

## **ISH6\_31 March\_PT1**

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FULL TRANSCRIPT (with timecode)

00:00:05:18 - 00:00:22:06

Good morning and welcome. It is now 10 a.m. and I am starting issue specific Hearing six for the application made by Equinor Limited for Sheringham Shoal and Dudgeon Wind Farm Extension Project. Bit of housekeeping before introductions. Can you hear me at the back?

00:00:24:09 - 00:00:50:15

Have meeting, recording and live stream started. Thank you. And were there any requests for reasonable adjustments? No. Okay. Um, there are no fire alarm drills today, so if any alarm sounds, please treat it as real. The assembly point is outside the front of the Britton building on Chapel Lawn as per the notices. A toilets are down a corridor to the right after you enter the building.

00:00:52:09 - 00:01:12:00

On to introductions. I miss the. Hi. I have been appointed by the Secretary of State for levelling up housing and communities as the lead member of the examining authority to carry out an examination of the above application. I'll hand over to other members of the examining authority to introduce themselves. Mr. Rennie, could we start with you, please?

00:01:13:21 - 00:01:22:12

Good morning, Mr. Ranney. Um, a point about the, uh. To be a member of the examining authority. I'll be leading on all points today.

00:01:24:11 - 00:01:30:04

Okay. Good morning. I'm Mr. Manning and I've been appointed by the Secretary of State to be a member of the examining authority. Thank you.

00:01:31:27 - 00:01:39:00

Good morning, Mr. McArthur. I've also been appointed by the Secretary of State to be the member of a panel of inspectors to examine this application.

00:01:40:20 - 00:01:45:08

Good morning. I'm Mr. Wallace, and I've also been appointed as a member of this examining authority.

00:01:47:26 - 00:02:03:25

I can confirm that all panel members have made a declaration of interest. Responding have made the Declaration Declaration of Interest, responding to the planning inspectorate's conflict of interest policy. And I can also confirm that none of us have declared interests in relation to this appointment.

00:02:05:14 - 00:02:23:24

Also present today are members of the case team. A case manager is Miss Louise Haraway. Ms.. Haraway is supported by Mr. Tom Bennett here at the venue and by Miss Phoebe Chalice and Mr. Christopher Glaser Online. If you have any questions or concerns about today's event, please contact a member of the case team.

00:02:25:13 - 00:03:01:09

Audiovisual service today is provided by a team led by Mr. Stuart Avis. That's the team on our end. Turning to attendees, I want to acknowledge and welcome those who are watching the live stream. Thank you very much for joining us. Um, will start with introductions from attendees. My running order today will be the applicant Trinity House, Eastern Inshore Fisheries Conservation Authority, the Maritime Coastguard Agency, UK, UK Chamber of Shipping, Marine Management Organisation.

00:03:01:19 - 00:03:07:09

Defence Infrastructure Safeguarding Organisation. And Mr. Derek Aldous.

00:03:13:26 - 00:03:17:02

Perennial and Jonah's seafood.

00:03:18:18 - 00:03:30:08

While natural England and National Air Traffic Services or Nats are not attending, both parties have sent submissions in lieu of attendance. Can I start with introductions from the applicant?

00:03:31:12 - 00:03:44:00

Good morning, madame. My name is Julian Boswell. I'm a solicitor and partner with Burgess Salmon, who are the legal advisors to the applicant. I'll ask the other members of the team sitting up at the table to introduce themselves, starting on my right.

00:03:45:15 - 00:03:50:24

Good morning, Jane. I'm a solicitor and senior associate at Burgess Salmon, representing the applicant.

00:03:53:17 - 00:03:59:07

Good morning. Adam Farrow, a project director with royal screening. On behalf of the applicant.

00:04:01:15 - 00:04:08:01

Good morning. My name is Paul Morgan. I'm an offshore technical lead on behalf of the applicant at Royal High School in DHV.

00:04:11:11 - 00:04:14:12

Morris Equinor offshore consents lead.

00:04:16:21 - 00:04:19:26

Good morning Sarah Chandler development and consents manager for Equinor.

00:04:23:02 - 00:04:27:06

Thank you. Can attendees from Trinity House.

00:04:30:12 - 00:04:45:29

Good morning. My name is Tom McNamara. I'm a solicitor at Pitman's representing Trinity House. I also have Captain Trevor Harris of Trinity House navigation manager, who is going to introduce himself now.

00:04:47:09 - 00:04:51:17

Yeah. Good morning, ma'am. Captain Trevor Harris, Trinity House navigation Manager.

00:04:53:12 - 00:04:58:18

Thank you and welcome both. Um, Eastern Inshore Fisheries Conservation Authority.

00:05:02:05 - 00:05:04:13

Good morning. I'm Judith Phelps.

00:05:06:09 - 00:05:09:22

Fisheries and Conservation Authority. I'm here with my colleague,

00:05:11:13 - 00:05:17:27

Morning. Samantha Thornberry, also here from Eastern Inshore Fisheries Conservation Authority.

00:05:19:02 - 00:05:26:14

Ms.. Humphrey, we could hear you, but we didn't hear the introduction before you, so perhaps you could either increase the volume on your end.

00:05:32:09 - 00:05:34:27

Your colleague who introduced herself before you.

00:05:39:19 - 00:05:43:01

For just a second and I'll be back in just the volume.

00:06:02:17 - 00:06:03:02

Yeah.

00:06:05:24 - 00:06:09:06

Good morning. I'll try and speak a bit louder. Does that help? Yeah, that.

00:06:09:08 - 00:06:10:16

Helps a lot. Thank you. Okay.

00:06:10:23 - 00:06:18:13

My name is Judith Stout, a marine science officer at Eastern Inshore Fisheries and Conservation Authority.

00:06:18:23 - 00:06:21:03

Thank you. That's a lot clearer. Thank you. Thank you.

00:06:23:05 - 00:06:26:04

Okay. Uh, maritime coastguard agency.

00:06:42:29 - 00:06:46:25

Okay, while we're sorting that out. UK Chamber of Shipping.

00:06:56:12 - 00:06:58:10

Marine Management organization.

00:07:01:06 - 00:07:02:00

Good morning.

00:07:02:08 - 00:07:12:25

I'm Christi Powell from the Marine Management Organization. I'm the case manager for seven DEP. I also have with me Nicola Wilson from the Marine Management Organization.

00:07:16:21 - 00:07:25:08

And Jackie Eggleton from. It's also representing as our scientific advisor today for Benthic. If you want to introduce yourselves.

00:07:27:10 - 00:07:33:15

It's. Good morning. My name is Nicola Wilkinson for the Marine Management Organisation. I'm the case licensing officer.

00:07:35:27 - 00:07:40:23

And I'm Jacqueline Eggleston, CPS Benthic Technical Advisor.

00:07:42:12 - 00:07:45:17

Okay. Thank you very much. Um.

00:07:47:25 - 00:07:50:19

Defence Infrastructure Safeguarding Organisation.

00:07:53:21 - 00:07:56:12

It's possible that joining us later in the day.

00:07:57:29 - 00:08:01:04

Okay. Um, Mr. Derek Alders.

00:08:02:17 - 00:08:05:28

Good morning. Derek Waters, a resident of Norfolk. Thank you.

00:08:09:29 - 00:08:10:26

A perico.

00:08:13:10 - 00:08:15:25

Andrew Sanders, senior commercial adviser to Frank.

00:08:19:06 - 00:08:22:04

Good morning Dale Farm Commercial Advisor with Franco.

00:08:25:23 - 00:08:33:28

Good morning. My name is Simon Harlow. I'd flight operations support to bond helicopters who will be contracted to support Perenchio as of January 2024.

00:08:35:16 - 00:08:40:27

I did not get the introduction from you. If you could just move your microphone a little bit closer, it might be clearer.

00:08:43:14 - 00:08:47:06

Morning, Andrew Saunders, senior commercial adviser for Burke.

00:08:47:13 - 00:08:51:12

Thank you very much. Better. And that's much clearer. Thank you. Jonas Seafood.

00:08:55:22 - 00:08:57:10

Have an empty seat beside me. Right.

00:08:57:12 - 00:09:00:23

Okay. This afternoon. Understood. Okay.

