

REPORT

Boston Alternative Energy Facility – Environmental Statement

Chapter 7 Consultation

Client: Alternative Use Boston Projects Ltd
Planning Inspectorate Reference: EN010095
Document Reference: 6.2.7
Pursuant to: APFP Regulation: 5(2)(a)
Reference: PB6934-RHD-01-ZZ-RP-N-3007
Status: 0.0/Final
Date: 23 March 2021



HASKONINGDHV UK LTD.

Rightwell House
Rightwell East
Bretton
Peterborough
PE3 8DW
Industry & Buildings
VAT registration number: 792428892

+44 1733 334455 **T**
+44 1733 262243 **F**
email **E**
royalhaskoningdhv.com **W**

Document title: Boston Alternative Energy Facility – Environmental Statement

Document short title: Consultation
Reference: PB6934-RHD-01-ZZ-RP-N-3007
Status: 0.0/Final
Date: 23 March 2021
Project name: Boston Alternative Energy Facility
Project number: PB6934-RHD-01-ZZ-RP-N-3007
Author(s): Ashleigh Holmes, Charlotte Goodman

Drafted by: Ashleigh Holmes, Charlotte Goodman,
Abbie Garry

Checked by: Paul Salmon

Date: 15/02/21 PS

Approved by: Paul Salmon

Date: 22/02/21 PS

Classification

Project related

Unless otherwise agreed with the Client, no part of this document may be reproduced or made public or used for any purpose other than that for which the document was produced. HaskoningDHV UK Ltd. accepts no responsibility or liability whatsoever for this document other than towards the Client. Please note: this document contains personal data of employees of HaskoningDHV UK Ltd.. Before publication or any other way of disclosing, this report needs to be anonymized.

Table of Contents

7	Consultation	1
7.1	Introduction	1
7.2	Legislative Requirements	2
7.3	Planning Inspectorate Advice Notes	3
7.4	Consultation Carried Out to Date	4
7.5	Habitats Regulations Assessment Consultation	24
7.6	Approach to Consultation	24
7.7	Technical Consultation	25
7.8	Statements of Common Ground	25
7.9	References	26

Table of Tables

Table 7-1 Stakeholder Consultation Carried Out to Date	4
Table 7-2 Scoping Opinion Responses	11
Table 7-3: Section 42 Consultation Responses	13

7 Consultation

7.1 Introduction

- 7.1.1 This chapter of the Environmental Statement (ES) outlines the approach taken to consultation on the Boston Alternative Energy Facility project (herein ‘the Facility’).
- 7.1.2 This chapter outlines the technical consultation which has taken place to inform the Development Consent Order (DCO) application. A Consultation Report (document reference 5.1) has been submitted with the DCO application which includes detail on all consultation carried out.
- 7.1.3 Using the term ‘technical consultation’ distinguishes it from all other aspects of consultation that have taken place in relation to the Facility, and specifically focuses on statutory consultation that has taken place in relation to the Preliminary Environmental Information Report (PEIR) and updates to the project following consultation on the PEIR.
- 7.1.4 Whilst it is not considered to constitute ‘technical consultation’, four rounds of public consultation (which includes three rounds of Public Information Days (PIDs) and further public consultation in 2020 via webinars due to the Covid-19 pandemic preventing face-to-face consultation with the public) have been undertaken to date. The third round included details of the PEIR.
- 7.1.5 The approach to public consultation is captured within the Statement of Community Consultation (SoCC) and the revised SoCC (discussed in further detail below). Some responses which were of relevance to the technical chapters were received from members of the public, and stakeholders who attended the Public Information Days (PIDs). These responses have been included in the Consultation Report (document reference 5.1) submitted with the DCO application.
- 7.1.6 A final, fourth round of non-statutory consultation has also been undertaken as a result of a project review and iterative design work. Further consultation on the PEIR was also held at the same time for some statutory consultees who had not been identified at the third round of consultation.
- 7.1.7 Consulting and engaging with statutory and non-statutory stakeholders on Environmental Impact Assessment (EIA) matters is likely to result in benefits for the project and stakeholders. This is achieved by drawing out information which may not otherwise have been revealed, and providing the Applicant, Alternative Use Boston Projects Ltd (AUBP), with an opportunity to address potential concerns at an early stage. It also provides a mechanism for consultees to help

shape the project.

7.2 Legislative Requirements

7.2.1 Consultation in relation to the EIA includes statutory consultation (i.e. scoping and consultation undertaken in accordance with the Planning Act 2008 (as amended)) (the Act) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (herein known as ‘the EIA Regulations’), and non-statutory consultation.

7.2.2 The Applicant has therefore undertaken pre-application consultation in accordance with the requirements of the Act and the EIA Regulations.

7.2.3 The relevant sections of the Act are:

- Section 42 – Duty to consult;
- Section 43 – Local authorities for the purpose of section 42(1)(b);
- Section 44 – Categories for purposes of section 42(1)(d);
- Section 45 – Timetable for consultation under section 42;
- Section 46 – Duty to notify the Secretary of State of proposed application;
- Section 47 – Duty to consult local community;
- Section 48 – Duty to publicise; and
- Section 49 – Duty to take account of responses to consultation and publicity.

7.2.4 In accordance with Section 49 of the Act, the Applicant will have regard to any consultation responses and feedback it has and will receive in the process of the Facility’s design development and the assessment of the likely significant environmental effects.

7.2.5 The EIA Regulations set out the process whereby statutory stakeholders are to be notified about the intention to submit an ES and consulted on the information to be provided therein. The Regulations place a duty on these stakeholders to enter into consultation with the Applicant and to provide any environmental information they hold that is relevant to the preparation of the ES. The EIA Regulations also make provisions for the local community to be informed and consulted about the development.

