and informed by detailed supporting evidence and assessment.
- The National Landscape (AONB) boundary should be shown on viewpoint and other relevant mapping within the LVIA.

## Chapter 14: Physical Processes

95. Given the uncertainties in the works proposed for the Water Connection Corridor and the construction methodology, all potential impacts relating to physical processes should remain scoped in until more information is available to make an informed assessment of impacts to seabed morphology and other receptors.
96. The project's Zol should be defined for each physical processes receptor and a description provided to show how the Zol has been determined.
97. Baseline Understanding: a more comprehensive understanding of circulation within the Dee estuary should be included in the ES and should consider the influence that freshwater input into the river Dee and estuary will have on the estuarine stratification and vertical mixing processes as well as the sediment transport and deposition processes. For the physical processes chapter, we advise that the applicant follows the recommendations outlined in:  
GN 041: [Natural Resources Wales / Marine physical processes and Environmental Impact Assessment \(EIA\)](#). The guidance includes two evidence reports:
- Evidence Report No: 243 Guidance on Best Practice for Marine and Coastal Physical Processes Baseline Survey and Monitoring Requirements to inform EIA of Major Development Projects.
  - Evidence Report No: 208 Advice to Inform Development of Guidance on Marine, Coastal and Estuarine Physical Processes Numerical Modelling Assessments.
98. Maintenance Dredging: no consideration appears to have been given to the disposal of dredge spoil if maintenance dredging is conducted during project operation. At present the quantities and type of sediment to be dredged are unknown. If it is intended to deposit dredge spoil at a licenced disposal site, we advise that an assessment should be completed to determine whether the disposal site can receive the required amount of dredge spoil in the first instance. Potential impacts on receptors caused by both the dredging and disposal activities should be included in the ES. Please also consider NRW's position note regarding this: [PS 012 Sustainable management of marine and coastal sediment \(naturalresources.wales\)](#)
99. Toxic Contamination: we advise that the sheltered, low energy environment of the upper Dee estuary will function as a muddy sediment sink where contaminants can bind to the muddy sediment. Contaminants may be remobilised if the sediment is disturbed e.g. dredging, making them available as potential pollutants in the water

column, and being carried away from the site with the currents. We are concerned that contaminants released into the water column will not be adequately assessed in the correct chapter as there is currently incorrect signposting to Chapter 12 (Geology and Ground Conditions) which only deals with land contamination and not in-river contamination. We therefore advise that toxic contamination in the water column from sediment-bound contaminants is considered wholly in Chapter 11 (Water Resources and Flood Risk) under water quality and not signposted to other chapters.

100. We advise that where supporting literature is used to describe the baseline environment, the evidence should include an in-text citation with author and reference details next to the figure or text that is being referred to.
101. Paragraph 14.4.12: the tidal excursion distance is an important parameter that needs to be fully understood for the Dee estuary, particularly when determining the fate of Suspended Sediment Concentration (SSC) plumes and potential contaminants derived from construction and operational works in the upper estuary. We advise that the maximum spring tide excursion should be used to determine the Zol relating to the spatial extent of potential impacts in relation to physical processes (e.g. SSC plumes and transport of remobilised contaminants). We advise that the applicant follows the recommendations outlined in NRW Guidance Note (GN) 041 ([Natural Resources Wales / Marine physical processes and Environmental Impact Assessment \(EIA\)](#)), which provides best practice guidance on coastal processes modelling.
102. Paragraph 14.4.30: we advise that sediment samples and core samples are collected in the Water Connection Corridor to determine the presence of contaminants and the size and distribution of seabed sediments. These data are required to inform the assessment of impacts to other receptors caused by maintenance dredging and/or construction works remobilising sediment into suspension to be transported by the current regime and redeposited.
103. Paragraph 14.5.2: we advise that it is not only modified flows which may mobilise sediment. Maintenance dredging activities and excavation works could also disturb sediment off the seabed with the potential for SSC plumes to develop as a result. We welcome the intention to model the dispersion of suspended sediment from works carried out below MHWS associated with the project.
104. Paragraph 14.5.3: the applicant is advised to note and consider NRW Guidance Note GN 041 (referenced in para. 101 above).
105. Paragraph 14.7.3: clarification should be provided on how and where the cofferdam will be installed, how long it will be in place and how it will lead to increased levels of suspended sediment and contaminant dispersion.
106. Paragraph 14.7.4: we advise that consideration should be given to the resultant SSC plumes caused by the maintenance dredging and the potential for SSC plume dispersion and sediment redeposition onto habitats which could be sensitive to

sediment smothering and chemical contamination. The SSC plumes will also change the water clarity and, if present, the contaminants will lead to water quality deterioration.