00:09:00:25 - 00:09:02:13

We do have a colleague joining us on

00:09:03:28 - 00:09:08:19

teams as well. Adrian Fletcher, also a commercial advisor from Branco.

00:09:09:09 - 00:09:11:08

Mr. Fletcher, would you like to introduce yourself?

00:09:18:02 - 00:09:22:05

Yes. Hello. I'm Fletcher Branco, Senior Commercial Advisor.

00:09:24:02 - 00:09:33:11

Thank you very much. Okay, so there's a couple, um, that have not joined us yet, but we'll take introductions as we go.

00:09:35:01 - 00:09:39:01

Have I missed anyone who is in attendance and would like to introduce themselves?

00:09:42:12 - 00:10:12:12

No. Okay. I'll move on to agenda item two, where I'll set out the procedure for running the hearing today. Just a few words to acknowledge the format of the event. Today is a blended event. It allows attendance both in person and virtually through Microsoft teams. It's expected that both blended and fully virtual events will form part of the planning inspector's future operating model. Um, the examining authorities attending this meeting from Holt, as are several of the attendees.

00:10:12:27 - 00:10:26:10

For those attending virtually, please be assured that you have our full attention, even though we may not be looking at the camera. Um. To avoid visual and noise distractions, please keep your cameras and microphones off unless we invite you to speak.

00:10:29:05 - 00:10:48:21

The second point is about the proposed timings for the day. We'll take a 15 minute break at approximately 11:30 a.m. lunch break, around 1:15 p.m. and an afternoon break around 3:45 p.m. with the name to finish around 5:30 p.m.. I will keep this under review and alter the timings, depending on the progress we are making.

00:10:50:13 - 00:11:27:08

These timings are approximate as it has happened in hearings before. We. We were ahead of time on some agenda items and late in other instances. So if we are if you are joining for only a particular agenda item, we recommend you keep in touch with the case team who can tell you if you are running to a different time than indicated in the agenda for virtual attendees. If you decide to leave the meeting during the break, then you can rejoin using the same link provided in your invitation email. And if you're watching the live stream then please refresh your browser each time you resume a subsequent session.

00:11:30:03 - 00:11:57:27

Adam. Julian Boswell for the applicant. Could I unusually make a particular request on the timing today? We think the item for shipping and navigation is particularly important and from our

perspective, particularly mindful that we think the items after lunch could be dealt with relatively quickly given the experience on on similar matters. If item four is allowed to run on longer than you might have otherwise intended, we would welcome that.

00:11:59:13 - 00:12:03:08

We'll address that issue after I've completed other matters under agenda item two.

00:12:05:29 - 00:12:48:21

The third point is general data protection regulation, GDPR and live streaming. I would like to make you aware that this event is both being live streamed and recorded. The digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which general data protection regulation applies. The Planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's hearing, it's important that you understand that you will be recorded and that you are therefore consent to the retention and publication of the digital recording.

00:12:49:01 - 00:13:19:13

It is very unlikely that the examining authority will ask you to put sensitive personal information into the public domain, and indeed we recommend that you do not do that. However, if you for some reason feel that it is necessary for you to refer to personal sensitive information, we would encourage you to speak to the case team in the first instance. We will then explore whether that information could be provided in written format, which can then be redacted before publication. The fourth point is about the substantive matter for today.

00:13:19:15 - 00:13:49:15

This is the first this is the sixth issue. Specific hearing and agenda for this hearing was published on the Planning Inspectorate's National Infrastructure Project webpage on Tuesday the 14th of March 2023. Those are the only matters for discussion today. To be clear, it is not intended to discuss all matters relating to offshore matters. All matters relating to offshore matters. Some some matters will be pursued through other rounds of written questions or future hearing.

00:13:50:16 - 00:14:05:27

It is a full and ambitious agenda. Mr. Rennie and I will keep under review our progress, and we may request certain aspects be held over and addressed as part of your responses to second round of written questions that will be issued on the 12th April 2023.

00:14:08:24 - 00:14:32:21

The fifth and final point is regarding posturing actions should they arise during this hearing. Mr. Manning will be noting hearing actions as they emerge at the close of the meeting. We intend to go through the entire list of hearing actions which will then be issued as soon as practicable. The assumption is that the Post hearing actions will be expected at the next deadline. In this case, deadline three, Tuesday, the 2nd of May.

00:14:35:07 - 00:14:49:05

Given responses to written questions are also expected at deadline three. It is likely that the examining authority will place many or all of the post hiring actions in written questions if it is felt that would be appropriate and to avoid duplication.

00:14:52:18 - 00:14:57:23

Besides the request from the applicant, are there any other questions on the matters that I've just covered?

00:15:00:26 - 00:15:01:27

Okay. Bear with us.

00:15:35:11 - 00:15:35:27

Um.

00:16:05:04 - 00:16:08:09

Mr. Boswell, would you like to just repeat your request one more time?

00:16:09:03 - 00:16:39:24

Julian Boswell. For the applicant, it was simply that we're mindful that you obviously control the program and there's been flexibility to allow for subjects to take a bit longer and a bit less time as appropriate. Um. There should be a navigation unexpectedly has become a much more important issue compared to where we thought we were on the 18th of January. You may recall me saying that we thought the statement of common Ground was was close to being to being resolved in a positive way.

00:16:39:26 - 00:16:58:28

And it's apparent that that that isn't now the current position. And so we're just mindful that in terms of the importance of that subject, if it were possible to allow a bit more time for that today, we would be grateful and we think it would kind of merit it in terms of the topic.

00:17:01:25 - 00:17:18:08

So at the moment, shipping and navigation is agenda item four, which is in session two starting at 11, potentially starting at 11:45 a.m. this morning. Does anybody have any concerns with that potentially overrunning if it is needed?

00:17:27:19 - 00:17:35:18

What that would mean is agenda item five if required. Might need to be covered after lunch.

00:17:40:05 - 00:17:42:17

We're okay with that from a banker point of view.

00:18:05:06 - 00:18:12:19

I don't see a problem with that. If it is agreed with all parties, we will just keep and review the timing it

00:18:14:05 - 00:18:17:03

and yeah, if it needs to overrun then that's that should be fine.

00:18:17:09 - 00:18:18:01

I'm grateful.

00:18:20:06 - 00:18:23:04

I'll hope so if there are no further questions.

00:18:25:21 - 00:18:29:24

I don't see any hands up. I will hand over to Mr. Rennie for agenda item three.

00:18:35:10 - 00:19:05:27

Okay. Good morning. Thank you, Mr. Hoy. We have listed on the agenda. Sorry, the various sections to which questions will be asked upon. I do not intend to repeat or announce every time we move on. But I will proceed with the examination examining authorities questions and this agenda item. Um,

firstly, to note that not all parties could attend today, including natural England, but natural England did submit a letter in response to today's agenda, which I've taken into consideration with my questions.

00:19:05:29 - 00:19:09:16

So we'll start with, um, benthic ecology.

00:19:11:21 - 00:19:45:26

The first question I have is for the applicant. Natural England, in the comments of the 23rd of March, stated that a more realistic assessment of which features are most likely to be impacted through cable installation and potential cable protection should not be precluded even if the worst case scenario is needed for the assessment. And the applicant has stated your wish to minimize cable protection. The wish to include quite extensive cable protection within the parameters of the proposed development through the marine conservation zone.

00:19:45:28 - 00:19:59:10

Or is there any way of using existing data or gathering or further gathering of additional data to give a more accurate and realistic indication of the of the likely cable protection needed through the Z?

00:20:04:26 - 00:20:37:24

Adam Ferro for the applicant. Um, so firstly, I would just respond by saying that, um, it remains our position that, um, no further refinement of the 1800m<sup>2</sup>, um, of export, um. Cable protection is currently included in the envelope as the worst case scenario is able to be provided. And that's because flexibility is required to be retained within the design envelope.

00:20:38:01 - 00:20:39:08

At this stage,

00:20:40:26 - 00:21:20:00

I would also just make the point that the quantity of external cable protection that is being requested is is not large. So as you referred to already, we have sought to to minimize it through various processes which can go on to give it a bit more detail on if if that's helpful. I mean, just for context, the quantities that we have allowed for and assessed are approximately one third of the amounts that Hornsea Project three, for example, which also proposed to install their cables through the ADD allowed for.