7.2.6 The relevant sections of the EIA Regulations relating to pre-application consultation are:

- Regulation 6(a) – Notify the Secretary of State in writing that the person proposes to provide an ES;

- Regulation 10 – Application for a Scoping Opinion;
- Regulation 11 – Procedure to facilitate preparation of ES;
- Regulation 12 – Consultation statement requirements;
- Regulation 13 – Pre-application publicity under section 48 (duty to publicise); and
- Regulation 32 – Development with significant transboundary effects (this does not apply to the Facility).

7.3 Planning Inspectorate Advice Notes

7.3.1 A series of non-statutory advice notes¹ have been published by the Planning Inspectorate which provide advice and information for applicants, consultees and the public in relation to Nationally Significant Infrastructure Projects (NSIPs).

7.3.2 The approach to consultation for this project was informed by the following advice notes:

- Advice Note 3: EIA Consultation and Notification (The Planning Inspectorate, 2017a);
- Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (The Planning Inspectorate, 2020);
- Advice Note 10: Habitat Regulations Assessment (HRA) relevant to Nationally Significant Infrastructure Projects (The Planning Inspectorate, 2017b); and
- Advice Note 14: Compiling the Consultation Report (The Planning Inspectorate, 2012).

7.3.3 The Planning Inspectorate's guidance on the pre-application process advocates early involvement of local communities, local authorities and statutory consultees, bringing about significant benefits for all parties by:

- Helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line; as it becomes more difficult to make changes once an application has been submitted;
- Enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- Helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;
- Enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;
- Enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and
- Identifying ways in which the project could support wider strategic or local objectives without significant costs to promoters.

7.4 Consultation Carried Out to Date

7.4.1 A summary of the technical consultation carried out to date is provided in **Table 7-1**.

Table 7-1 Stakeholder Consultation Carried Out to Date

Date	Stakeholder / Consultee	Topic of Discussion
25 January 2018	The Planning Inspectorate	Inception meeting with the Planning Inspectorate to introduce the scheme.
8 February 2018	Port of Boston	An introduction to the overall project was provided including discussion of the wharf features and turning the vessels. Next steps of the project were also described. Included a visit to Principal Application Site with representatives of the Port of Boston.
14 March 2018	Lincolnshire County Council	Meeting to discuss: <ul style="list-style-type: none"> • Details of the proposed development • Process walk-through • DCO programme • Activities and next steps • Stakeholder engagement and consultation • Lincolnshire County Council involvement
22 March 2018	Western Power Distribution	Meeting with Western Power Distribution to discuss the Facility and the on-site grid connection.
3 April 2018	Boston Borough Council	Meeting to present the scheme, discuss details and the involvement of Boston Borough Council.

Project Related

Date	Stakeholder / Consultee	Topic of Discussion
6 April 2018	Environment Agency	Introductory presentation to the scheme and discussion. Identified that the Applicant wanted to proceed with the DCO before the permit application.
30 May 2018	The Planning Inspectorate	Scoping Report submitted to the Planning Inspectorate for consultation (amended report submitted 7 June clarifying 'confidential' references).
18 July 2018	The Planning Inspectorate	The Planning Inspectorate published its Scoping Opinion.
6 September 2018	Lincolnshire County Council	Stakeholder briefing and discussion on the project with Elected Member and Officer representatives of Lincolnshire County Council. There was time for questions and answers.
5 September and 7 September 2018	Councillors from Boston Borough Council.	Meetings explaining the project and consultation process, time for questions, answers and discussion.
17 September 2018	Lincolnshire Fire and Rescue Service	Site meeting with representatives from the Fire and Rescue service. Introduction of the scheme was provided with a specific focus on safety.
8 October 2018	South Holland District Council	Presentation and discussion on the project with a councillor and member of South Holland District Council.
16 November 2018	The Crown Estate	Meeting with The Crown Estate to outline the project including wharf construction, timescales and procedure.
13 December 2018	Environment Agency	Meeting to discuss flood defence for the Facility. Environment Agency provided information on the Boston Barrier and the Haven Bank Schemes.
24 January 2019	The Planning Inspectorate	Project update meeting with presentation on project developments and next steps.
5 February 2019	Ward Councillor and Economic Development Manager for Boston Borough Council	Project update meeting with presentation on project developments and next steps. Update on forthcoming public information days.
6 February 2019	Boston Ward Councillors; Boston representative on Lincolnshire County Council	Project update meeting with presentation on project developments and next steps. Update on forthcoming public information days.

Project Related

Date	Stakeholder / Consultee	Topic of Discussion
11 February 2019	Natural England	Project update meeting with presentation on project developments and next steps. Focus on terrestrial and marine ecology issues and the HRA.
1 March 2019	Lincolnshire County Council	Meeting to discuss impacts on public rights of way across the Principal Application Site.
14 March 2019	Boston Borough Council	Meeting to discuss potential cumulative schemes to be considered.
27 March 2019	Port of Boston	Meeting to discuss the Navigation Risk Assessment chapter of the PEIR.
1 April 2019	Boston and Fosdyke Fishing Society	Meeting with representatives of the local Fishing Fleet to discuss any concerns surrounding Navigational Risk.
3 April 2019	Marine Management Organisation	Meeting to discuss the scheme and potential impacts on the marine environment, including aspects of deemed marine licensing within the DCO.
9 May 2019	Lincolnshire Police	Meeting to discuss safety concerns and give a project update.
10 May 2019	Anglian Water	Meeting to introduce the scheme and to discuss the requirement for water and wastewater services at the site and the impact of development on Anglian Water's assets.
13 May 2019	Eastern Inshore Fisheries and Conservation Authority	Meeting to give project updates and discuss potential project impacts on fisheries and the marine environment.
29 May 2019	Freshtime UK	Meeting to give project updates and discuss potential impacts on nearby businesses.
30 May 2019	South Holland District Council	Meeting to give a project update and discuss the use of waste at the Facility.
10 June 2019	Cambridgeshire County Council	Meeting to introduce the project and offer the opportunity to ask questions.
19 June 2019	RSPB Frampton	Meeting to introduce the project and discuss potential community benefits and potential suggestions for compensatory habitat.