107. Clarification should be provided on the disposal location of the maintenance dredged material. The amount and type of material to be dredged should be confirmed and detail of the disposal site provided. We advise that if the maintenance dredge material is to be disposed of in a marine disposal site, an assessment should be completed to determine any potential impacts to the receiving site and surrounding area from disposal of the maintenance dredge material.
108. Clarification should also be provided with regards to which impact pathway is referred to in paragraph 14.7.5, as it is unclear if the applicant is referring to sediment disturbance leading to SSC plumes. We advise that the potential release of contaminants should be treated separately. Clarification should be provided on which receptors will be affected by the SSC plumes and subsequent deposition and what receptors will be affected by the potential release of contaminants from the seabed sediments. We advise that a summary table is included in the ES to describe the activities affecting physical processes and the receptors potentially affected by each impact pathway.
109. Paragraph 14.7.6 (Changes to seabed/riverbed morphology): we note that it is unknown how long the cofferdam will be in place. However, scour pits could potentially develop due to alteration in flow i.e. flow acceleration effects against the cofferdam. Depressions in the seabed may also persist following excavation works during the construction of the intake and outfall structures. At this stage there are uncertainties in the works proposed for the Water Connection Corridor. We therefore advise that changes to seabed/riverbed morphology from scour or excavation during construction works should not be scoped out at this stage, until a more informed assessment can be completed.
110. Paragraphs 14.7.7 – 14.7.9 (scour of the seabed caused by water discharge): based on the information presented we note that cooling water discharge will not occur at high water but towards low water (HW +1 to HW +4 i.e. on the ebb tide). We therefore consider the assumption that the impact is expected to be minimal due to the discharge taking place during high tide to be incorrect. The discharge of water will increase flow velocity and potentially cause scouring of the seabed and sediment suspension and redeposition. We therefore advise that scouring of the seabed caused by discharge of cooling water is scoped in as a continual impact over the operational phase of the project.
111. We advise that the impact on the seabed/riverbed levels caused by cooling water discharge should remain scoped in until a scour assessment is completed which considers the volume and velocity of discharge and the seabed sediment type, bedload morphology along with the presence of sensitive receptors which could be affected by the scouring and increase in water velocity.



112. Paragraphs 14.7.10 – 14.7.11: we advise that changes to morphology caused by scour around the intake and outfall channels should not be scoped out until a scour assessment has been undertaken considering the potential impact to sensitive receptors caused by scouring and/or sediment redeposition.

### **Chapter 17: Climate Change**

113. We are content with the proposed scoping for each of the three methodological aspects of climate change assessment and note that the relevant data sources, climate hazards and impacts are referred to that we would expect for this type of development. For climate, we note that no elements are scoped out and the categorisation and thresholds for significance are as standard. Therefore, we have no concerns to raise at this scoping stage.

### **Chapter 20: Materials and Waste**

114. We are content with the proposed scoping of materials and waste aspects.

### **Chapter 21: Cumulative and Combined Effects**

115. We note that the Port of Mostyn is missing from the list of cumulative projects identified in Table 21-1, this may be due to the relative constrained screening distance of 15km. However, for some receptors this may need to be revised, please see our advice for benthic habitats and physical processes above.
116. We also note that recent approved and proposed developments at the Shotton Paper Mill site (less than 1km from the DCO application site) have not been included in Appendix D, Table 1. We therefore advise that these are included in Table 1 and consideration is given as to whether they should be scoped in to the cumulative effects assessment.

## **Annex B: Advice for the Applicant/Developer**

The following advice is provided for the Applicant/Developer, and we would therefore be grateful if you could share it with them.

### **Permits/Licences/Consents**

As the scheme may require one or more consents for which we are the consenting body, we would refer the applicant to the [NRW table of consents](#). This table sets out the determination period for consents for which we are the consenting body.

#### Environmental Permit

Uniper UK Ltd. hold an Environmental Permit for the existing operation of four Combined Cycle Gas Turbines (CCGTs) and the now decommissioned gas treatment plant at the Connaught Quay Power station. The permit implements the requirements of Chapter III of the EU Directive on Industrial Emissions for large combustion plant (LCP).

In accordance with the Environmental Permitting (England and Wales) Regulations 2016, the proposed development would require a substantial variation to the existing Environmental Permit. The new combustion plant will also be subject to Chapter III of the Industrial Emissions Directive. The operation of a carbon capture plant would require the introduction of a new listed activity to the Environmental Permit (Schedule 1, Chapter 6, Section 6.10, Part A(1)(a)).

