

Date: 17 April 2026
Our ref: 544433
Your ref: CML2365 Condition 3.27 and 3.29 VMP/ NSP



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BY EMAIL ONLY

Dear Stephen Treby

**CML2365 Hynet Carbon Dioxide Transportation and Storage Project – Liverpool Bay –
Discharging of Conditions 3.27 and 3.29 – Combined VMP/ NSP**

Thank you for your consultation dated 24 March 2026 regarding the discharge of conditions 3.27 and 3.29 in relation to Marine Licence reference: CML2365. The conditions refer to the Vessel Management Plan (VMP) and the Navigational Safety Plan (NSP) in relation to the Hynet Carbon Dioxide Transportation and Storage Project works within the Liverpool Bay area.

Natural England is the Statutory Nature Conservation Body (SNCB) within English territorial waters (0-12 nautical miles). Our response to this consultation is focused on potential impacts to designated sites within inshore English territorial waters. We defer to The Joint Nature Conservation Committee (JNCC) and Natural Resources Wales (NRW) for elements pertaining to their organisational remits. The following constitutes Natural England's formal statutory response.

Previous Consultation

Natural England has previously provided advice in relation to the discharging of condition 3.27 (NE Ref: 539134, dated 11 February 2026).

Natural England has reviewed the following documents to provide the advice contained within this letter:

- CML2365 – Application form 18/03/2026 VMP_NSP
- CML2365 – Condition 3.27 and 3.29-LB CCS-VMP+NSP-APPENDIX E V0.3-FOR APPROVAL
- CML2365 – Condition 3.27 and 3.29-LB CCS-VMP+NSP-MAIN TEXT and A-D V0.4-FOR APPROVAL (provided 09 April 2026)
- CML2365 – Condition 3.27 and 3.29-Responses to Consultee Queries Technical Note-18.03.2026
- CML2365 Marine Licence

We note the Applicant has submitted a combined VMP and NSP and defer to the relevant Authority for comment on the suitability of the NSP to discharge condition 3.29 as this is outside of Natural England's remit.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Activity Timings within Liverpool Bay / Bae Lerpwl SPA

Clarification is required within the VMP to ensure it is fully aligned with the timing conditions of Marine Licence CML2365.

Best practise protocol measures

The VMP does not include best practise protocol measures to mitigate for impacts on redthroated diver and common scoter features of Liverpool Bay SPA. Natural England's opinion is that there is currently insufficient mitigation provided within the VMP to satisfy the conclusion of no Adverse Effect on Integrity (AEoI) of the designated features of Liverpool Bay SPA.

Natural England's Advice

Activity Timings within Liverpool Bay / Bae Lerpwl SPA

Thank you for your clarification regarding the indicative construction schedule presented within the VMP in the responses to consultee queries Technical Note.

We note your statement that the timetable reflects a planning envelope only, and that all offshore construction activities will be undertaken in full accordance with the conditions of Marine Licence CML2365, including compliance with Condition 3.18.1, which prohibits pipeline spool installation between 1 November and 31 March inclusive, unless prior written approval is obtained from the Licensing Authority.

However, it is important that all submitted documents are consistent and do not present information that appears to conflict with the licence conditions. While we acknowledge that you intend to adhere to Condition 3.18.1, the dates currently shown within the programme in Table 4-20 could reasonably be interpreted as inconsistent with the seasonal restriction. To avoid any ambiguity for consultees these discrepancies should be addressed.

Accordingly, we request that the schedule within the VMP be revised or annotated to clearly state that:

- the dates shown are indicative only,
- they do not supersede or modify the requirements of Marine Licence CML2365, and
- all spool installation activities will be scheduled outside the restricted seasonal period unless prior written approval is granted by the Licensing Authority in accordance with Condition 3.18.1.

Providing this clarification within the document will ensure that the VMP accurately reflects the licensing framework and avoids any potential for misinterpretation during the assessment or compliance phases.

Applicant Response

The Vessel Management Plan (VMP) has been reviewed and updated to remove any potential ambiguity regarding programme timings and to ensure full alignment with the requirements of Marine Licence CML2365.