00:21:20:09 - 00:21:44:25

So, um, the specific method of cable installation and external cable protection requirements will be determined at the post consent stage, following contractor selection and following the detailed engineering studies that will be undertaken ahead of construction. As as per the normal approach. Um.

00:21:46:12 - 00:22:25:19

So with with reference to the request or the suggestion that we could have provided a more detailed assessment of the extent of the necessary cable protection that's required in the mix. Um, our position is that the, the rigour with which we have approached this matter is clearly set out in the, in the documents which we have submitted, including in particular the outline C simp, which is reference 291, which as a reminder includes the following key points.

00:22:25:29 - 00:23:02:03

So firstly it uses the previous experience of of equinor. Yeah, the data and the lessons learnt from the installation of the same or export cables in the same area on both Sheringham Shoal and the existing Dudgeon project. Um, the applicant has also undertaken a geotechnical survey which is on these



projects routinely only conducted post consents, and it's also carried out associated and very detailed soil interpretations with input from the British Geological Survey.

00:23:03:01 - 00:23:33:20

It's carried out a draft export cable burial risk assessment reference 293. Again, these studies often only produced post consent. And then we've also carried out an interim cable burial study, which is reference 292. This is really the key document that helps to address the question of why the amount of external cable protection that we've allowed for is appropriate.

00:23:33:22 - 00:24:04:23

So that document sets out the process that's been followed to derive those quantities, and it confirms that the export cables can be buried by a similar ploughing method to that used on existing Dudgeon project to obtain an acceptable level of protection of the cables and to achieve the required overall cable safety level, therefore minimizing the requirement for external cable protection for cables to to only 100m per cable within the mix.

00:24:04:25 - 00:24:44:06

Z. So all of those documents will be updated prior to the start of construction to take account of of the detailed engineering studies and following confirmation of the cable burial tool, which which will be which will be used. And those documents will confirm and or action the mitigation commitments as described within them. Um. So. Well, in short, we struggle really to identify any other similar project that has provided an assessment that approaches the level of detail that we have presented in our documents to address what is an important matter,

00:24:45:26 - 00:25:03:02

including the commitments that we have made to the future steps that will be taken at the appropriate time pre-construction to help ensure that the cable installation works are carried out successfully, which means minimizing the amount of external cable protection which which is used.

00:25:10:27 - 00:25:12:11

Okay. Thank you. Um.

00:25:14:09 - 00:25:19:21

They just ask if the Marine management organization wants to comment on on what you've just heard.

00:25:29:03 - 00:25:36:03

Christie Marine Management organization. And I would pass this over to Jackie Eggleston as our scientific advisor.

00:25:36:21 - 00:25:37:16

Okay. Thank you.

00:25:42:05 - 00:25:57:23

Morning. Jackie Eggleton Could you repeat part of the question? Was the question regarding just cable? Cable? Extent of cable protection or including a survey of the habitats?

00:25:58:20 - 00:26:16:24

Really the question was relating to the the amount of protection that would be needed within the marine conservation zone and whether there could be any more analysis to give us a bit more of an accurate figure on what sort of extent of cable tax would be needed.

00:26:17:21 - 00:26:25:10

Okay. Thank you. I think equinor or the applicant has answered the question. Thank you.

00:26:26:25 - 00:26:35:12

Okay. Thank you. I'm just going on to the next question then. Um, a bit of looking at this the other way round, I suppose, but um,

00:26:37:06 - 00:26:45:21

could there be marine ecology effectively colonising the capable protection over the 40 or so years it could be in place?

00:26:48:09 - 00:26:49:12

Is that a possibility?

00:26:52:05 - 00:27:26:15

Out of fear for the applicant. Yes, that that that would be a possibility. We would note in responding to this question. Natural England comments dated 23rd of March, which included that they considered that a real time assessment at the decommissioning phase will be required to determine the best course of action in terms of the the decommissioning of the cable protection. And and that's a position that that that we agree with.

00:27:26:17 - 00:27:49:17

Okay. Um, so as such, the applicant anticipates that the requirement for decommissioning will, will and should be determined at the time in consultation with natural England and the MMO and informed by the available information at the time, including benthic surveys and the and the latest available guidance and so on.

00:27:49:26 - 00:28:03:24

So effectively mean at the moment there's a commitment to remove the cable tax from within the mix. But if you've got this decommissioning, um, assessment at the time, then that position could change depending on.

00:28:05:12 - 00:28:13:04

A consideration of of basically the balance of would it be more harmful to remove the capable protection at that point or for it to remain? Is that about right?

00:28:13:09 - 00:28:34:11

That's that's correct. Okay. And one of the one of the key commitments that we've made in the application is in in consultation with stakeholders is only to use, um, cable protection systems which are designed to be removable at the time of decommissioning.

00:28:34:22 - 00:28:36:04

Okay. Yeah, that makes sense.

00:28:39:09 - 00:28:56:05

So assumedly. Therefore, if ecology, some sort of, uh, marine ecology does become established in the protection that would be lost with this removal. So yeah, so we're talking about a balanced decision then about what would be the, the best way forward at that time.

00:28:59:00 - 00:29:04:01

Adam Ferro for the applicant? Yes, that's correct. I would agree with that. Okay.

00:29:04:17 - 00:29:20:09

Could I bring in the memo on that point and just see what your view would be on the the benefits against maybe the the adverse side of removal or cable protection after a potentially quite a long period of time?

00:29:22:18 - 00:29:26:08

Jacqueline Eggleton, CFS Technical Advisor for

00:29:27:23 - 00:29:41:28

supporting the MMO. I would agree with the the applicant's assessment. I would look at the benefits versus the adverse effects of cable removal nearer the time of decommissioning.

00:29:44:20 - 00:29:45:12

Hey. Thank you.

00:30:01:28 - 00:30:17:03

Um, they just asked the applicant about, um, how maybe if it needs to be amendment to the for that to be secured, the decommissioning assessment, is that something that's already there or does that need to be added in following Natural England's comments?

00:30:24:15 - 00:30:34:10

Adam Ferro for the applicant. My understanding is that that commitment is already appropriately secured through the documents that we have submitted,

00:30:35:26 - 00:30:43:00

including the outline CSM, which referred to earlier reference to nine one.

00:30:45:06 - 00:30:55:12

It is also implicit throughout all of the assessments provided that that would be the course of action.

00:30:55:29 - 00:31:06:05

Okay. So it's within the documents and the documents are tied. And tied into as a commitment with the. That's correct. Okay. Okay. Thank you. Um.

00:31:08:18 - 00:31:39:14

Notwithstanding if the cable text is removed or not, with decommissioning the probable length of time, any cable protection would be in situ would not be considered temporary by natural England if you're talking about 40 years or so. Indeed, they have stated that. We consider it likely that the extent distribution, structure and function attributes to the features have already been adversely affected by the existing proposed infrastructure. This is likely to hinder the ability of the site to meet its conservation objectives.

00:31:40:07 - 00:31:45:18

I'm just looking to get a response from you on some of these natural England comments that came through recently.

00:31:49:15 - 00:32:00:27

Adam Ferro for the applicant. So yeah, so in relation to that, I would first just refer back to the discussion that we've just had in relation to the, to the sort of potential

00:32:02:25 - 00:32:03:25

beneficial

00:32:05:12 - 00:32:25:07

effects on, on, on the benthic ecology from the, the introduction of the external cable protection and the details on that are set out within the relevant documents, including the Chapter eight of the Benthic Ecology reference

00:32:27:05 - 00:32:59:18

09094. So, for example, we know that from studies of other operational windfarms in the North Sea, that sort of widespread colonization of of the sort of infrastructure does occur. So for example, boulders and mattresses used as cable protection have been found to add habitat complexity and increase heterogeneity of the environment in around of offshore wind farms. And that is set out in that chapters.

00:32:59:20 - 00:33:39:14

So our position would be that those matters are of relevance and considering whether or not or whether or how the conservation objectives could be hindered as a result of the use of cable protection in the in the manner that is proposed. So our position remains as set out in the stage one mixed reference 077, namely that the conservation objective of maintaining the protected features of the mix in a favourable condition or restoring them to a favourable condition will not be hindered either alone or on a cumulative basis.

