

Marine Advice Memo

To: Stephen Treby - Marine Licensing Team

From: Rebekah Newtsead - Marine Area Management and Advice Team

Date: 10/12/2025

Response to email from Stephen Treby dated 19 November 2025

Consultation: HyNet Carbon Dioxide Transportation and Storage Project DoC

Application Reference: CML2365

Applicant: Liverpool Bay CCS

NRW advisors consultation record

Specialism	Consulted
Marine & Coastal Physical Processes	☒
Marine Water Quality	☒
Benthic Ecology	☒
Marine Mammals	☐
Marine Ornithology	☒
Marine Fish	☐
Geosciences	☒
Environment Team	☒
Species Licencing	☒

NRW Advisory comments:

Requires action		
Reference	Summary	RAG
Receptor - Ornithology		
O1	The Applicant has committed to pausing works 2 hrs either side of high tide for the period of February-March inclusive: the Applicant's proposed work schedule could impact wintering bird features of the Dee Estuary SPA/RAMSAR without mitigation such as buffers and an ECoW on site <u>LBCCS Limited</u> will have an ECoW present during the HDD works The ECoW will monitor the implementation of mitigation measures to ensure compliance with protected species legislation, licensing, and commitments within the ES. Our ECoW has previous experience in similar ECoW roles and has already been appointed in advance of the construction programme. Our ECoW will ensure pre-construction surveys are undertaken and the advance mitigation measures required are implemented.	AMBER
O2	NRW(A) does not agree that the applicant should include proposed mitigation for Little Tern in the context of this CEMP for which the scheme of shore and vessel works, and timing have not been agreed with NRW at this time. <u>LBCCS Limited</u> has removed all reference to the works taking place during the Little Tern breeding season from CEMP#1.	RED
Receptor - Marine Water Quality		
W&SQ 1.1	The Applicant must provide detailed information for their CEMP to satisfy the licence conditions. Although this detailed information has been referred to, it has not been provided at this stage. <u>LBCCS Limited</u> has updated CEMP#1 and created Rev01 to incorporate the recommendations made by NRW. Please see details of response below.	AMBER

Detailed Comments:

CEMP #1: Activity 1 – Cable laying and protection. Horizontal Direction Drilling (HDD) and conduit pipe installation

Receptor – Onithology

O1. RAG = AMBER

Section 4.3

NRW(A) notes that this CEMP #1 (CML2365 Condition 3.25 CEMP Phase 1) covers conditions for ground works to be carried out on Gronant Dunes and Talacre Beach during **February to March only**, where the expectation is then for all works to be paused and mobilisation across the site halted to prevent incursion into the Little Tern breeding season from April-July inclusive.

Section 4.3 of the CEMP provides details of the proposed work schedule which could potentially cover a 12hr period, with priority working hours between 08:00-18:00 daily. NRW(A) welcomes that the developer has committed to pausing works 2 hours either side of high tide in order to minimise the likelihood of disturbance to wintering waders and waterfowl of the Dee Estuary SPA/RAMSAR. Given the Applicant has proposed this work schedule, NRW (A) recognises that the Applicant has also considered the amount and type of lighting required at the site and whether this is likely to impact bird features of the relevant designated sites.

In reference to REAC Measure T-BD-049 (Table 6.1); NRW(A) would be satisfied with the deployment of buffers during this phase of works in the form of fencing to reduce visual and noise disturbance to wintering waterbird features of the Dee Estuary SPA/RAMSAR, and the employment of an ECoW to ensure works are paused with the presence of significant foraging or roosting flocks; however, NRW(A) do not agree this is appropriate mitigation for potential disturbance to Little Tern (as the Applicant has included this species within the wording of their proposed measure).

.

O2. RAG = RED

Although this specific CEMP does not cover works scheduled after March, NRW(A) note that the applicant has provided discussion regarding activities outside the remit of this CEMP that could impact breeding Little Terns of Gronant Dunes. NRW(A) notes that section 4.3 begins to detail preparatory works and mobilisation to site that would be undertaken in April. As previously advised, NRW(A) expect a full pause on ground works and vessel works that have the potential to impact the Little Tern breeding colony between April-July inclusive. NRW(A) also notes that the Applicant provides some discussion on other sources of disturbance to little terns and some degree of justification as to their anticipated impacts from Vessel works on the Gronant Little Tern colony: NRW(A) do not agree that there would be no disturbance to breeding Little Terns from the Applicants

proposed ground works or current vessel plans considering recent evidence and reports of the state of the tern colony.

