

# REPORT

## **Boston Alternative Energy Facility – Environmental Statement**

### Scoping Opinion

Client: Alternative Use Boston Projects Ltd  
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# **SCOPING OPINION:**

## **Proposed Boston Alternative Energy Facility**

**Case Reference: EN010095**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State for Housing, Communities and Local Government) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**July 2018**

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## CONTENTS

<b>1. INTRODUCTION .....</b>	<b>1</b>
1.1 Background.....	1
1.2 The Planning Inspectorate’s Consultation .....	2
1.3 Article 50 of the Treaty on European Union .....	3
<b>2. THE PROPOSED DEVELOPMENT .....</b>	<b>4</b>
2.1 Introduction .....	4
2.2 Description of the Proposed Development .....	4
2.3 The Planning Inspectorate’s Comments.....	5
<b>3. ES APPROACH .....</b>	<b>9</b>
3.1 Introduction .....	9
3.2 Relevant National Policy Statements (NPSs) .....	9
3.3 Scope of Assessment.....	10
3.4 Confidential Information .....	14
<b>4. ASPECT BASED SCOPING TABLES.....</b>	<b>15</b>
4.1 Cultural Heritage.....	15
4.2 Landscape and Visual Impact .....	18
4.3 Noise and Vibration .....	20
4.4 Contaminated Land, Land Use and Hydrogeology .....	22
4.5 Ecology.....	26
4.6 Surface Water, Flood Risk and Drainage Strategy.....	31
4.7 Air Quality.....	34
4.8 Marine Ecology and Fisheries.....	36
4.9 Estuarine and Geomorphology Processes .....	39
4.10 Navigational Issues .....	41
4.11 Transport.....	43
4.12 Socio-Economics.....	45
4.13 Health Impacts .....	47
4.14 Waste.....	48
4.15 Climate Change .....	50
4.16 Other Aspects.....	51
<b>5. INFORMATION SOURCES.....</b>	<b>54</b>
<b>APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED</b>	
<b>APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES</b>	

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 07 June 2018 the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Alternative Use Boston Projects Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Boston Alternative Energy Facility (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'Boston Alternative Energy Facility- EIA Scoping Report' (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment;*  
*and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that

when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
  - (b) *a description of the proposed development, including its location and technical capacity;*
  - (c) *an explanation of the likely significant effects of the development on the environment; and*
  - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on *'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'*.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have

been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

### **1.3 Article 50 of the Treaty on European Union**

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.



## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

### **2.2 Description of the Proposed Development**

2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in the Scoping Report Section 2, with an introduction provided in Section 1.

2.2.2 The Proposed Development is an energy recovery plant with a generating capacity of 102 MWe (gross) of renewable energy, proposing to deliver approximately 80 MWe (net) to the National Grid. The Proposed Development would comprise a gasification facility, using a refuse derived fuel (feedstock) to generate energy. The Scoping Report states that the feedstock is to be sourced from UK suppliers and will comprise domestic waste and the residual output from material recycling facilities. Paragraph 2.2.8 of the Scoping Report states that approximately 1 million tonnes of feedstock is expected to be processed per year. The Scoping Report states that the Proposed Development will include associated development comprising a lightweight aggregates manufacturing plant, a new wharf on the River Witham (known as The Haven at this location), and a feedstock checking, processing and storage facility. Paragraph 2.2.85 of the Scoping Report describes the proposed grid connection for the facility and states that it will include a primary substation. The Scoping Report identifies the potential need for an additional overhead tower, to be constructed by Western Power Distribution, which is yet to be confirmed. The Scoping Report states that the Proposed Development will be designed to operate for a minimum of 25 years.

2.2.3 The Proposed Development is located immediately south of Boston town, Lincolnshire, east of the Riverside Industrial Estate. Sea flood defences along the tidal River Witham define the eastern boundary of the site. A mixture of industrial and business use buildings surround the site to the north, west, and south. These include a waste wood management facility and a household waste recycling centre. The Boston Biomass gasification plant, which will derive energy from waste wood, is currently under construction on the eastern border of the Proposed Development. The existing road network within the industrial estate currently provides access to the site via Nursery Road. An indicative site boundary, including an inset location map is provided at Figure 2.3 of the Scoping Report. This figure also shows zoning information for the Proposed Development and associated development elements.