Date	Stakeholder / Consultee	Topic of Discussion
19 June 2019	Boston Borough Council (Portfolio holder for environment; Economic Development Manager; Head of Environmental Operations; Ex-Forward Planning Officer)	Round table meeting to discuss Phase Three statutory consultation and the publication of the PEIR.
19 June 2019	Boston Borough Council (Councillors for Wyberton Ward, Coastal Ward, Kirton and Frampton Ward, St Thomas' Ward)	Round table meeting to discuss Phase Three statutory consultation and the publication of the PEIR.
21 June 2019	Lincolnshire County Council (representative for Executive Councillor for Commercial and Environmental Management)	Round table meeting to discuss Phase Three statutory consultation and the publication of the PEIR.
25 June 2019	Lincolnshire Wildlife Trust	Round table meeting to discuss Phase Three statutory consultation and the publication of the PEIR.
11 July 2019	Boston and Spalding Pilots	Meeting to discuss navigation of The Haven in terms of the ships serving the proposed project.
23 July 2019	Black Sluice Internal Drainage Board	Update on project and in-depth discussion of the drainage area and potential impact of the project.
26 July 2019	Boston and Fosdyke Fishing Society	Meeting to go through mitigation outlined in the PEIR and amend as required for the fishermen.
30 August 2019	Mick George (local waste management business)	Introductory meeting with business neighbouring the site to discuss any potential impacts of the project.
11 September 2019	The Planning Inspectorate	Project update meeting with the Planning Inspectorate.
11 September 2019	RSPB Frampton	Project update meeting to discuss Section 42 response and go through the RSPB's comments.
19 September 2019	Environment Agency, Lincolnshire County Council (Lead Local Flood Authority) and Black Sluice Internal Drainage Board.	Meeting to discuss drainage at the Facility.
16 September 2019	Lincolnshire Waste Partnership	Meeting to discuss the possibility of using locally produced waste at the Facility.

Project Related

Date	Stakeholder / Consultee	Topic of Discussion
23 September 2019	Natural England	Meeting to discuss comments raised by Natural England following submission of the PEIR.
24 September 2019	Boston Borough Council Environment and Performance Scrutiny committee meeting	Presentation of the proposed scheme followed by a general discussion and question and answer session.
25 September 2019	Boston Borough Council and Lincolnshire County Council	Round table meeting to discuss traffic and transport for the proposed scheme including consideration of mitigation measures.
3 October 2019	Boston Borough Council and Lincolnshire County Council	Round table meeting to discuss environmental health concerns focussing on emission, e.g. noise and air quality.
4 October 2019	Historic England, Heritage Lincolnshire and Lincolnshire County Council (Historic Environment Officer).	Meeting to discuss approach to archaeological evaluation and mitigation for the project.
4 October 2019	Matt Warman MP	Meeting to discuss Phase Three of project and address concerns of some of his constituents.
10 October 2019	Boston Borough Council and Lincolnshire County Council	Discussion of the socio-economic assessment of the Facility and opportunities for liaison with local businesses.
24 October 2019	Chamber of Commerce FPN (Fresh Produce Network LINCS)	Discussion regarding the project generally, traffic and transport issues, and possible links between the project and the local produce industry.
6 November 2019	Inland Waterways Association and Boston Waterways Ltd	Introductory meeting to the project and discussion of potential impacts on navigation and recreation and tourism.
28 April 2020	The Planning Inspectorate	Update meeting to inform the Planning Inspectorate about proposed changes to the project and a discussion on how to approach consulting on the changes according to the requirements of the Covid-19 pandemic.
19 May 2020	Boston Borough Council and Lincolnshire County Council	Project update meeting about proposed changes to the project and information on upcoming consultation proposals.

Date	Stakeholder / Consultee	Topic of Discussion
16 June 2020	Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB	Project update meeting to discuss changes to the project and provide information on upcoming consultation proposals. Also, an overview of findings from recent overwintering bird surveys and breeding bird surveys was provided.
24 June 2020	Lincolnshire Strategic Officer Working Group	Presentation to the Group about the project and provide information on upcoming consultation proposals.
31 July 2020	Boston Borough Council and Lincolnshire County Council	Project update with the opportunity to ask questions.
5 August 2020	Boston Borough councillors.	Presentation to councillors about the project and provide information on upcoming consultation proposals.
7 August 2020	Local councillor from Wyberton Parish Council.	Presentation to the councillor about the project and provide information on upcoming consultation proposals.
14 August 2020	Boston and Fosdyke Fishing Society	Presentation about the proposed changes to the scheme and potential changes to vessel numbers. The fishermen raised the subject of relocation of their operating base.
2 September 2020 (via telephone)	Vattenfall Networks Limited	An update on the project, in particular changes to the proposal, questions, answers and discussion.
7 September 2020	The Planning Inspectorate	Update presentation and discussion about progress of consultation and stakeholder responses. Discussion regarding proposed draft DCO document review.
8 September 2020	Boston Borough Council – Environment and Performance Scrutiny Committee	Presentation about the proposed changes to the scheme and an update about the proposed changes.
10 September 2020	Port of Boston	Presentation about the proposed changes to the scheme.
13 October 2020	RSPB	Meeting to discuss the feasibility of mitigation options for marine ornithology.