NRW(A) notes that the Applicant has previously committed to pausing onshore/foreshore work on the dunes from April -July inclusive (to avoid the breeding period for Little Tern). However, this CEMP suggests that pre-commencement work is likely to take place throughout April, and vessel work through June and July. To mitigate any impacts on the Little Tern colony and avoid disturbing nesting Little Tern constituting a Schedule 1 offence, NRW(A) reiterates our previous advice that all works must be paused for the duration of 1st April – 27th July – this should include works associated with Phase 1, pre-commencement and Phase 2. After this date, the Applicant may still have to be alert regarding whether Little Tern are still breeding at the site: If there is a high tide event that affects first lay attempts, and consequently late breeders, then there may be chicks into the start of August. Disturbance of these nests and their contents would be regarded an offence as stated above, the Applicant should liaise with the Gronant little tern group and NRW as to how the season is progressing and to identify late breeding birds and how to minimise their impact and agree a schedule of works.

Receptor – Marine Water Quality

CML2365 – Discharge of Conditions CEMP Phase 1 Microsoft Word - CML2365 Marine Licence

W&SQ 1.1. RAG = AMBER

NRW (A) advise that the information provided for partial discharge of condition 3.25 of Marine Licence CML2365 is not sufficient.

NRW (A) recognise that the proposed mitigation for the inherent risks to the environment of the use of drilling mud has been adequately identified (REAC ref: T-BD-047; and repeated in T-BD -048), and the details of the activities necessary to enact that mitigation are adequate and provided in Appendix D- Break Out Management Plan.

REAC ref: T-BD-017 refers to the preparation of a “detailed CEMP” by the Construction Contractor. To satisfy condition 3.25.1 (iii), *all potential contaminant releases* must be addressed, not limited just to drilling mud. Whilst the Break Out Management Plan and REAC ref: T-BD-047 deal with the drilling mud use-risk, insufficient information has been provided at this stage regarding the prevention of, or mitigation of effects of marine pollution from vessels/vehicles/machinery working on the site.

Recommendation

NRW (A) recommend that the Competent Authority take receipt of the “detailed CEMP” referred to (REAC ref: T-BD-017), and that they ensure the “detailed CEMP” contains information relevant to *all* potential contaminants and that any action described is relevant specifically to the marine environment to account for the intertidal nature of the location of the works. Further, all relevant key emergency contact details (section 7.2.3) should be finalised and completed before discharge of condition 3.25 (iii).

It would aid clarity for contractors, the Competent Authority and their advisors if the Applicant were to refer to their plans for marine pollution contingencies as a “Marine Pollution Contingency Plan”. This would help to align their plans to the conditions of their marine licence and may help to ensure all relevant information has been comprehensively provided and collated in one document.

Section 3.25.1 (i) of the Marine Licence states that the CEMP be in accordance with the Outline Environmental Management Plan (CML2365-LBA CCS Ltd_OFFSHORE ES_Appendix R EMP_NRW_FINAL); *Section 4.1 ANNEX A – MARINE POLLUTION CONTINGENCY PLAN* of which states “A Marine Pollution Contingency Plan will be finalised before any construction”.

Liverpool Bay CCS Limited Response: The submitted **CEMP#1** represents the ‘**detailed CEMP**’ for the works described. Regarding the provision of information describing the “*prevention of, or mitigation of effects of marine pollution from vessels/vehicles/machinery working on the site*”. LBCCS Limited identified in **Table 1.2** that the information to satisfy “*Condition 3.25 (iii) include a Marine Pollution Contingency Plan containing planning for accidental spills, address all potential contaminant releases and include key emergency contact details*”, has been included in the following sections of **CEMP#1**:

- **Section 6.6:** Resource Use and Management;
- **Section 7.0:** Emergency Preparedness and Response; and
- **Appendix D:** Breakout Management Plan.

No marine vessels will be used to carry out the works described within this **detailed CEMP#1**.

However, LBCCS Limited, and its contractors, recognise that the works will be carried out in a sensitive marine coastal environment. **Section 6.6**, therefore, contains the relevant information to manage the key potential contaminant releases from vehicles and machinery during the execution of the works. These risks could potentially arise from spills and leaks from plant and equipment, and from fuel storage and refuelling. **Section 6.6.1** identifies the measures that will be taken to prevent risks from fuel storage and refuelling. **Section 6.6.2** describes the measures for the use and storage of hazardous materials/substances.