#### Species licensing

Where a European Protected Species is identified and the development proposal is predicted to likely contravene the legal protection they are afforded, a licence should be sought from NRW. The ES should include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.' These requirements are translated into planning policy through Planning Policy Wales (PPW), edition 12, dated February 2024, sections 6.4.35 and 6.4.36 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The relevant decision maker should take them into account when considering development proposals where a European Protected Species is present.

#### Flood Risk Activity Permit (FRAP)

The site is located close to the river Dee, which is a main river. We advise that a Flood Risk Activity Permit (FRAP) (Environmental Permitting (England & Wales) Regulations 2016) may be required for any permanent or temporary works in, over, under or within 16 metres of a tidal main river, or within 16 metres of any flood defence structure on that river, or within a

flood plain. See our website for further information: [Natural Resources Wales / Flood risk activity permits](#).

We note that some works will be in the marine environment and will be subject to a Marine Licence, including the possible new abstraction and discharge infrastructure and new eel screens. Any works covered by a Marine Licence will be excluded from requiring a FRAP. However, any works that do not require or are exempt from a Marine Licence may still need a FRAP, if they meet the definition of a flood risk activity.

**From:** [Grace Lewis](#)  
**To:** [Connahs Quay](#)  
**Subject:** EN010166-000021 - Connahs Quay low Carbon power Project  
**Date:** 15 February 2024 12:01:14  
**Attachments:** [image001.png](#)

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OFFICIAL



Network Rail  
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My Ref: P/TP24/25  
Your Ref: EN010166-000021

Date: 15 February 2024

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**APPLICATION NO: EN010166-000021**

**PROPOSAL: Connahs Quay low Carbon power Project**

**LOCATION: Conwy**

Dear Sir/Madam,

Thank you for your email dated **28 November 2023** together with the opportunity to comment on this proposal.

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

**Noise and Vibration**

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

**Drainage**

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or

drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

#### Lighting

When considering the impact of lighting on the local environment, the lighting strategy should also take into consideration any glint or glare that may be caused to the neighbouring railway. Any proposed lighting should not interfere with train drivers vision or signals within the area.

#### Traffic and Transport

During and post construction phase it is not clear whether transport or pedestrian routes will include those that cross a level crossing. Network Rail's position is that there shouldn't be any increase or change in usage to Level Crossings may require appropriate mitigation. The transport assessment should include an assessment of any level crossing used during the construction of the proposed development and future access routes to the site.

Yours Sincerely,

#### Grace Lewis

Town Planning Technician Wales and Western  
Network Rail

Temple Point, Redcliffe Way, Bristol, BS1 6NL

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**From:** [ONR Land Use Planning](#)  
**To:** [Connahs Quay](#)  
**Subject:** ONR Land Use Planning - Application EN010166  
**Date:** 01 March 2024 14:28:43  
**Attachments:** [image003.png](#)  
[image002.png](#)  
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You don't often get email from onr-land.use-planning@onr.gov.uk. 

Dear Sir/Madam,

With regard to planning application EN010166, ONR makes no comment on this proposed development.

You can find information concerning our Land Use Planning consultation process here: (<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards,

Land Use Planning  
Office for Nuclear Regulation  
[ONR-Land.Use-planning@onr.gov.uk](mailto:ONR-Land.Use-planning@onr.gov.uk)

-----Original Message-----

**From:** Connahs Quay <[ConnahsQuay@planninginspectorate.gov.uk](mailto:ConnahsQuay@planninginspectorate.gov.uk)>  
**To:**  
**Cc:**  
**Sent:** 09/02/2024 11:57  
**Subject:** EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Connah's Quay Low Carbon Power Project.

Please note the deadline for consultation responses is 08 March 2024, which is a statutory requirement that cannot be extended.

Kind regards,

Joseph Jones

Laura Feekins-Bate  
Senior EIA Advisor, The Planning Inspectorate  
Environmental Services, Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

23<sup>rd</sup> February 2024

Your Ref: EN010166-000021  
Our Ref: A3IO3656

Dear Ms Feekins-Bate,

## **Nationally Significant Infrastructure Project**

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

#### **Scoping Consultation Stage**

Thank you for including Public Health Wales (PHW) in the scoping consultation phase of the above application. PHW is the national public health agency for Wales and works in collaboration with the seven health boards around Wales to protect and promote health and wellbeing. The Environmental Public Health team in PHW has reviewed the applicant's scoping report and associated documents. The response is impartial and independent, feedback is provided below.

