

Sent by e mail to
C/O

12 August 2024

Dear ANCB,

Ebost/Email:
maria.alvarez@naturalresourceswales.gov.uk

Ffôn/Phone: 0300 065 3477

MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING

HYNET CARBON DIOXIDE TRANSPORTATION AND STORAGE PROJECT – OFFSHORE

The Natural Resources Wales Permitting Service (NRW PS) has received an application from Liverpool Bay CCS Limited, for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, to undertake the above stated works.

Consultation of the application and the environmental statement took place between 03 April 2024 and 15 May 2024.

Following consideration of consultation responses received in accordance with Regulation 14 of the Marine Works (Environmental Impact Assessment) (EIA) Regulation 2007 (as amended) we considered that further information was required from the applicant in order to properly consider or come to a conclusion on, the likely significant environmental effects of the project.

Further information has been received from the applicant on the 26 July 2024 and can be accessed through the Online Public Register using the case code [CML2365](#). The further information submitted includes:

1. Consultation log: "[CML2365 Consultation log to applicant-Rev 2.0.26.07.2024 Further Information](#)"
2. Environmental Effects Report: "[CML2365 HyNet Project-wide Environmental Effects Report Further Information](#)"
3. Navigational Risk Assessment: "[CML2365 A4814 ENI Hynet CCS NRA Rev04 Further Information](#)"
4. Chapter 9: Shipping and Navigation: "[CML2365 EHE7228B LB HYNET ES CH09 SN FINAL For Submission Rev01 Further Information](#)"
5. Technical Note: Physical Processes: "[CML2365 WAE02282 TN Physical Processes Rev01a Further Information](#)"
6. Response by The Port of Mostyn: "[CML2365 HyNet Offshore consultation by PoM 14 May 2024 - Eni Response DRAFT v2.0](#)"
7. Technical Note: RIAA: "[CML2365 MC000025 TN RIAA MBTN04 Rev02 Further Information](#)"
8. Technical Note: Marine Biodiversity – Fish and Shellfish Ecology: "[CML2365 MC000025 TN Fish MBTN02 Rev02 Further Information](#)"
9. Technical Note: Marine Biodiversity – Benthic Subtidal and Intertidal Ecology: "[CML2365 MC000025 TN Benthic MBTN01 Rev02 Further Information](#)"

10. Technical Note: Marine Biodiversity – Marine Mammals and Marine Turtles: “[CML2365 EHE7228B TN MM Rev02 Further Information](#)”

I would be grateful for any views that you may have regarding the significance of these works taking into account the:

- protection of the environment,
- protection of human health,
- prevention of interference with other legitimate uses of the sea,
- protection of the local biodiversity,
- minimisation of noise and nuisance,
- potential impacts on navigation, such as obstruction or endangerment,
- need for any special lighting or markings,
- potential impacts on marine archaeology interests or sites.

Please assess the application over a calendar year to highlight any potential seasonal issues that could arise as a result of the proposal.

In accordance with our responsibilities under national and European legislation, your advice should also take into account the following provisions:

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

To comply with the requirements of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), the NRW PS is consulting the bodies whom it considers have an interest in the project by reason of their environmental responsibilities, or local or regional competences, in order that we can determine whether the proposed works constitute a “relevant project” as described within Schedule A1 or A2 of the above regulations.

From our preliminary review of the documents, we consider that the proposed works fall within Schedule A1, under paragraph **23** and has produced an Environmental Statement, which can be found on the Online Public Register for your review [CML2365](#), as follows:

- “23. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres for the transport of:
- (a) gas, oil or chemicals;
 - (b) carbon dioxide streams for the purposes of geological storage, including associated booster stations.

As such, we are consulting the bodies that we consider to have an interest in the project by reason of their environmental responsibilities, or local or regional competences, in order that we can determine whether or not the ES is adequate to support this application. I would be grateful for your views, therefore, on the adequacy of the ES. If you are of the opinion that further information is required, please state clearly what information is required and why.

Conservation of Habitats and Species Regulations 2017 – Regulation 63

The site of the proposed work lies within or adjacent to the boundary of an area designated as a European site of conservation importance under the provisions of the Conservation of Habitats and Species Regulations 2017.

The proposed works also has the potential to impact upon a number other European Designated Sites. The protected sites identified have been recorded and assessed within the supplied Report to Inform the Appropriate Assessment (RIAA) [CML2365-LBA CCS Ltd ES Appendix P RIAA NRW FINAL](#)

[CML2365-LBA CCS Ltd ES Appendix P RIAA NRW FINAL](#)

In accordance with the Regulations 'competent authorities', are required to consider whether the proposals, either alone or in combination with other projects, is likely to have a significant effect on the sites and/or on any European protected species, and if necessary, to carry out an Appropriate Assessment of the implications for the sites and/or species having regard to their conservation objectives. The NRW will be considering the sites within Welsh waters. For other sites that fall under the North Sea Transition Authority (NSTA) remit, please refer to the NSTA consultation [Hynet Carbon Dioxide Transportation and Storage Project - Offshore - GOV.UK \(www.gov.uk\)](#).

To assist in making the judgement of likely significant effect, I would appreciate your views on whether the proposed works are likely to have a significant effect on the European sites and /or species either alone, or in combination with other plans or projects and, if so, whether an Appropriate Assessment will be required.