- 2.2.4 The Proposed Development is largely situated on former agricultural fields. The Scoping Report states that there are no existing buildings that would require demolition. The site is comprised of a combination of bare ground, grassland, scrub, and hedgerows, with a section of saltmarsh and intertidal mud and sand along The Haven. Figure 2 in Appendix A of the Scoping Report depicts the habitats recorded within the anticipated application area for the Proposed Development.

## **2.3 The Planning Inspectorate's Comments**

### **Description of the Proposed Development**

- 2.3.1 The Scoping Report provides a description of the location of the Proposed Development. Information is provided on the design of the gasification plant and feedstock processing facility, and of the lightweight aggregate plant. Physical characteristics that relate to typical appearance and capacity are also provided. Information is provided on the proposed wharf and associated berths including dimensions and Figure 2.4 of the Scoping Report indicates the anticipated typical re-profiled cross-section of The Haven to accommodate this facility. Information on anticipated ship movements and likely dimensions is provided, and information on navigation considerations with respect to The Port of Boston is given. The Applicant's 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.
- 2.3.2 The ES should include information on the total area of the application boundary and the land-use requirements for the construction, operation, and decommissioning of the components of the Proposed Development, giving parameters if necessary. The Scoping Report indicates that the proposed gasification plant and aggregate facility stacks are anticipated to be the tallest structures at the facility but that they will not be taller than St Botolph's church, a feature in Boston. 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.
- 2.3.3 The Inspectorate notes that Appendix A3 of the Scoping Report (Figure 1 and Figure 2) differs from Figure 2.3. There is an area shown in Appendix 3 as being within the boundary of the Proposed Development but which does not appear to have been subject to survey, however, this is not explained. 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. Any limitations to the assessments in the ES, such as constraints to surveys, should be described and the implications for the assessments explained in the ES.

- 2.3.4 The Scoping Report presents information on the Proposed Development in terms of technologies involved, materials used, energy use, and production processes. The ES should include an estimate of the nature and quantity of materials and natural resources used (including water, land, soil and biodiversity); of particular relevance to the Proposed Development may be the use of chemicals in the gasification process and materials used in the lightweight aggregate production process. The ES should provide an assessment of the likely significant effects of the use of these materials and resources. 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.
- 2.3.5 The Scoping Report indicates that dredging of The Haven will be required in order to construct and maintain the new wharf and associated berths. The ES should include details of the extent of this activity and the quantities of material derived, and details of how material will be disposed of and transported. The ES should contain an assessment of the likely significant effects resulting from dredging during construction, operation, and decommissioning where applicable. The Applicant should make effort to agree the approach to dredging operations with relevant consultation bodies, including the Port of Boston.
- 2.3.6 The Scoping Report states that access to the Proposed Development is anticipated from Nursery Road and Bittern Road, and Paragraph 2.2.87 makes reference to 'associated infrastructure necessary for the construction and operation of the project'. The ES should provide a description of the access arrangements for the Proposed Development including any works to the local road network. This should include information on construction access arrangements. The likely size and location of construction compound(s) should also be provided, and an explanation of how this information has been taken into account within relevant aspect assessment chapters to the ES.
- 2.3.7 Paragraph 2.2.85 of the Scoping Report describes the proposed grid connection for the facility which will include a primary substation. The potential need for an additional overhead tower is also identified. The Scoping Report indicates that the additional overhead tower will be constructed by Western Power Distribution. However, it is unclear how these works will come forward and whether or not they will form part of the DCO application. 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.
- 2.3.8 The Scoping Report explains that the ES will define construction working hours and methods and will provide information on the construction

activities and programme associated with the Proposed Development (Paragraph 2.2.87). Paragraph 2.1.15 of the Scoping Report states that no existing buildings require demolition. Information should be included in the ES on site preparation activities including demolition (if required) and earthworks, and any associated likely significant effects.

- 2.3.9 The Scoping Report states that the Proposed Development is expected to have an operational lifetime of 25 years, and that decommissioning is expected to be of a similar duration to construction and result in similar environmental effects. The ES should provide the necessary detail regarding the decommissioning of the Proposed Development and the associated likely significant effects.
- 2.3.10 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.

### **Alternatives**

- 2.3.11 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.12 The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. 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.