00:33:39:21 - 00:34:09:22

And some of the some some of the points that underpin that assessment are firstly, as we've already discussed, the applicant's commitment to removal on decommissioning, which will ensure that the impact is long term rather than permanent. That distinction is important as that action does ensure that the feature will not be lost in perpetuity. Secondly, the impacts will take place in and in broad scale habitats and habitats.

00:34:09:24 - 00:35:02:21

By definition, for habitats which occur over a wide area of this region of the southern North Sea. Um, and then finally, the, the scale of the impact is very small. So as I said before, the, the 100m per cable, including the cable protection, which is also allowed for at the exit pit totals, 1800m<sup>2</sup>, which equates to 0.0006% of the Z scale must be important because at such a small scale it can reasonably only be concluded that the extent distribution and structure of sediment features and the associated biological communities will be maintained across the site.

00:35:03:01 - 00:35:03:16

Okay.

00:35:05:00 - 00:35:29:19

Clearly there's still some concern with from natural England on on those points which has come through through the correspondence. But thank you for that response. Um, just looking for any comments that the MMO would like to make on the sort of general point of what sort of impacts the cable and potential cable would have through the through the Z. So anything you would like to add?

00:35:32:22 - 00:35:41:23

Jacqueline Eggleton. I have nothing further to add. This is the remit of Natural England in terms of conservation objectives.

00:35:42:12 - 00:35:44:06

That's fine. Understood. Thank you very much.

00:35:47:10 - 00:35:56:28

Um, I know. Next one to just bring in the issue of fishing bylaws. Um, can bring in maybe Eastern inshore fisheries at this point.

00:36:03:00 - 00:36:05:27

Good morning. Southeastern Fisheries.

00:36:06:10 - 00:36:08:11

Oh, sorry. Can't. Can't really hear you. Sorry.

00:36:11:05 - 00:36:15:07

Read more about. Eastern Inshore Fisheries and Conservation Authority.

00:36:15:18 - 00:36:33:27

That's better. Thank you. Hi. Um, yeah, I just wondered if you could explain the primary purpose of the fishing bylaws in action for the Marine Conservation zone here at Crome Shells with the cable corridors proposed, um, particularly that of the closed area bylaw 2021.

00:36:35:15 - 00:37:05:23

Yes, certainly the purpose of the bylaw is to prevent bottomed out fishing gear from impacting subtitle chalk within the Marine Conservation Zone. Subtitle Subtitle Chalk being one of the features of the marine conservation zone and the bylaw effectively prohibits bottom towed gear that's fishing, using, trawling or dredges from interacting with the seabed in the majority of the marine conservation zone.

00:37:06:27 - 00:37:08:28

So as the chalk features primarily, then.

00:37:09:19 - 00:37:43:16

Yes, the the bylaw covers the majority of the marine conservation zone, about 90% of it. And the reason is that the subtitle Chalk feature is quite widespread within the site. We know that a lot of the subtitle Chalk is protected by a layer of sediment. Um, but we don't know how thick that sediment layer is or how frequently the chalk might be exposed. So the bylaw is quite precautionary. It's, um, it protects chalk even where it is covered with a layer of sediment.

00:37:44:12 - 00:37:56:27

I understand. Thank you. So in your opinion, how would the laying of the cable and possibly cable protection, uh, interfere or counter potentially the objectives of that bylaw?

00:37:58:19 - 00:38:23:23

We would also say it's for natural England to advise on how the cable laying or cable protection would affect the features of the marine conservation zone. Um, if if the cable laying or the cable protection impacts the subtitle feature that we are looking to protect it, it would kind of counter the, the effect of the, the bylaw that prevents the fishing activity in that area.

00:38:27:17 - 00:38:32:05

Okay. Thank you. Does the applicant wish to respond to what you've just heard?

00:38:35:12 - 00:38:37:18

Adam Farrow for the applicant.

00:38:40:05 - 00:38:40:20

Um.

00:38:42:08 - 00:38:47:13

I think, yes, it would just be useful. I think to to refer.

00:38:49:01 - 00:39:19:25

To the specific habitat types or features, if you like, that would be affected by the works. And as has just been discussed, it is primarily the outcropping chalk feature in the nearshore that is the um, the primary sensitive feature here. And the reason for this area being designated as an Z in the first place.

00:39:19:27 - 00:39:22:02

So I would just, um.

00:39:23:17 - 00:39:26:06

Remind the panel that the applicant has

00:39:27:24 - 00:40:09:08

committed to using an HD technique to install the cables at the landfill, therefore completely avoiding any direct effects on the on the outcropping chalk feature in the nearshore. Turning to the sub cropping or veneered chalk. Think this is a point in which we're going to pick up later on in the agenda anyway, but as we will see, the applicant has taken the appropriate steps to minimize any potential impacts on that that that that feature, if that's the right word.

00:40:09:10 - 00:40:49:23

And the evidence that we have presented, shows that there is limited ability for those areas of of sub cropping chalk to be exposed. So I think that that's, that's an important point that that does need to be taken into account. And then the sort of final category of impact, if you like, is on those broad scale habitats. So that's the mixed coarse and sand sediment habitats. And I would only refer to the assessment that we've provided in our Stage one marine conservation zone assessment and the and the conclusion set out in that regard.

00:40:51:21 - 00:41:23:00

Okay. And maybe jump forward to my question then. Um, to do with, um, the drop in chalk, um, which clearly natural England plays quite a lot of value on. So this can be chalk covered by what could be a thin veneer of sediment. Um, natural England have stated that where it can be robustly demonstrated that cables will be installed within the static sediment or veneer layer, resulting in no impact on chalk features.

00:41:23:02 - 00:41:49:20

We advise that the conservation objectives for the site are unlikely to be hindered. Um, so for the applicant, is it possible to have, identify and therefore avoid damage to impacts of chalk features where they have a veneer of sediment over the top? And also could cable routes be microsited to avoid sub cropping chalk features? Maybe if they're not so evident.

00:41:53:26 - 00:42:33:12

Adam Ferro for the applicant. Um in in short to, to try and answer your question as directly as I can. No, it's not possible to avoid the sub cropping chalk entirely and, and I can go on to give some more sort of detail to, to evidence that that position. But I would also, um, I would also challenge the basis on which that would be considered to be an appropriate course of action.

00:42:33:24 - 00:43:06:14

Um, so if I can go on just to elaborate that on that, on that slightly. Um, so natural. England's position on this matter appears to be that areas of subtitle chalk that are lying underneath a thin veneer of sand or sediment i.e. sub cropping may become exposed at some point in the future. So that chalk with that sediment veneer should be considered as the subtitle chalk feature when assessing impact.

00:43:07:01 - 00:43:50:06

Um, I would. And this is a point that is made in our application, um, documents. Um, so I would firstly draw attention to the description of the sub cropping chalk feature that is provided throughout appendix 6.3, which is reference 182, which explains that the sub cropping chalk is in an eroded form to a relatively flat and regular surface and that it is in no way similar to the complex erosional structures of exposed chalk, um, such as the sort of ridges, pinnacles and arches and so on that are present in the nearshore that resulted in the designation.

00:43:50:23 - 00:44:38:07

Um, so the implication of that is that. In the relatively unlikely event that sub cropping chop was somehow impacted by the works. It's not it's not reasonable in assessment terms to treat it as the same feature, i.e. the outcropping chalk for which the has has been designated. Um, and just to give a bit more background on that, so this issue, as is clear through the application documents, was something that was discussed through the, the, the meetings and so on, and it was agreed through that process with Natural England and the MMO, through the evidence that we provided, that the seabed sediments in the export cable corridor are static with the exception of the of the Holocene sand.

00:44:38:11 - 00:45:24:17

Also subtitle sand, which is mobile under some conditions. Yes. Um, therefore there is a potential for the subtitle um sub cropping chalk to be exposed in the future. But that is, that is restricted specifically to those areas. And the evidence for that is set out in appendix 6.3. Um, however as as it also set out in our stage one assessment, given the thickness of the Holocene sands, which generally are up to three metres where it occurs from 500m to 4.5km offshore and up to two metres locally to six metres in the seaward, two kilometres of the cable corridor inside the Mackenzie.