Date	Stakeholder / Consultee	Topic of Discussion
22 October 2020	RSPB and Natural England	Meeting to give a summary of the mitigation options discussed at the meeting on the 13 th October, and discussion on terrestrial ecology mitigation measures.
18 November 2020	Boston Borough Council and Lincolnshire County Council	Meeting to provide a discussion of the three key topic areas for Boston Borough Council: noise, air quality and transport prior to submission; and to identify the way forward for engagement post-submission.
18 January 2021 followed up on 1 February 2021	The Crown Estate	A meeting was held with The Crown Estate's agent to discuss the potential implications on Crown land, specifically the requirement for dredging (noting that no structures are to be placed on Crown land). This was followed up two weeks later to allow for further feedback.
8 February 2021	Natural England, RSPB and Lincolnshire Wildlife Trust	Meeting held to present the findings of the HRA.
9 February 2021	Marine Management Organisation	To provide a project update and to discuss the deemed Marine Licence.
9 February 2021	The Planning Inspectorate	Update on progress on key topic areas.
26 February 2021	Natural England, Lincolnshire Wildlife Trust and RSPB.	Meeting to provide a chance for Natural England, RSPB and Lincolnshire Wildlife Trust to present and discuss key points from their "red flag reviews" on the HRA.
22 March 2021	Port of Boston	Meeting to discuss incorporation of the Habitat Mitigation Area and discuss any navigation requirements.

7.4.2 The Applicant submitted a Scoping Report (Royal HaskoningDHV, 2018) to the Planning Inspectorate June 2018. A Scoping Opinion was received in July 2018 (The Planning Inspectorate, 2018). The relevant technical responses in the Scoping Opinion are addressed in each technical chapter of the ES. **Table 7-2** details the more general Scoping Opinion responses which are addressed in the introductory chapters of the ES.

Table 7-2 Scoping Opinion Responses

Scoping Opinion Response	Paragraph	Response / Where Addressed
The Applicant should ensure that the ES clearly describes the existing site use and surrounding uses which are relevant to setting the context of the Proposed Development, and to the assessment of cumulative effects.	2.3.1	See Chapter 5 Project Description and Chapter 6 Approach to EIA
The characteristics of the Proposed Development including heights and other dimensions of structures on which the assessments have been based, including temporary structures used during construction, should be provided in the ES.	2.3.2	See Chapter 5 Project Description and Chapter 9 Landscape and Visual Impact Assessment
Appendix 3 also states a gross generating capacity of 96MWe which differs from the 102MWe stated in the main Scoping Report. The Proposed Development should be described consistently throughout the ES and clearly explained in the context of the assessments based on its characteristics.	2.3.3	See Chapter 5 Project Description
It is noted that maximum dimensions for the feedstock stockpiles are estimated in the Scoping Report. The Applicant should make effort to refine this information for inclusion in the ES and information should be provided on the estimated rates of feedstock processing, to ensure it can be understood how these factors have informed the design of the “proposed plant and storage facilities.”	2.3.4	See Chapter 5 Project Description

Scoping Opinion Response	Paragraph	Response / Where Addressed
The ES should provide a description of the access arrangements for the Proposed Development including any works to the local road network.	2.3.6	See Chapter 5 Project Description Chapter 19 Traffic and Transport
Details relating to the grid connection works to be included within the DCO should be described in the ES and assessment of the associated likely significant effects should be provided. Any works subject to separate consent which have been taken into account within the assessment, with respect to cumulative effects, should also be described.	2.3.7	See Chapter 5 Project Description
Information should be included in the ES on site preparation activities including demolition (if required) and earthworks, and any associated likely significant effects.	2.3.8	See Chapter 5 Project Description and construction stage assessments within individual topic chapters
The ES should provide the necessary detail regarding the decommissioning of the Proposed Development and the associated likely significant effects.	2.3.9	See Chapter 5 Project Description and Chapter 6 Approach to EIA
Throughout the Scoping Report refers to 'the BAEF site', 'working areas', 'Site 4 and 5' and 'the sites' and it is not clear if these terms are referring to the proposed DCO boundary. The ES should ensure that clear references to the proposed boundary and development area are consistent throughout.	2.3.10	See Glossary of Terms . Within this ES, the term 'Application Site' refers to the proposed DCO Order limits.
The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.	2.3.12	See Chapter 4 Site Selection and Alternatives
The ES should include information to present and explain the methodology applied to determine significance for each aspect assessment included.	3.3.8	Provided in each technical chapter and in summary in Chapter 6 Approach to EIA

Scoping Opinion Response	Paragraph	Response / Where Addressed
The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	3.3.9	Included in each technical chapter
<p>The Scoping Report includes Section 7.3 'Risks of Major Accidental Events', stating that this issue is intended to be scoped out of the ES. The Inspectorate advises that this section does not contain adequate information to allow agreement to scope this issue out at this stage.</p> <p>The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development.</p>	3.3.13 3.3.14	An assessment of the potential impacts associated with major accidents and disasters is provided in Chapter 24 of the ES

- 7.4.3 The Applicant published the PEIR (Royal HaskoningDHV, 2019) for the Facility in June 2019. Section 42 Consultation Responses were received from relevant stakeholders up to 6th August 2019.
- 7.4.4 In August 2020 a few additional statutory stakeholders were identified who had not previously been consulted during statutory consultation for the PEIR. These consultees were informed of the proposed application and invited to comment.
- 7.4.5 The relevant technical responses to the section 42 consultation responses are addressed in each technical chapter of this ES. **Table 7-3** details the more general section 42 consultation responses and responses on the introductory chapters of the ES.