Our partners, the UK Health Security Agency (formerly Public Health England) have published guidance on information to be included in Nationally Significant Infrastructure Project (NSIP) "*Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*". We would expect to see the advice and recommendations from this document reflected in any ES.

We are encouraged that the relevant information has been included in the scoping document, such as the sections on Air Quality, Noise and Vibration and Health. We also welcome reference to the Wales Health Impact Assessment Support Unit Guidance and the Wellbeing of Future Generations Act in relation to formulating the human health impact assessment (HIA) for this project.

Furthermore, we are encouraged by any projects that mitigate the impacts of climate change by reducing reliance on fossil fuels and transitioning to renewable energy source such as solar, wind, tidal etc., provided the emissions related to the construction and maintenance of the site are kept to a minimum and are offset by the longevity of the project.

As stated, PHW works closely with health boards across Wales. Since this project is located within Betsi Cadwaladr University Health Board (BCUHB), we can work with the Director of Public Health (DPH) within BCUHB to make them aware of the project and around any health concerns that may arise from the project. There may be some aspects of the development

relating to health of the population that can be fielded directly to the DPH, as the lead for local public health issues.

We hope this response has been useful and welcome correspondence on any points of clarity or concerns raised.

Yours sincerely,

Gwasanaeth Iechyd Cyhoeddus Amgylcheddol yng Nghymru  
Environmental Public Health Service in Wales

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<sup>i</sup> <https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>



**From:** [Stephen Vanstone](#)  
**To:** [Connahs Quay](#)  
**Cc:** [Trevor Harris](#)  
**Subject:** RE: EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation  
**Date:** 07 March 2024 16:52:08  
**Attachments:** [image006.jpg](#)  
[image007.png](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.png](#)  
[image011.png](#)  
[EN010166 - Statutory consultation letter.pdf](#)

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You don't often get email from [REDACTED]@trinityhouse.co.uk; [REDACTED]

Good afternoon Joseph,

I can confirm that Trinity House has no comments to add concerning the Scoping Report.

Kind regards,

**Stephen Vanstone**

Navigation Services Manager | Navigation Directorate | Trinity House

[REDACTED]@trinityhouse.co.uk | [REDACTED]

[www.trinityhouse.co.uk](http://www.trinityhouse.co.uk)



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**From:** Connahs Quay <[ConnahsQuay@planninginspectorate.gov.uk](mailto:ConnahsQuay@planninginspectorate.gov.uk)>  
**Sent:** Friday, February 9, 2024 12:30 PM  
**To:** Navigation <[navigation.directorate@trinityhouse.co.uk](mailto:navigation.directorate@trinityhouse.co.uk)>  
**Cc:** Thomas Arculus [REDACTED]@trinityhouse.co.uk>  
**Subject:** EN010166 - Connah's Quay Lower Carbon Power Project - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Connah's Quay Lower Carbon Power Project.

Please note the deadline for consultation responses is 08 March 2024, which is a statutory requirement that cannot be extended.

Kind regards

Joseph Jones



**Joseph Jones** | Associate EIA Advisor  
The Planning Inspectorate



@PINSgov



The Planning Inspectorate



[planninginspectorate.gov.uk](http://planninginspectorate.gov.uk)

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[www.gov.uk/ukhsa](http://www.gov.uk/ukhsa)

Your Ref:  
Our Ref: 65314

The Planning Inspectorate  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

8<sup>th</sup> March 2024

Dear Sir/Madam

**Nationally Significant Infrastructure Project  
Application by Uniper UK Limited (the Applicant) for an Order granting Development  
Consent for the Connah's Quay Lower Carbon Power Project, Awel Y Môr (the  
Proposed Development)  
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups, and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the consultation documents, we do not have any specific comments at this stage. However, UKHSA requests that the proposer confirms either that the project does not contain any EMF sources that have a potential health impact; or that a health impact assessment is carried out in the Environmental Statement (ES).

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA's predecessor organisation Public Health England (PHE) produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*<sup>1</sup>, setting out aspects to be addressed within the Environmental Statement<sup>1</sup>. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

It should be noted that Public Health Wales (PHW) is the national public health agency in Wales who will take the lead in health and wellbeing considerations.

We hope the information provided is useful and would welcome discussions to clarify any specific concerns or enquiries you may have.

Yours faithfully

On behalf of UK Health Security Agency

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

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<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>