### **Flexibility**

- 2.3.13 The Inspectorate notes that the design of the Proposed Development is still evolving and will continue to be refined as the EIA process progresses. Where the details of the Proposed Development cannot be defined precisely, the Applicant should apply a worst case scenario. The Applicant's attention is drawn to the Inspectorate's Advice Note Nine 'Using the 'Rochdale Envelope'<sup>1</sup>, which provides details on the recommended approach to follow when incorporating flexibility into a draft DCO (dDCO).

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<sup>1</sup> Advice Note nine: Using the Rochdale Envelope. 2012. Available at:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 2.3.14 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.3.15 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

## **3. ES APPROACH**

### **3.1 Introduction**

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>2</sup> and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/ matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

### **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.

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<sup>2</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3.2.2 The designated NPS(s) relevant to the Proposed Development are the:

- Overarching NPS For Energy (NPS EN-1);
- NPS on Renewable Energy Infrastructure (NPS EN-3);

### **3.3 Scope of Assessment**

#### **General**

3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:

- to demonstrate how the assessment has taken account of this Opinion;
- to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
- to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
- to describe any remedial measures that are identified as being necessary following monitoring; and
- to identify where details are contained in the Habitats Regulations Assessment (HRA report), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

3.3.2 There is no section in the Scoping Report setting out the proposed structure of the ES, and the aspect chapters to be included. Comments within this Opinion are based on the assumption that the ES will follow a similar structure to the Scoping Report in terms of aspect chapters, as alluded to in Section 5.11 of the Scoping Report.

3.3.3 It is noted from Section 5.7 and 5.11 of the Scoping Report the intention to undertake a cumulative impact assessment as part of the assessment to be reported in the ES, and that The Inspectorate's Advice Note 17 will be followed. Section 6 of the Scoping Report demonstrates an intention to include cumulative effects within each aspect assessment. The inspectorate considers that the ES should include an overarching section explaining the methodology used to inform the cumulative impact assessment applicable to each aspect and how this has been determined.

3.3.4 The Inspectorate notes from the Executive Summary of the Scoping Report and Section 6.14 that it is proposed to consider effects on human health in a Health Impact Assessment (HIA) to be appended to the Air Quality chapter, and human health will be considered within other aspect chapters including the noise and vibration, flood risk, traffic and transport, recreation and socio-economics assessments. The 'Contaminated Land, Land Use and Hydrogeology' chapter also states that human health effects will be assessed in the context of land

contamination. The Inspectorate has had regard to the information provided in the Scoping Report and has taken into account the nature and characteristics of the Proposed Development and is generally content with this approach. However, the Inspectorate has made specific comment in Table 4.13 of this Opinion with respect to matters within these aspect assessments which should be considered.

### **Baseline Scenario**

- 3.3.5 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge. Where the use of a 'future baseline' forms an integral part of the assessment methodology for a particular aspect, this should be clearly explained in the ES.
- 3.3.6 The Scoping Report suggests that a number of aspect assessments will rely on information obtained from studies undertaken for other developments, ie the Boston Biomass project and the Boston Barrier instead of undertaking specific field survey work for the Proposed Development. The Scoping Report does not include a clear description of these other developments and it does not explain precisely how they relate to the Proposed Development and why the information is relevant. The Applicant should carefully consider the extent to which information relied upon for the assessment is adequate. It is important to ensure that the assessments in the ES are based on up-to-date baseline information.

### **Forecasting Methods or Evidence**

- 3.3.7 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter. When describing impacts and resulting effects, terms such as 'temporary', 'short term' etc should be given definition in the ES.
- 3.3.8 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. The Inspectorate notes the information in Section 5.4 of the Scoping Report in this regard, however also notes that the aspect chapters in the Scoping Report make limited reference to specific methodologies for determining significance. The ES should include information to present and explain the methodology applied to determine significance for each aspect assessment included.
- 3.3.9 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.



### **Residues and Emissions**

- 3.3.10 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

### **Mitigation**

- 3.3.11 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects, and the intention in Section 5.6 of the Scoping Report in this regard is noted. The ES should also address how any mitigation proposed is secured, with reference to specific dDCO requirements or other legally binding agreements.
- 3.3.12 The information on monitoring to be included in the ES (Section 5.9 of the Scoping Report) is noted, and it is advised that the ES contains details of how the results of monitoring will be used and shared with relevant organisations.