Table 7-3: Section 42 Consultation Responses

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
Lincolnshire County Council (LCC)	<p><u>Chapters 1 Introduction, Chapter 2 Project Need, Chapter 4 Site Selection and alternatives, Chapter 5 Project Description, Chapter 6 Approach to EIA</u></p> <p>The Council are content that this chapter addresses all relevant points with adequate detail.</p>	Noted.
	<p><u>Chapter 3 Policy and Legislation</u></p> <p>The Council submitted comments on 5 October 2018 regarding incorrect referencing of the</p>	Noted.

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p>Lincolnshire Waste and Mineral Local Plan. These changes have been made and the Council are content that the referencing of this Local Plan is correct.</p>	
	<p><u>Chapter 7 Consultation</u> The Council are content that this chapter addresses all relevant points with adequate detail and that the applicant has followed the specified requirements regarding consultation. However, they draw attention to the table and that the meeting with the Council took place on 14th March 2018 and at that time there was no in depth discussion around the Pubic Rights of Way issue.</p>	<p>This has been updated in Table 7.1 within this chapter.</p>
	<p><u>Chapter 10 Noise and Vibration, Chapter 11 Hydrology, Chapter 12 Terrestrial Ecology, Chapter 14 Air Quality, Chapter 15 Marine Water and Sediment Quality, Chapter 16 Estuarine Processes, Chapter 17 Marine and Coastal Ecology, Chapter 18 Navigational Issues, Chapter 25 Transboundary Impacts.</u> The Council are content that this chapter addresses all relevant points with adequate detail.</p>	<p>Noted.</p>
	<p><u>Chapter 5 Project Description</u> There are continued conversations between the Council and the applicant regarding the possibility of accepting Lincolnshire's waste. It is therefore noted that no mention is made, of accepting input by anything other than ship (5.5.4). It can be assumed that this would not be the case if the facility were to accept Lincolnshire waste and seek clarification as to how this would be delivered.</p>	<p>Currently the EIA is based upon receipt of material by ship. Should negotiations between the applicant and Lincolnshire County Council confirm that waste currently being received at the Slippery Gowt transfer station be acceptable for receipt in the Facility be agreed, then the scheme would take this material. It is noted that the quantity of this waste is approximately 50,000 tonnes, which is <5% of the intended input received by ship, therefore this will not affect the ability of the Facility to manage RDF delivered in this manner.</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p><u>Chapter 5 Project Description</u></p> <p>There continues to be confusion amongst the definition of 'RDF' than that which is stated in the application and the widely used definition of RDF. The Council consider it beneficial to produce an explicit definition of the term RDF with specifications and confirmation if the feedstock is in line with this definition. Clarification regarding any pre-processing of the feedstock before it is baled and brought to the facility should also be included.</p>	<p>Description of the RDF feedstock including pre-processing is in paragraph 5.6.4 and 5.6.5 of Chapter 5 Project Description.</p>
	<p>There is a question as to whether there is a need for residual waste treatment capacity within the UK at this current time. BAEF's plan is to import most of the feedstock from around the UK (not overseas – see 5.5.6). Opinions seem divided as to whether or not there is a capacity gap for this type of waste disposal in the UK. Further clarification on the need for this facility should be provided.</p>	<p>Clarification is provided in Chapter 2 Project Need.</p>
Ministry of Defence (MoD)	<p>I can confirm that the MOD has no safeguarding objections to this proposal.</p>	<p>Noted.</p>
	<p>In the interests of air safety, the MOD requests that any structure 50 metres or greater in height is fitted with aviation warning lighting. The structures should be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.</p>	<p>Noted. This will be incorporated into the final design.</p>
	<p>"Whilst we have no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. DIO therefore requests the developer should notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:</p> <p>a. Precise location of development. b. Date of commencement of construction. c. Date of completion of construction. d. The height above ground level of the tallest structure. e. The maximum extension height of any construction</p>	<p>Noted; notification will be provided prior to the development commencing.</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	equipment. f. If the structure will be lit with air navigation warning beacons.	
NATS Safeguarding	If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.	Noted. NATS will be consulted in the event of any changes to the application.
Norfolk County Council (NCC)	<p><u>Chapter 5 Project Description</u></p> <p>The EIA/PEIR will need to address whether there are any cross-boundary impacts likely to occur in neighbouring authorities (e.g. Norfolk). In particular the EIA/PEIR needs to consider the following cross-boundary issues, for example:</p> <p>(a) Whether the existing overhead lines and substation/s are sufficient to be able to cope with the energy proposal;</p> <p>(b) Whether there will be a need to upgrade / reinforce any existing overhead power lines;</p> <p>(c) Whether there is a need for a new electricity substation.</p> <p>The EIA/PEIR should also address the cumulative impact/s on the Grid Network arising from any existing or proposed energy schemes in the area. "In the event that new power lines are needed (or existing power lines up-graded / reinforced) or any other infrastructure needs up-grading (e.g. sub-station/s) there would need to be a description of the route(s) including plans at an appropriate scale incorporating, for example:</p> <ul style="list-style-type: none"> • an assessment of their impact (e.g. photomontages etc). • details of temporary construction compounds • identification of any sensitive features along the route <p>The EIA/PEIR should consider the possibility of putting over-head power lines underground in order to minimise their impact.</p>	<p>a) There is an agreement with Western Power Distribution to supply the energy specified in Chapter 5 Project Description.</p> <p>b) This is not required.</p> <p>c) The new substation is described in Chapter 5 Project Description.</p> <p>New power lines are not required, therefore, the cumulative impact of building them is not required.</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