If you consider an Appropriate Assessment is necessary, please indicate:

- what species and/or features are likely to be affected by the proposals and why,
- what, if any, potential measures may be used to mitigate the impact, and
- what other, 'relevant' plans or projects you are aware of that should be considered in combination with the proposed works.

Alternatively, if you are of the opinion that the works are unlikely to present a significant risk to the integrity of the European sites and/or species, or that any such risk would be substantially mitigated by attaching certain conditions to any licence granted in due course, please advise what conditions you consider would be necessary.

European Protect Species (EPS)

Do you consider this proposal to have the potential to impact European Protected Species in the manner outlined in 41 (1) of the Conservation of Habitats and Species Regulations (as amended)? If so, please provide details reasoning of why they are potential impacts to EPS.

Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000

Under the Wildlife and Countryside Act 1981, Statutory Authorities are required to give notice of operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest (SSSI) is of special interest.

The proposal is within or has a potential pathway to:

- Dee Estuary;
- North Wirral Foreshore;
- Ribble Estuary, and

- Sefton Coast.

This letter should therefore be taken as notification of the proposed work and that the authority will wait until the expiry of the period of 28 days from the date of this letter before deciding whether to grant its consent, unless we are notified that a decision may be taken before then.

Biodiversity Duty under the Environment (Wales) Act 2016

Under section 6 of the Environment (Wales) Act 2016 ('the 2016 Act'), a public authority in Wales must seek to maintain and enhance biodiversity in the exercise of its functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

In complying with the duty under section 6 of the 2016 Act, a public authority must take account of the resilience of ecosystems, in particular—

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

If you consider the proposed works will impact upon ecosystem(s), please advise NRW as to:

- the ecosystem(s) that you consider would be affected;
- how you consider that the ecosystem(s) would be affected; and,
- mitigation measures that would avoid adverse impacts to the ecosystem(s) identified.

In complying with the duty under section 6 of the 2016 Act, a public authority must also have regard to any list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales published by the Welsh Ministers under section 7 of the 2016 Act. The Welsh Ministers have published interim lists of habitats and species, for the purposes of section 7 of the 2016 Act, which are available from the Biodiversity Wales Partnership:

<https://www.biodiversitywales.org.uk/Environment-Wales-Bill>

If you consider the proposed works will impact upon listed species and / or habitat(s) listed under the 2016 Act, please advise NRW as to:

- any species and / or habitat listed under section 7 of the 2016 Act that you consider would be affected; and,
- mitigation measures that would avoid adverse impacts to the species and / or habitats identified.

Marine and Coastal Access Act Part 5: Nature Conservation

Section 126 of the Marine and Coastal Access Act places duties relating to Marine Conservation Zones on public authorities determining Marine Licence (and other) applications. From my initial review of the application, I am of the opinion there is no significant risk of the proposed works hindering the achievement of the conservation objectives stated for Skomer Marine Conservation Zone. If you disagree please indicate:

- what features (and/or ecological or geomorphological processes that the conservation of any feature is dependent on) are likely to be affected by the proposals and why,
- what, if any, information could be provided to satisfy you that there is no significant risk of the works hindering the achievement of the conservation objectives
- what, if any, potential measures may be used to mitigate the impact.

The Fylde MCZ overlaps with the English section of the Project, which falls within the North Sea Transition Authority (NSTA) remit. Please refer to the NSTA consultation [Hynet Carbon Dioxide Transportation and Storage Project - Offshore - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/hynet-carbon-dioxide-transportation-and-storage-project-offshore) if you have questions or comments to make regarding this site.

EU Water Framework Directive (Directive No.2000/60/EC)

The Water Environment (Water Framework Directive (WFD)) (England & Wales) Regulations 2017 (referred to as WFD Regulations 2017) requires NRW to determine an authorisation so as to prevent the deterioration of the surface water status or groundwater status of a body of water and otherwise support the achievement of the environmental objectives set for a body of water.

We have a duty to secure compliance with the WFD, Environmental Quality Standards Directive & Ground Water Directive (Reg. 3 of WFD Regulations 2017). NRW must determine marine licence that will:

- (a) prevent deterioration of the surface water status or groundwater status of a body of water (subject to the application of regulations 18 and 19), and
- (b) otherwise to support the achievement of the environmental objectives set for a body of water (subject to the application of regulations 16 to 19).

The applicant has completed a Water Framework Directive compliance assessment (link provided). I would be grateful if you could advise whether the proposed works are likely to have any potential impacts on Water Framework Directive status or targets for relevant water bodies. We will use your comments to complete NRW WFD compliance assessment.

Consultation Response Due

A response to this consultation letter is required within **42 days** of the date of this letter, this being **23 September 2024**, for any comments you may have.

If I do not hear from you by this date, I shall assume you have no comments to make.

Please send your response electronically where possible to:
maria.alvarez@naturalresourceswales.gov.uk

Public Register

I would advise you that any information you provide in relation to the application is liable to be made available through our Public Register unless you specifically request otherwise.

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Should you wish to discuss any aspect of this application please do not hesitate to contact me quoting reference number: **CML2365**

Thank you for your assistance.

Yours sincerely,

Maria Alvarez
Marine Licensing Team
Natural Resources Wales