Section 6.7 describes the Waste Management Plan, and the drilling fluid management measures, including the management of cuttings, and the response measures for an unplanned drilling fluid break-out, supported by **Appendix D: The Breakout Plan for the Liverpool Bay CCS Project**.

Regarding contingency planning in response to unplanned marine pollution, in the first revision of **CEMP#1 Section 7.0: Emergency Preparedness and Response** contained the information that would be expected in a “Marine Pollution Contingency Plan”. For clarity, within **CEMP#1 Rev01**, LBCCS Limited has renamed this section to **7.0 Marine Pollution Contingency Plan**, which is a proportionate approach to provide the contractors with all the measures to prevent marine pollution, and address unplanned events, in a single CEMP, rather than spread across multiple documents.

Receptor – Geoscience

The key potential risk for the proposed cable laying and protection; Horizontal Direction Drilling (HDD) and conduit pipe installation activities is for drilling fluid breakout/loss to occur and contamination to ensue.

NRW (A) consider that the following sections of the CEMP: *4.5.7 Drilling Fluid Management*, *5.4.2 Groundwater management and monitoring* and *6.7.6 Potential Dewatering*, satisfactory for dealing with the potential risk of drilling fluid breakout/loss, and that the measures and oversight that will be performed are considered in terms of managing potential contamination risks.

Receptor – Benthic Ecology

NRW (A) note that within the CEMP for Phase 1 the applicant indicates that they will use temporary matting, as listed under commitments T-BD-005 and T-PD-016 and detailed in Section 6.4.1, and given that the operations described in this CEMP only cover limited works in the intertidal area, NRW (A) have no further comments at this stage from a benthic perspective. We may, however, have further comments on future CEMPs for the other phases of these operations.

Receptor – Physical Processes

From a physical processes perspective NRW (A) have no comments on the work below MHWS.

However note that in *Section 6.7.6 Potential Dewatering*, no mention is made of the dune aquifer. Given that 3 dune slacks are noted to the east of the cable route, some mention should be made to the dune aquifer and whether precautions/plans are needed in case of dewatering of the aquifer.

Receptor – Protected Species

With regards to *Section 5.2.4.2 Bats*. NRW (A) consider details of the submission to be satisfactory. NRW (A) agree with *Section 6.2.2* that the proposed location of the HDD will avoid impacts on natterjack and sand lizard. NRW (A) welcome the inclusion of biosecurity measures in *Section 6.2.4*, particularly given the amphibian fungus Chytrid has been recorded at Talacre.

NRW (A) would welcome the inclusion of a condition requiring a report on the implementation of biosecurity measures and for this to include site induction.

Rebekah Newstead

Senior Marine Advisory Officer
Marine Area Advice and Management Team

ANNEX 1 – RAG status definitions

NB – The difference between **RED** and **AMBER** categories is the scale/magnitude of the request. If a significant amount of additional work is required then this should always be identified as **RED**.

RED

NRW (A) consider that major issues have been identified with a potential significant risk of environmental impact. In order to address this issue we may require provision of (no limited to):

- new baseline or survey data; and/or
- significant revisions to baseline characterisation and/or
- significant revisions to impact modelling and/or
- significant revisions to the environmental assessment and/or
- significant design changes; and/or
- significant mitigation

NRW (A) would expect all issues to be adequately resolved before being able to agree to the assessment. Please note that we may be unable to agree with the conclusion of the assessment even following the provision of additional information.

AMBER

NRW (A) consider that issues have been identified that could make a material difference to the outcome of the decision-making process for this project. NRW (A) considers that these matters may be resolved through:

- Provision of additional information, data or analysis to support conclusions; and/or
- Further justification or clarification to support conclusions; and/or
- Revisions to impact assessment methodology and/or assessment conclusions; and/or
- Minor to moderate revisions to impact modelling; and/or
- Suitable mitigation measures that are adequately secured through any consent or permission given.

NRW (A) would expect all issues to be adequately resolved before being able to agree to the assessment. Please note that we may be unable to agree with the conclusion of the assessment even following the provision of additional information.

YELLOW

NRW (A) consider that issues have been identified that would not make a material difference to the outcome of the decision-making process but that a lack of information has been provided and/or an inadequate assessment.

For future assessment we would expect these issues to be resolved. NRW (A) may not be of the same view with regards to significance or materiality in other cases or circumstances.

GREEN

NRW (A) has no significant outstanding concerns.

BLUE

NRW (A) has identified minor editorial errors with the information provided which would benefit from amendment but make no material difference to the conclusions.