Environment Agency	<p>Chapter 5 Project Description</p> <p>For Sections 5.4.30 and 5.5.123, can you please confirm if consideration has been given to light spillage across the estuary during hours of darkness and potential impact on the photo-tactic behaviour of any <i>Osmerus eperlanus</i> larvae present.</p> <p>Section 5.5.18 states that damaged bales of Refuse Derived Fuel (RDF) will not be brought ashore. If the bales are returned with the ship, how will the litter be unloaded to prevent it inadvertently entering the water at the point of origin? Will the bales be reconstructed and resent to the Boston Alternative Energy Facility (BAEF)? RDF bales are described as being 'tightly wrapped in plastic' (Section 5.5.26) - has an alternative wrapping material been considered?</p>	<p>Lighting:</p> <p>It is proposed that new lighting proposed on site will be in accordance with British Standards, using appropriate design standards and codes of practice set by The Institution of Lighting Professionals (ILP) and The Chartered Institution of Building Services Engineers (CIBSE).</p> <p>Likely significant effects of lighting on ecological receptors has been considered within Chapter 12 Terrestrial Ecology. An Outline Lighting Strategy has been provided with this application (document reference 7.5).</p> <p>Damaged Bales</p> <p>Chapter 18 Navigational Issues has been updated to identify that a catch- screen or net will be used whilst offloading bales at the Facility to prevent litter spillage into the river, this will be included within the Navigational Management Plan, which is secured by a requirement in the DCO. Any damaged bale will be re-baled with material captured on the screen.</p>
	<p>Environmental Permit</p> <p>Following a meeting held at the Environment Agency offices on 3 July 2019, we advised the environmental consultants that a pre-application meeting will be required to discuss the bespoke</p>	<p>Permit pre-application meeting will be convened once the DCO application is submitted.</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p>permit application required to operate this facility. We advised that on current information supplied, the facility activity will fall under an Environmental Permitting Regulations, Schedule 1, Part 2, Chapter 5, Section 5.3A (1) (vi) activity (disposal/recovery of hazardous waste).</p> <p>The final vote on the Waste Incineration (WI) BREF was held at the Article 75 Committee in Brussels on 17 June 2019 and all Member States voted in favour. This means that the scope and BAT Conclusions (BATCs) can be considered as the final version. It is anticipated that the WI BREF will be officially published sometime around September-October 2019. Due regard needs to be given to the updated WI BREF to ensure that the facility can comply with any revised emission limit values (ELVs) set.</p>	<p>Chapter 5 Project Description and Chapter 14 Air Quality account for the use of the emission limit values in the WI BREF.</p>
Lincolnshire Wildlife Trust	<p>Chapter 5 Project Description</p> <p>Paragraph 5.5.35 of the project description (Chapter 5) states that part of the RDF bale conveyor will be uncovered. Are there mechanisms to prevent materials and potential contaminants from unidentified damaged bales leaving the conveyor or other uncovered parts of the process and escaping off site?</p> <p>Please could you confirm if bales of feedstock will be wrapped in plastic? If so, has alternative material been considered?</p>	<p>The bales will be tightly wrapped before loading onto the open conveyor.</p> <p>Any damaged bale will be re-baled before loading onto the conveyor – see Chapter 5 Project Description.</p>
Anglian Water	<p>There is no reference made to Anglian Water's existing infrastructure and any anticipated impacts as part of the construction phase in the report.</p>	<p>Noted. The Applicant will continue to engage with Anglian Water throughout the DCO process.</p>
	<p>We have previously made comments in relation to the proposed site layout and asked that its relationship to Anglian Water's existing infrastructure be considered. Currently we are in discussion with Boston Alternative Energy Ltd.'s contractor relating to the diversion of an existing water main to enable the above development.</p>	<p>Noted. The Applicant will continue to engage with Anglian Water throughout the DCO process.</p>
	<p>As set out in our previous consultation response we would wish to see protective provisions specifically for the benefit of Anglian Water</p>	<p>Noted. The Applicant will continue to engage with</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	included in the Draft DCO. We have shared our proposed wording with Boston Alternative Energy's legal representatives (copy attached) and would ask that this wording or similar is included subject to reaching agreement with Anglian Water.	Anglian Water throughout the DCO process.
Natural England	The applicant would need to supply the DCO/DML as soon as possible so that our DCO/DML Senior adviser can review.	Noted.
	Need a DML condition for monitoring.	Noted. Following this comment the Deemed Marine Licence (DML), as part of the Draft DCO (document reference 2.1), has been updated including a reference to monitoring measures.
	No evidence plan process to deal with issue upfront	Meetings with Natural England have been ongoing throughout the pre-application process to discuss any issues for specific topics. Evidence is provided in Chapter 12 Terrestrial Ecology, Chapter 14 Air Quality, Chapter 15 Marine Water and Sediment Quality, Chapter 16 Estuarine Processes and Chapter 17 Marine and Coastal Ecology.
	Pollution Contingency plan is critical document that we need to see before we can agree that pollution incidents are not an issue.	Evidence is provided in Chapter 12 Terrestrial Ecology, Chapter 14 Air Quality, Chapter 15 Marine Water and Sediment Quality, Chapter 16 Estuarine Processes and Chapter 17 Marine and Coastal Ecology.