00:45:24:22 - 00:46:06:02

It it understandably would only be possible for movement of the feather edges where the sediment is thin and could all move to to generate new seabed substrate, including the potential to expose the subtropical chalk which may be underneath it. And and also that would only be the case in the event that there wasn't um, the, the sort of static gravelly sand and gravel layer which is sort of commonly referred to as the lag, which is a mobile sort of in between those, those layers.

00:46:07:04 - 00:46:07:19

Um.

00:46:10:10 - 00:46:19:00

Natural. England's comment also refers to the HDD exit pits, which. Yes. Yes. Useful to pick up.

00:46:19:04 - 00:46:45:03

Just ask one question about that. Just in practical terms, if you're looking to bury the cable. And there's talk about sort of 1.5m, if there is a thin veneer of sediment, what would happen if you were ploughing techniques, for example, What would happen if you encountered chalk in those circumstances? Would that mean if it's not deep enough sediment on top, that you would have to use cable protection and that sort of scenario?

00:46:49:18 - 00:46:50:26

You just turned your microphone off for

00:46:52:14 - 00:46:52:29

good.

00:46:53:01 - 00:47:42:28

Adam Ferry for the. For the applicant. Um. So. I think the first point to make in response to that is all of all of the processes that I've already set out as as having been followed and being in place, pre-construction will be will be followed in order to minimize that that possibility happening in the first place. Because what what what we're effectively saying with all of this is that our objectives from a cable installation perspective and from a marine conservation perspective are actually the same because we we as the applicant want to be able to install the cables as efficiently as possible and without installing external cable protection.

00:47:43:25 - 00:47:44:10

Um.

00:47:46:02 - 00:48:21:22

In the event that the challenging ground conditions are experienced. And of course, you know, we do have this experience from having installed the cables previously on on for example, Dudgeon, one of one of the key tools, if you like, that we have in our in our toolkit to respond to that is is to be able to accept reduce burial depths. So it's not it's not a case of having to stick rigidly to a particular target depth.

00:48:21:24 - 00:48:34:04

You may have that as a target because it's obviously preferable to you to be able to install your your cables with the sort of maximum level of protection, if you like, afforded through burial. But in in the event that.

00:48:36:18 - 00:49:04:27

On on the ground on the day that's not possible, then we have hardwired into our proposals the ability to accept a reduced cable burial depths, which enables you ultimately to be able to avoid further remedial action, including the need to resort to the installation of export cable protection.

00:49:05:07 - 00:49:22:04

So if there's a situation where it's the sediment is still deep enough, it might be less than 1.5, but you could still bury the cable. Um, is there a situation where if it's thin enough, you would maybe try to microsite away from the sub crop and chalk if it is too much of a thin veneer?

00:49:24:06 - 00:49:55:14

Adam. For the applicant. Yes, that's that's exactly the case. And that and that is the process that the the project has already gone through to to some extent through the preliminary studies that it's carried out. And we'll be sort of fine tuning and optimizing in the pre-construction process to use that data to microsite the cables within the corridor as much as possible in order to be able to maximize the chances of success of the burial.

00:49:56:08 - 00:50:33:12

And there are lots of features, if you like, that that are built into the proposals that that help in that regard. So for example, you will have noticed that the export cable corridor has been widened in this area and that is specifically to increase the degree of flexibility that we have to be able to micro site either around sensitive features or around areas where the engineers think that burial may be more challenging.

00:50:33:28 - 00:50:46:08

Okay. Thank you. Um, can I just come back to Mo and see if they've got any comments on the what the applicant has said about sub crop and chalk features?

00:50:48:22 - 00:50:49:26

Jack Nicholson.



00:50:51:11 - 00:50:56:26

I have no further comment on this as it's in the remit of Natural England.

00:50:57:07 - 00:51:06:08

Okay, understood. Thank you. Um. Does anyone else wish to comment on the chalk features? Um.

00:51:08:00 - 00:51:10:00

Anything from inshore fisheries, for example.

00:51:13:27 - 00:51:15:11

Nope. Oh, okay.

00:51:18:24 - 00:51:23:20

To the south east and inshore Fisheries. No further comment from us. Thank you.

00:51:23:24 - 00:51:51:18

Okay. Thank you. Um, just a couple additional questions. Um, on similar sort of points. For my understanding, jacket vessels would impact the seabed by the weight of the vessel legs being pushed into the seabed. Um, assumedly, this would destroy anything of ecological value beneath the legs of the jacket vessel. First of all, is this correct? And what sort of area of seabed would that impact?

00:51:58:01 - 00:52:14:02

And in Faro for the applicant. Um. So firstly, I can just clarify and confirm that the the use of a small jack up vessel in this case, um, may be required, but only at the

00:52:15:21 - 00:52:17:00

exit point. Yes.

00:52:17:02 - 00:52:17:17

Understand.

00:52:17:19 - 00:52:28:22

So, um, the applicant does not require the, the, the use of jack up vessels along the remainder of the export cable corridor.

00:52:28:27 - 00:52:36:13

Think though natural England particularly concerned about because that's within the mix isn't it the exit pit. Yes. Okay.

00:52:36:21 - 00:53:19:12

Um, so if I can expand, expand on that. So the reason that that type of vessel is required in that particular location is on account of the shallow water and and the tidal currents in that area, that that presents a challenge to other types of vessels to stay in position. Um, so as such at this time before the relevant contractors and so on have been selected and the detailed design studies have been completed, the applicant requires that flexibility to use a range of different vessels, including a small jack up vessel, specifically at the location.

00:53:19:14 - 00:54:06:05

There are other alternatives that you could use, such as an anchored barge, um, or a sort of standard cable laying vessel. However, as I've said that the small jack up is required to be retained at this stage because of the, the shallow water. Um, I would also note that clearly the use of those alternatives, including, um, an anchored vessel at this location, would bring its own challenges in terms of

potential other impacts from the anchors on the seabed and the obvious need in that location to to be able to position those anchors to avoid the sensitive outcropping chalk feature in the nearshore which we've which we've sought to to avoid.

00:54:08:01 - 00:54:08:16

Um.

00:54:10:27 - 00:54:22:05

I feel at that point it might be useful just to go back to pick up the. The wider point on the the location of the exit pit, is that clearly

00:54:23:28 - 00:54:28:00

a sticking point as things stands with with natural England? Yeah.

00:54:35:09 - 00:54:38:17

And just bear with me. I'll find my. My place.

00:54:47:07 - 00:54:56:22

I think it's quite clear from natural England that they particularly. Are concerned about the jacket vessel, maybe as opposed to anchored vessels.

00:54:59:21 - 00:55:00:27

Based on their comments.

00:55:05:26 - 00:55:36:08

Yes. Adam Ferry for the applicant. Um, so yeah, I think in relation to the exit pit, um, location specifically, we, we can confirm that the exit pits will be located within the deep Infilled channel which is cut through the chalk which runs to seven 17m below the seabed.

00:55:36:10 - 00:56:14:22

So this is a channel which has been formed presumably as a result of um, sort of glacial and fluvial processes back in time and so on, which has subsequently been filled with, with, with sand and sediment. And so clearly in that area, given the depth of the overlying sediments, that there is no potential for exposure of chalk in that area. Um, the, the exit pits as described in the um project description chapter of the are only one metre deep.

00:56:16:18 - 00:56:18:22

That's reference.

00:56:20:11 - 00:56:21:20

090.

00:56:24:14 - 00:56:42:25

So natural. England's concerns are that there could still be chalk features that would be impacted nonetheless. But your point is this is an existing channel of quite deep sediment and therefore there shouldn't be too much in the way of impact to said to chalk features.

00:56:45:13 - 00:57:11:15

Adam Ferry for the applicant. Yes, that's how I understand Natural England's position. But I think it perhaps may not have been clear to them previously that the exit pits would be located in that in that specific area in the channel. So my expectation would be or my my hope would be that having confirmed that, that that would be to natural England's satisfaction.