The document now clearly states that all programme dates presented are indicative only and represent a planning envelope, rather than committed construction dates. It is explicitly confirmed that all offshore construction activities will be undertaken in full compliance with the Marine Licence conditions,

including the seasonal restriction set out in **Condition 3.18.1**, which prohibits pipeline spool installation between 1 November and 31 March (inclusive), unless prior written approval is obtained from the Licensing Authority.

Additional clarification has been incorporated within the relevant sections and tables to confirm that:

- Indicative programme dates do not supersede or modify the Marine Licence requirements; and
- Any works proposed within restricted periods would only be undertaken subject to prior written approval from the Licensing Authority.

This ensures consistency across the document and avoids misinterpretation during both assessment and implementation phases.

Where addressed in the VMP:

- **Section 1.4 – Construction** (clarification that indicative programmes form a planning envelope only)- Table 1.1
- **Section 2.2.4 – Environmental Protection Measures** (explicit statement that construction activities are scheduled to comply with seasonal restrictions under Marine Licence CML2365, including the 1 November–31 March restriction)
- **Section 4.4.1 ACTIVITY 2 – PIPELINE SPOOL LAYING AND PROTECTION**
- Relevant programme tables (e.g. **Tables 4.22–4.23**)

Best Practice Protocol

While paragraph 2.2.5 acknowledges that operations will reduce disturbance through the use of slow, controlled vessel speeds, Natural England advises that, for clarity and completeness, the full suite of recognised best-practice vessel management measures should be explicitly set out to minimise disturbance and displacement of red-throated diver and common scoter. Best practice should be applied both within RTD SPAs and out to 2km beyond the SPA boundary. These measures should include:

- Selecting routes (when transiting to site) that avoid aggregations of red-throated diver and common scoter, where practicable.
- Restricting (to the extent possible) vessel movements when transiting to the site to existing navigation routes (where the densities of divers are typically relatively low);
- Avoidance of over-revving of engines (to minimise noise disturbance); and
- Briefing of vessel crew on the purpose and implications of these vessel management practices (through, for example, tool-box talks).

Applicant Response

The VMP has been further developed to explicitly define a comprehensive suite of best-practice vessel management measures aimed at minimising disturbance to sensitive SPA bird species, including red-throated diver and common scoter.

These measures include:

- Operation at slow and controlled vessel speeds, inherent to construction activities;
- Maintenance of predictable vessel movements, avoiding sudden changes in course or speed;
- Minimisation of engine over-revving to reduce underwater and airborne noise;

- Avoidance of unnecessary rapid transits, particularly within or near sensitive areas;
- Use of defined transit routes where practicable to reduce interaction with bird aggregations; and
- Implementation of crew awareness measures, including toolbox talks and briefing materials addressing environmental sensitivities and required behaviours.

Where practicable, these measures are applied both within designated SPAs and extending up to 2 km beyond SPA boundaries, recognising the wider zone of influence for mobile bird species.

It is also important to note that the nature of offshore construction activities (e.g. cable laying, burial, and installation) inherently requires vessels to operate at **very low speeds (typically 0.1–0.2 knots)** and within controlled corridors, significantly reducing potential disturbance through noise, wake, and rapid approach stimuli

These commitments are embedded within environmental management procedures, vessel coordination protocols, and crew briefing requirements to ensure consistent implementation across the project fleet.

On this basis, the VMP aligns with established best practice and supports the mitigation framework underpinning the conclusion of no adverse effect on integrity (AEoI) for Liverpool Bay SPA features.

Where addressed in the VMP:

- **Under Section 2-sections 2.2.4 and 2.2.5** -slow, controlled vessel movements and reduced disturbance rationale.
- **Table 2-2 – Environmental Protection Measures** (summary mitigation commitments
- **Under Section 4.3- sections 4.3.29 to 4.3.31** nearshore and SPA mitigation context (low-speed operations and disturbance minimisation
- **Section 6 – Safety and Mitigation Measures** (operational controls, exclusion zones, guard vessels
- **Sections 7-1 and 7.2** - Management and Coordination of Vessels (implementation via Marine Coordinator
- **Appendix C** - Crew Briefing (tool box talk and crew Awareness measures

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

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