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p>25 years is given for operational impacts, but some elements are not going to be decommissioned so permanent habitat loss.</p>	<p>Chapter 12 Terrestrial Ecology covers effects on habitat loss. An Outline Landscape and Ecological Mitigation Strategy (document reference 7.4) has been provided which includes measures for landscape and ecological planting for the Facility.</p> <p>Chapter 15 Marine and Coastal Ecology discusses the loss of saltmarsh and mudflat habitat. A biodiversity metric calculation will be completed to determine the requirement for net gain, this will be included within the final Landscape and Ecological Mitigation Strategy (LEMS), as secured in the DCO.</p>
	<p>There would be benefit in producing a mitigation plan that includes all mitigation measures. As it stands the proposed mitigation could be improved upon to further minimise the impacts</p>	<p>Chapter 26 Summary includes a summary of the mitigation measures covered within the ES. In addition, the Register of Environmental Actions and Commitments (document reference 7.6) sets out the mitigation and enhancement measures within the ES.</p>
	<p>Will any water abstraction or outfall be required from The Haven? It was not clear from technical summary</p>	<p>No abstraction or outfall from The Haven is proposed.</p>
	<p>Many of the accompany plans and evidence missing so unable to fully provide advice on significance at this time.</p>	<p>Clarification from Natural England was requested to identify what was missing and information is provided in Chapter 12 Terrestrial Ecology, Chapter 14 Air Quality, Chapter 15 Marine Water and Sediment Quality, Chapter 16</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
		Estuarine Processes and Chapter 17 Marine and Coastal Ecology.
	Natural England welcomes the applicant's commitment to meet and exceed the requirements of the planning act. However, in order to do so further evidence and best practice mitigation needs to be provided to fully address the issues upfront of the application submission.	Noted.
	Alternatives require further explanation.	Noted, see Chapter 4 Site Selection and Alternatives.
	There is no mention of the duties in relation to the Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006.	Following this response, Chapter 12 Terrestrial Ecology and Chapter 17 Marine and Coastal Ecology have been updated.
Boston Borough Council	We ... suggest that noting the size and scale of the proposed development there is an extension of time to the deadline of the 6 August 2019 consultation period. We propose an extension of up to six weeks to enable round table discussions comprising officers of both Lincolnshire County Council, Boston Borough and members of the BAEF project team. We are willing to host the meetings and propose that a single-issue topic be discussed in detail each week, commencing with highways and traffic impact. We believe this will ensure that we are better able to consider Joint Statements of Common Ground in readiness for any Inquiry.	This was discussed and dealt with locally by having round table meetings with Boston Borough Council as described above.
	However, given the stage we are currently at, it is not possible to assess the project against the policies of the adopted Local Plan. There are no plans of the proposed structures to view and assess only simple written descriptions.	Addressed in Chapter 9 Landscape and Visual Assessment, Figures 9.15 – 9.20 show photomontages of the Facility.
	<u>Chapter 3 Policy and Legislation Context</u> The proposed Alternative Energy Facility by processing waste by a gasification process as described above would appear to be an acceptable and appropriate use for the site selected. Whether it is classed as B2 or Sui	Noted.

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p>Generis use would be decision that is made later in the process. However, currently the proposal is considered acceptable in context with the Lincolnshire County Council Minerals and Waste Local Plan.</p> <p>In terms of the South East Lincolnshire Local Plan a B2 use is appropriate given it is an allocated employment site. A Sui Generis use and the development in the Countryside would need to be justified on the basis “of other material consideration”.</p>	
	<p>There is likely to be an impact on neighbouring communities on both sides of the River Haven in respect of potential noise pollution, light pollution, offloading/on loading of ships at night but until the detailed proposals are received, no detailed comment with regard to mitigation may be made.</p>	<p>Noted. These likely significant effects and mitigation measures are covered in Chapter 10 Noise and Vibration, Chapter 9 Landscape and Visual Impact Assessment and Chapter 18 Navigational Issues.</p>
	<p>Concerns about the ability of the company to deliver the project.</p>	<p>Noted, see the Funding Statement (document reference 3.2) provided with this application.</p>
	<p>Concerns about the impact of inclement weather in the Wash impacting on viability of BAEF to operate to full capacity.</p>	<p>Noted. Chapter 18 Navigational Issues; and Chapter 24 Major Accidents and Risk Management.</p>
	<p>What vermin control has been considered for the site when operational.</p>	<p>Refer to Chapter 23 Waste.</p>
	<p>We are unable to fully assess the project against the policies of the adopted Local Plan as there are no plans of the proposed structures to view and assess only simple written descriptions. At this stage in the consultation process, we are disappointed we cannot provide more clarity and would like to delay the next stage of the process until such time as detailed plans are available for more detailed assessment.</p>	<p>Addressed in Chapter 9 Landscape and Visual Assessment, Figures 9.15 – 9.20 show photomontages of the Facility.</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	<p>We believe provision of facilities/proposals at the design stage, for the efficient and direct transference of baled waste from the Boston Waste Transfer Station, direct to the RDF receiving facility is worthy of consideration.</p>	<p>Noted. However, this is a separate waste stream that is currently subject to the procurement agreement with Lincolnshire County Council. It currently does not form part of the proposed feedstock to the Facility and is not assessed within the DCO application and EIA.</p>
	<p>How will the material (approximately 20%) from bales that is not suitable for gasification, be separated and what impact will this have on noise and pollution.</p>	<p>The changes to the scheme proposed in 2020 mean that the incoming RDF will not be subject to pre-processing, hence this is no longer an issue.</p>
	<p>We note that ferrous and non-ferrous metals will be removed, collected in separate skips and sent for processing off-site - what traffic movements are these expected to generate and what end use might these have.</p>	<p>The changes to the scheme proposed in 2020 mean that the incoming RDF will not be subject to pre-processing, hence this is no longer an issue.</p>
	<p>We note that the existing flood defences are to be replaced - does the new Quay improve existing flood defences and if so, how.</p>	<p>Feedback has been sought from the Environment Agency regarding the proposed height of the flood defence line provided by the wharf and is set to maintain the future flood protection requirements of Boston. See Chapter 13 Surface Water, Flood Risk and Drainage Strategy.</p>
	<p>We note the reference to the aggregate leaving by ship and a dedicated berth – how often will this ship leave and arrive in addition to bale shipping movements.</p>	<p>See Chapter 5 Project Description and Chapter 18 Navigational Issues.</p>
	<p>We have not seen sufficient detailed plans within the proposals to be able to fully assess whether there would be an impact on the ecology of the Haven and ecosystem around the application site,</p>	<p>Evidence is provided in Chapter 12 Terrestrial Ecology, Chapter 14 Air Quality, Chapter 15 Marine</p>