00:57:11:17 - 00:57:24:09

Have you have you confirmed that, though, to natural England or is there something that you could you could provide in terms of a bit clearer clarification to us?

00:57:24:11 - 00:57:48:27

Adam For the applicant, it is a point that has been addressed through, um. Various of the written responses provided through the examination to to to date. I would be happy to take an action just to check exactly what what we have said on that. And if further confirmation is is helpful in that regard, then we can certainly provide that.

00:57:49:00 - 00:58:21:12

Think maybe an action point there for just to to follow that up, to get something clear and concise from yourself, maybe gathering parts from different documents together just to address that point, then natural England can see that and then hopefully they can respond on that. I take it as well, I mean, you're going to be punching through material in terms of the exit pits. So if there's an underlying layer of chalk, there's going to be coming through the chalk anyway, isn't it? But is that something that's just unavoidable?

00:58:23:29 - 00:58:32:23

Adam Farrow for. For the applicant. Um, yes. Clearly, when you're undertaking a, um, an

00:58:34:12 - 00:58:53:09

operation of the nature that's required at the at the landfill, you are required to drill through the geology which is which is found at depth. I would struggle to understand how that would be of any relevance to the marine conservation zone assessment because it.

00:58:53:11 - 00:58:57:00

Is mainly chalk underneath this whole area, isn't it? So it.

00:58:57:12 - 00:58:58:13

At depth? Yes.

00:58:58:15 - 00:59:07:19

Depth, yes. I don't think that's natural. England's concern. My reading of it is that they're concerned that, um, what would be needed around the exit pits and the cable following that.

00:59:09:21 - 00:59:10:06

All right.

00:59:16:05 - 00:59:23:24

Is there any comments anyone else wishes to make on chalk or chalk features before we move on to talk about Mick Sediment?

00:59:26:21 - 01:00:05:06

All right. Okay. Um. So yes. Moving on. Natural England have stated that um from evidence from other projects such as Humber, Gateway, Offshore Wind Farm and Viking Link Interconnector, mixed sediment areas are challenging to install cables resulting in suboptimal burial cables requiring cable protection. Do you agree that the cable through mixed sediment would likely therefore result in cable protection being necessary? Or does this go back to your point about your the different cable depths that you could still find achievable?

01:00:08:29 - 01:00:44:08

Adam Ferro for the applicant. Yeah. So I mean, I think that does fundamentally go back to the point that that I made earlier in terms of us sharing the same objectives to some degree in terms of seeking to maximize the chance of success of the of the cable burial operations and the the mitigations and so on that can and and have been taken in order to achieve that through, through through micro siting and so on.

01:00:45:06 - 01:01:09:20

Um, I do have some further reflections on how, um. Impacts on the mixed sediment feature within within the the Z has and should be taken into account in the in the marine conservation zone assessment which I'll be happy to, to add to if that would be helpful.

01:01:09:24 - 01:01:50:18

Well, just just follow on my my next question was um to do with natural England also stating it's unlikely that further mitigation measures can be implemented to suitably reduce the impact to the mixed sediment areas to an acceptable level. So it's basically do you agree with natural England as regard the level of potential adverse impact to the conservation objectives as a result of cables running through the mixed sediment? And are there any further mitigation measures that could reduce the impact, um, which you feel that maybe natural England could could take on board or to, to that they could find more acceptable.

01:01:50:20 - 01:01:56:28

So that's talking about the sort of impact to those mixed sediment areas, which is obviously still a concern with natural England.

01:01:59:04 - 01:02:27:24

Adam Ferry for the applicant. Um, yes. So I mean, firstly, just to emphasize that there there are areas across the export cable corridor where the mixed sediment, um, bisects the entire width of, of the cable corridor. So clearly in that situation, it would be, it would not be possible to microsite around those, those, those features. And um, having, having said that.

01:02:29:27 - 01:02:54:07

In terms of the way that those habitats have been surveyed and identified on those maps. There is still a degree of of of of work in the processes that I've described that will still enable us to to microsite and optimize within areas within those areas that have been identified as mixed make sediment.

01:02:54:09 - 01:03:06:11

So sediment of more ecological value compared to ones still mixed sediment, but less of ecological value. Is that what you mean when you're talking about microsite and through the certain area?

01:03:06:19 - 01:03:38:03

Adam Ferry For the applicant. So I mean a key a key point in all of this is that these sediments and habitats, although when you look at them on a figure, they look as if they are existing in clearly defined areas and so on. In reality, there's a relatively high degree of of of of dynamism in terms of those areas moving and sort of evolving over time. So they exist in a in a in a mosaic, if you like, of those habitat types.

01:03:38:05 - 01:04:14:14

And the boundaries between between those different types will sort of merge into one another and, and change over time. So as a result, the the process that that we have followed and that we will continue to follow in increasing levels of detail, preconstruction is to use all of the available data that we have at our disposal, which is significant to to sort of further optimize the route that we can take through areas such as that to minimize environmental impact and maximize the chance of success of the of of the burial works.

01:04:20:00 - 01:04:32:18

Okay. Okay. And, um, just wondered if I could come back and see if want to raise any points about this. The mixed sediment areas that the cable will be routed through.

01:04:35:23 - 01:05:00:20

Jacqueline Eggleton. I've listened to what the applicant has said, and I agree with what they have said, um, but also defer to natural England in terms of whether what they are proposing to do will affect the conservation objectives if cable protection is required. Yes. Thank you. Thank you very much.

01:05:11:26 - 01:05:15:01

Okay. Unless anyone else has any comments on the.

01:05:17:13 - 01:06:08:08

Adam Ferry for the applicant. Just in relation to the to the mitigation point, just make one one further point if that's okay. So would just refer to the conditions in the draft. So condition 13, one of schedules ten and 11 and condition 12 of schedules 12 and 13 of the draft which which include provision for a mitigation scheme for benthic habitats of conservation, ecological and economic importance and so on, as identified by the pre-construction surveys, and that those will be in accordance with the detail that set out in the offshore in principle monitoring plan AP 2289.

01:06:08:10 - 01:06:16:23

So our position would be that that that is the the appropriate approach to mitigating impacts on the benthic habitats that we've been discussing.

01:06:17:24 - 01:06:18:17

Thank you very much.

01:06:22:00 - 01:06:53:00

And. What I'd like to do now is just move on to talk about the potential of proposed oyster beds. The preferred option by the applicant put forward as a measure of equivalent environmental benefits or MEB. Um, I've read through the assessment of potential impacts on chromosomal chalk bed marine conservation zone features from the planting of native oyster beds. I think revision B is the latest one I believe submitted by the applicant.

01:06:53:08 - 01:06:59:09

Um, firstly, what evidence is there that oyster beds existed in the area previously?

01:07:07:21 - 01:07:32:18

Adam Ferry for the applicant. So, yes, think just before we dive straight into the into the me but it it would perhaps just be helpful just to remind the panel that the the proposals that we have put forward for me are without prejudice to our position that the conservation objectives of the mix will not be will not be hindered. Um.

01:07:37:24 - 01:07:46:03

Okay. Sorry. Going back to your question, could you just. Just remind me that the evidence would pass you? Thank you. Um.

01:07:50:09 - 01:08:27:11

There is a historical map provided in the Mead document which which which presents that evidence. And and it was that sort of historical map that provided us with the initial concept that this was a

measure that could be used to provide the, the, the mead in discussions with with with natural England and and other stakeholders.

01:08:27:18 - 01:08:40:05

So, um, the historical presence of native oysters in this region I think is, is something that is generally

01:08:41:23 - 01:08:46:12

accepted as, as, as being the case.

01:08:46:21 - 01:08:58:17

It seems that natural England have accepted that. Yes. Um, so sort of following that then is, um, why do you think that they no longer exist in this area?

01:09:05:03 - 01:09:09:09

Adam Farrow for the. The applicant. Um.

01:09:12:03 - 01:09:47:09

I think there are probably many potential answers to that question, and I think it would perhaps be useful to invite the views from from some of the other attendees today on on on that as well. But clearly, one of one of the most significantly impacting activities that has been taking place in this area over a very long period of time is fishing activity. So that is, um, that is one potential factor.

01:09:47:11 - 01:09:53:27

Yes. Um, water, water quality may be another. Yes.

01:09:54:25 - 01:10:12:15

Uh, maybe if come back in for at this point and see if they've got any information about the sort of history of, uh, beds within this sort of southern North Sea area and maybe some idea about why they've disappeared as they seem to have.

01:10:14:06 - 01:10:38:29

Krissy Powell from the Marine Management Organization. We don't have any information on why they no longer exist in that area or any historic information on them. Um, as the licensing team, we don't hold that information. I can ask our conservation team, but I am unsure on if they would have that information either. Any further information we do have can be supplied after this hearing in writing though.

01:10:39:21 - 01:10:52:13

Okay. Mean if you have got any further information then about that that would be interesting to see because I think that would feed into this proposal quite, quite usefully because that question has come up. Thank you very much.

01:10:54:19 - 01:10:55:07

Um.

01:10:59:17 - 01:11:16:18

Then you also explain the need for what is think is called culture. Is it the for the oyster bed and how this how this may change the composition of the seabed. Um, also, could the culture in itself form a new substrate for other marine organisms other than just oysters?

01:11:21:06 - 01:12:13:02

Adam Ferry for for the applicant. Yeah. So the culture is the substrate that is provided or placed on the seabed to encourage the, um, the, the growth of, of the oysters. Um, there are a few different

options. Um, in terms of the material that's used for the, for, for the culture. So for example, you could use a type of marine aggregate which could be or would be selected to be um, as similar as possible to the existing sediments whilst also obviously being favorable to the, to, to the establishment of, um, of, of.

01:12:14:20 - 01:12:50:25

The oyster bed in terms of the impacts on the existing benthic ecology from, um, from its installation. As you probably noted, we have sort of been through a process with with Natural England earlier on in the examination where we amended the proposed location of the oyster restoration site search area at deadline one, so that it covers a mixed both a mixed sediment and of course sediment area.

01:12:50:27 - 01:13:16:07

Yes, in line with with natural England's advice. So um they natural England are happy with that as reflected in their deadline to risk and issues log rep 2064. So they've said that they support the changes to address our concerns in relation to the location of the proposed oyster bed. Um.

01:13:17:23 - 01:13:33:24

I could it could it draw in other marine organisms or anything like that as well. Mean obviously oysters. Uh, it's good for encourage. An oyster population might draw in any other shellfish or anything like that.

01:13:34:13 - 01:14:22:14

Adam Ferry for, for the applicant. Yeah. So I mean it's similar to the discussion that we had in relation to the, to, to the export table protection. So it is fairly well established and I think some of the supporting information on this is set out in the application documents that native oyster beds do support higher biodiversity and biomass of, of, of, of other species. Yeah. So we would expect there to be a, um, a generally sort of net net positive effect in terms of by biodiversity through the attraction of other species, including various invertebrates and fish and so on.

01:14:22:24 - 01:14:23:09

Okay.

01:14:33:03 - 01:14:56:20

Okay. Um, yeah, I'll also come back to this question a little bit later for Jonah Seafood, who's who work in the area. And I'll come back to that question as well, just to see their opinion of it. Um, can I bring in the memo on that point, um, about the use of culture and how that might affect the seabed or any other sort of benthic ecology.

01:14:58:02 - 01:15:34:23

By Jacqueline Eggleton. Um, yes. The the presence of of oyster beds would would alter the the existing habitat that is present. It depends on how extensive these beds will be. Um. And the types of organisms that will will colonize. Um. So I would actually defer to natural England to determine whether they are accepting of those changes and the potential changes.

01:15:35:09 - 01:15:45:27

It could also increase the amount of fines within those those beds, which may also change the the habitat type. And as well.

01:15:47:10 - 01:16:02:07

And could could. The applicant talks about increasing biodiversity. Could that have a negative slant in terms of changing the composition of the seabed? Um, with with the with the oyster beds.

01:16:03:04 - 01:16:18:03

It could potentially, but it depends. But depending on the types of species that that would colonize, um, and whether it, um, it goes against the conservation objectives of the site as it is.

01:16:18:17 - 01:16:21:01

Yes. Okay. Thank you. Okay.

01:16:24:00 - 01:16:24:18

Um.

01:16:27:18 - 01:16:55:24

Well. So keep following on from that. Your document about the oyster beds says that once established, um, it would restore a key structural and influential species being the oysters. Um, could you just provide a little bit more explanation for us today about why you would consider the oysters to be potentially such a key structural and influential species in terms of sort of positive impacts and influences?

01:17:05:27 - 01:17:09:21

Adam Ferry for the applicant. Um.

01:17:12:13 - 01:17:45:09

Yes. I mean, the the key points in relation to this really relate back to what what we've we've already discussed in terms of the the oyster bed supporting higher biodiversity and biomass of, of of of of species. Um, that also flows through to um, potentially positive effects on fish species in terms of that species and, and numbers of them.

01:17:46:00 - 01:18:36:05

Um, so again, there is various supporting literature, much of which is already included in the application documents that, that supports. Um, the fact that, that, that that would be the case. So there are other native oyster restoration projects which we can draw on for information in this regard. And then there are also other similar projects, for example, involving mussels, where studies have have shown the clear sort of benefits that can arise as as a result of these these sorts of projects.

01:18:36:09 - 01:19:20:12

mean, I suppose the fundamental point that I would come back to is the fact that, um, natural England in particular seem to be very positive in terms of the, the proposed measure, as we've discussed with, we've worked with them closely to, to make some, some changes to our proposals to optimise them and to minimise impacts on the on the existing habitats and so on. And and also in that, in that one of our alternatives that we considered was to locate the DB in the offshore wind farm array area, which would be outside of the mix.

01:19:20:17 - 01:19:34:03

But it was natural England's position with all of these things considered that they prefer on balance for the need to be located within the mix. Yes.

01:19:34:05 - 01:20:06:22

Yes, I saw that. Yes. Um. Okay. Thank you. Um. Just maybe following on from I've got a couple of questions in relation to this and fishing, which I'll come back to when Jonah Seafood maybe join us after the break. Um, for session two. But um, we were talking about the fact that there were oyster beds in the area. As you said, there's a map to show that there isn't so much anymore. Um, so just how would you, in terms of, um.

01:20:09:11 - 01:20:13:29

The sort of chances of success for. For something like this. Um.



01:20:17:00 - 01:20:38:18

What would you. What would you regard as. Uh, you. Could you put a sort of percentage figure on it? For example, what would you consider as the chance of success for this to be brought to the sort of level that would. Be sufficient in terms of. What is required as a meep in this circumstance.

01:20:41:14 - 01:21:32:06

Adam Ferro for the applicant. Yes. I mean, the success criteria are quite specific in this case and are detailed in in the in the relevant documents. So the aim of the MEB is to deploy and maintain a native oyster bed of 10,000m<sup>2</sup> with an average density of five live oysters per per meter squared. Um, and that's that scale of oyster bed restoration would be delivered irrespective of whether SAP or are built in isolation or whether both a built as it's considered that that is the sort of minimum appropriate size that could be implemented to achieve the overall objectives of, of of of the MI.

01:21:32:08 - 01:22:11:06

So that's that's a key point as well. Um, in terms of those specific criteria. So these, these are set out in table 8.1 of the in principle MI plan, which is reference AP 083. So that sets out the monitoring aims and criteria for success. Yeah. Um, and key monitoring metrics include oyster survival and oyster oyster density. Um, so the, the this refers back to the definition of of an oyster reef, which is five live oysters per per meter squared as said.

01:22:11:12 - 01:22:37:04

So success would be determined by a density of greater than or equal to five live oysters per meter squared on average throughout the 10,000 meter squared bed. Um, partial success would be defined as 2 to 4 live oyster per meter squared and failure would be defined as as one or less, um with a.

01:22:37:06 - 01:22:49:18

Partial success equate when it comes to providing the MI. So obviously full success. I understand then from a sort of natural England point of view and a sort of compensatory to the impact to the.

01:22:51:19 - 01:23:00:08

But if you've got a partial success, um, would that still be effectively providing the the MEB.