Stakeholder	Section 42 Consultation Response	Response/Where Addressed
	however we note you will be completing an Environmental Impact Assessment.	Water and Sediment Quality, Chapter 16 Estuarine Processes and Chapter 17 Marine and Coastal Ecology.

7.4.6 Since Scoping, the project team has continued to engage in technical consultation with a wide range of external stakeholders. A full account of the wider consultation process (including community and landowner consultation) has also been provided in the Consultation Report (document reference 5.1), which has been provided as part of the final DCO submission.

7.5 Habitats Regulations Assessment Consultation

7.5.1 The Applicant has also consulted specifically on the Habitat Regulations Assessment (HRA) in accordance with the Planning Inspectorate's Advice Note 10: HRA (The Planning Inspectorate, 2017c). This advises that the applicant commences consultation with the relevant statutory and non-statutory nature conservation bodies as early as possible in the pre-application process.

7.5.2 The Facility HRA Screening Report formed an appendix to **Chapter 17 Marine and Coastal Ecology (Appendix 17.1)** of the PEIR and was issued to relevant statutory nature conservation bodies alongside the PEIR.

7.5.3 The **Habitats Regulations Assessment, Appendix 17.1** of this ES, has taken into account the relevant section 42 consultation responses.

7.6 Approach to Consultation

7.6.1 A SoCC was issued for formal consultation in October 2018 in accordance with section 47 of the Act. The SoCC can be viewed at the Facility website².

7.6.2 The SoCC provides information about the proposed strategy for consultation with local communities in accordance with section 47 of the Act in respect of the Facility. It provides information on the nature and extent of the consultation that the Applicant intends to undertake with the communities potentially affected by the Facility before the DCO application is submitted.

² <https://www.bostonaef.co.uk/>

- 7.6.3 The SoCC was issued in December 2018 following a formal consultation process. The original SoCC proposed two rounds of consultation. To enable stakeholders and local communities to have the opportunity to provide opinion on the PEIR, an additional consultation round (Phase Three) was introduced, after the PEIR was issued. A revised SoCC was therefore issued for statutory consultation in March 2019. The revised SoCC was published in May 2019 and can also be viewed on the Facility website².
- 7.6.4 Statutory consultation was carried out in accordance with section 42 of the Act, following publication of the PEIR. This allowed the consultees to see how the first two rounds of consultation influenced the PEIR and has allowed further comments to be raised to help shape the final ES.
- 7.6.5 The statutory consultation included PIDs (Phase Three) which were held following the publication of the PEIR. During these events, attendees were updated on how the proposals changed since the previous consultations, demonstrating how the project team has responded to feedback and how these have influenced the development of the final ES.
- 7.6.6 Due to changes in the proposed technology of the Facility, an additional phase of consultation (Phase Four) was undertaken. This included a further round of consultation on the PEIR for specific consultees who had previously not been identified at Phase Three. For all other consultees, this round of consultation was a chance to provide information and to gain feedback on the proposed technology changes of the Facility.
- 7.6.7 Consultation is a continuous process throughout the development of the Project, and stakeholders will continue to be consulted post-DCO submission, where appropriate.

7.7 Technical Consultation

- 7.7.1 Technical consultation responses, and where these have influenced the development and assessment of the project, is detailed in each technical chapter of the ES. Where feedback has informed the site selection or project design, this is outlined in **Chapter 4 Site Selection and Alternatives** and **Chapter 5 Project Description**.

7.8 Statements of Common Ground

- 7.8.1 The Applicant will endeavour to agree Statements of Common Ground (SoCG) on certain key technical issues to aid the Planning Inspectorate in understanding where there is agreement or outstanding points of discussion with stakeholders.

7.9 References

Her Majesty's Stationery Office (HMSO) (2017). Statutory Instruments 2017 No. 572 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. London: HMSO.

Royal HaskoningDHV (2018). Boston Alternative Energy Facility, BAEF – EIA Scoping Report. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000013-BAEF%20Scoping%20Report.pdf> [Accessed: 04/02/2019].

Royal HaskoningDHV (2019). Boston Alternative Energy Facility, BAEF – Preliminary Environmental Information Report. Available at: <https://www.bostonaef.co.uk/consultation/preliminary-environmental-information-report/> [Accessed: 06/09/2019].

The Planning Inspectorate (2012). Advice Note Fourteen: Compiling the consultation report. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-14v2.pdf> [Accessed: 05/02/2019].

The Planning Inspectorate (2017a). Advice Note Three: EIA Notification and Consultation. Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf [Accessed: 05/02/2019].

The Planning Inspectorate (2017b). Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf> [Accessed: 05/02/2019].

The Planning Inspectorate (2018). Scoping Opinion: Proposed Boston Alternative Energy Facility, Case Reference: EN010095. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000008-BAEF%20-%20Scoping%20Opinion.pdf> [Accessed: 01/02/2019].

The Planning Inspectorate (2020). Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf> [Accessed: 14/09/2020].