01:23:07:24 - 01:24:14:16

Adam Faro for for. For the applicant. Um yes. Mean think ultimately with a proposal such as as this which is clearly um, a fairly ambitious one. But you know, as we've said, one which is supported by key stakeholders, including natural England. There, there, you know, it can be there can perhaps be a greater degree of flexibility in terms of how those success criteria are applied, in terms of the the judgments that are made at the time, in terms of whether or not the sort of overall ecological benefits are being achieved and that that that can only be something that would be, um, assessed and discussed as appropriate at the time through, for example, the, the steering group which, which will be in place to, to help to help govern this the this process.

01:24:14:18 - 01:24:46:05

Yeah. And part of that is the adaptive management process which is which is sort of hardwired into the proposals which will enable us to consider whether further steps are necessary, um, either to sort of improve the performance, if you like, of um, what has been installed within, within the mix or whether it's necessary to consider other alternatives beyond that.

01:24:46:08 - 01:24:46:23

Um.

01:24:56:08 - 01:25:29:07

Yeah. Think what I'm sort of looking for and think maybe we'll go back to natural England on this is if you've got a worst case scenario of impact to the sea, for example, the sort of maximum amount of cable protection to be used, what would be the, um, the extent of density, successful density of oysters within that oyster bed area that would equate to being sufficient as a meal to provide that compensatory measure.

01:25:29:15 - 01:26:05:00

So I think it doesn't sound like there's a as you say, it's adaptive at the moment. But but I think what we're looking for is just some sort of indication of what was the sort of bottom line of what of acceptability based on a sort of worst case scenario, um, as you said, about partial success, what level of partial success would likely be sufficient to provide that compensatory measure? So I think maybe as an action point, I'll put that to natural England. And if there's any further comment that you want to make on that, then that would be would be useful also.

01:26:05:02 - 01:26:08:23

But, but think yeah, I think it's important to get natural England's comments on that one.

01:26:11:14 - 01:26:42:14

Adam Ferro for the applicant. Um, yes, I think that that that that may be helpful. Um, and I would I would refer again to the fact that that natural England have a have agreed as reflected in the draft statement of Common grounds reference rep 2044 with the overall efficacy of the me as it's been proposed and the sort of site selection, scale and deployment aspects. Yes of that.

01:26:42:16 - 01:27:02:00

So I my my position would be that it is it implicit in that that they agree with the the detail of the of the access criteria which which I've, I've already outlined. And I would hope that they would be able to confirm that.

01:27:02:07 - 01:27:29:09

It's just that area of where you see partial success and where the at what point natural England would be happy enough that a partial success would be sufficient compensatory level. So it's it's that sort of slight gray area in the middle. We'll explore a little more. But thank you for that. Um, just wondering on the issue of the oyster beds, potential oyster bed, um, whether there's any comment from the Eastern Shore fisheries.

01:27:31:11 - 01:27:38:14

On on the oyster bed. And, and, uh, any experience you have with such things.

01:27:41:13 - 01:27:58:28

To test out Eastern Shore Fisheries. Hello. We don't have a great deal of experience with oyster beds. There aren't any natural oyster beds or fished wild oyster beds within the Eastern Inshore Fisheries District. Um.

01:28:00:13 - 01:28:31:28

We accept what the applicant has investigated in terms of potential impacts on the benthic environment and from a fisheries point of view. Um, the area if the oyster bed goes ahead. Um, so we're talking about the 10,000m<sup>2</sup> that would then become unavailable for fishing grounds. Um, so that, that's an impact that needs to be acknowledged. Um, in the scheme of things, it's not a huge area.

01:28:32:08 - 01:29:00:10

Um, but we would say it is another, um, another reduction in, in fishing grounds in an area where there are already a lot of, um. A lot of things restricting fishing activity because of either existing

wind farms or marine protected area designations. And in the kind of regional level marine aggregate extraction as well.

01:29:00:27 - 01:29:28:11

Yeah. So understand though, there is note. Um, and I'll come back to this with Jonah Seafood afterwards as well. But there is note that if successful over time, maybe 20, 25 years in the future, then there could be a possibility if the oyster bed thrives, I suppose that that this could become a cultivated basically for fishing. Would that be a benefit from a from a fishing perspective?

01:29:30:02 - 01:29:44:06

Due to start from Eastern and Shore fisheries. Yes, we would support and encourage fishing of the oyster bed if it becomes established enough to support a kind of controlled level of fishing.

01:29:44:22 - 01:29:46:09

Huh. Okay. Thank you.

01:29:48:06 - 01:30:15:28

I just go back to the applicant on the point of, um. We'll come back to fish in a more point in more detail later. Commercial fishing. But, um, is that about right, that this area, if it's. Would it have to be protected against sort of, um, boat and towing gear through the area, for example, to avoid fish and impacts to the the new oyster beds.

01:30:19:04 - 01:30:40:24

Adam Fair for the applicant. Um. So. I think if for first of all, I would just refer back to the to the bylaw management measures which have already been discussed. So clearly, this this area is already subject to a very extensive

01:30:43:24 - 01:31:04:15

fisheries management in terms of the exclusion of, of bottom toed. Yeah. So we wouldn't add to that. So we assume that this, this, this relates primarily in relation to the use of, of of static here and, and pots and so on. Well I don't.

01:31:04:17 - 01:31:14:27

Know if the bylaw is permanent or not, but obviously if the the oyster bed is there, then then it could provide more of a permanent restriction potentially, I suppose.

01:31:17:10 - 01:31:43:24

Uh, Adam Ferry. For the applicant? Yes. Mean, if if the question relates to the the potential removal of those fisheries management measures in the future, then yes, that that that would be a consideration. But it is something that we've taken into account in the assessments that we've provided. And I don't have anything further specific to add on on that on that point.

01:31:44:20 - 01:31:45:05

Okay.

01:31:46:03 - 01:31:48:15

Um. And, uh.

01:31:50:18 - 01:31:53:01

I just have one more question. Um.

01:31:55:24 - 01:32:28:08

And in terms of just the the formation of the oyster bed, in terms of the time taken versus the potential impacts of the cable through the MACD, um, how was that best aligned to, to, to create this compensation, which I think from the information it's meant to take can take some time. But. Um, would this be started before the cable was laid through the, for example.

01:32:28:10 - 01:32:36:06

And how long would it take before you get to sort of that full compensation level with the mob?

01:32:39:01 - 01:33:18:18

Adam Ferry for for the applicant. Um, so yeah, so I would personally just refer back to, to Natural England's latest comments on this dated 23rd of March in relation to the timing point. They have said that they recognise the time required for ecological functionality to occur. Yes. So there is some clearly some uncertainty on that which we acknowledge. And they go on to say that they would advise that the implementation of the oyster restoration is done prior to the cable installation, but reflecting that, that it may not be fully delivering at the time.

01:33:19:04 - 01:33:37:12

So they they accept that a time lag may be considered acceptable by the Secretary of State if the overall ecological benefit is significantly greater than the impact. So yes, we, the applicant and natural England are well aligned on on that on that.

01:33:37:14 - 01:33:49:08

You're in agreement with that, that you would you would want to see it um put in before. As natural England, I've suggested, is the best before commencement of development. That's correct.

01:33:49:10 - 01:34:32:01

Yes. Our proposal is to is to is to commence the oyster restoration project before the before the the the impact would occur in terms of the installation of any export cable protection. Okay. So the details on that are set out within the within the document. So we've given a lot of consideration to the approach that that that we would take in that regard. So you can see that we've proposed a sort of phased and adaptive approach involving, for example, a pilot project and then followed by by sort of two subsequent phases to that.

01:34:33:15 - 01:34:47:22

Okay. Thank you. Is there any other responses on any of these benefit ecology matters? Weather related to the oyster bed or anything else that anyone wants to raise? Uh, anything from anyone who's joining us virtually.

01:34:51:03 - 01:35:21:04

No, thank you. So the time is now. 1135. We'll take a short break now and resume at 1150. So for attendees online, if you decide to leave the meeting during the break, then you can rejoin us using the same link provided in the invitation email. If you're watching live stream, then please refresh your browser to resume each subsequent session. Okay, so either during the hearing will come back at 1150 where we will talk about shipping and navigation.

01:35:21:06 - 01:35:21:21

Thank you.