### **Risks of Major Accidents and/or Disasters**

- 3.3.13 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. Specifically, not all of the matters required by the EIA Regulations pertaining to Major Accidents and Disasters have been addressed in the Scoping Report (see below). The Inspectorate welcomes the intention to include a risk assessment in the ES and considers that this may be an appropriate mechanism by which to present the necessary information.
- 3.3.14 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. The Applicant should make use of appropriate guidance (eg that referenced in the Health and Safety Executive's (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster as well as, in the case of Section 7.3 of the Scoping Report, the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.

- 3.3.15 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

### **Climate and Climate Change**

- 3.3.16 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. The Inspectorate notes the information in Section 6.16 of the Scoping Report outlining the scope of the climate change assessment. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

### **Transboundary Effects**

- 3.3.17 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.18 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.19 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

### **A Reference List**

- 3.3.20 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

### **3.4 Confidential Information**

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Cultural Heritage

(Scoping Report section 6.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	6.2.6, 6.2.15	Direct impacts on buried archaeological remains during operation	The Scoping Report states that no physical impacts would occur on buried archaeological remains during operation. It is not clear from the information provided if this includes impacts from changes to groundwater, soils, or vibration associated with operation, should assets remain in situ following construction. The Inspectorate considers that there remains the potential for significant effects during operation of the Proposed Development if assets are retained in situ, and does not agree to scope this matter out. Therefore the ES should include an assessment of likely significant effects on retained buried remains during operation, if applicable.
2	6.2.15	Direct impacts on above ground assets during operation	There is insufficient information regarding the baseline and the predicted impacts of the Proposed Development in the Scoping Report to support a decision to scope this matter out. The ES should include an assessment of likely significant effects on above ground assets during operation where they occur.

ID	Para	Other points	Inspectorate's comments
3	6.2.1	Baseline data	The baseline assessment in the ES should be established using relevant data, to provide a robust basis for the assessment. Information should be sought from relevant consultation bodies

ID	Para	Other points	Inspectorate's comments
			where it is available, and the ES should clearly set out the baseline against which the assessment of effects has been made.
4	6.2.2	Sensitive receptors	<p>The Scoping Report identifies three key heritage constraints. The assessment in the ES should assess impacts to all relevant cultural heritage receptors where significant effects are likely to occur. The Applicant should make effort to agree the relevant cultural heritage receptors to include in the assessment with relevant consultation bodies.</p> <p>To aid the reader the ES should contain a figure depicting the location of the relevant cultural heritage receptors.</p>
5	6.2.10, 6.2.14 – 6.2.15	EIA approach -surveys	The Inspectorate considers that surveys may be required to understand the significance of cultural heritage assets and fully assess the potential for significant effects. These may include geophysical surveys, foreshore inspection, and photography of views. The Applicant should make effort to agree the details of such surveys with relevant consultation bodies and the approach to the assessment and methods applied should be fully described in the ES.
6	6.2.9 – 6.2.12	Mitigation measures	The ES must clearly describe the mitigation measures which form part of the Proposed Development and which address significant effects. The ES must set out the extent to which measures will be effective and how they are/will be secured in the dDCO.
7	6.2.14 – 6.2.15	Study area	The Scoping Report does not clearly state what the proposed study area is for the Proposed Development. The study area should be defined and justified in the ES. The study area should be sufficient to encompass the extent of the predicted likely significant effects, including those resulting from impacts to the

ID	Para	Other points	Inspectorate's comments
			setting of heritage assets ie by the use of an appropriate Zone of Theoretical Visibility. The Applicant should make effort to agree the study area with relevant consultation bodies, The study area should be depicted on a figure/figures within the ES.

## 4.2 Landscape and Visual Impact

(Scoping Report section 6.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.3.11, 6.3.13	Proposed parameters – dimensions of structures	<p>The Scoping Report does not contain dimensions of the gasification plant exhaust stack or the lightweight aggregate plant stack. Paragraph 2.2.3 of the Scoping Report states that it will not be taller than St Botolphs church (83m). Similarly, no details of temporary construction phase structures, such as cranes, are provided.</p> <p>Dimensions of the stacks and cranes, along with any other temporary or permanent structures should be included within the ES and secured in the dDCO, together with an explanation of how they have formed part of the assessment on landscape and visual impacts.</p>
2	6.3.22	Study area	<p>The study area should be determined according to the extent of the anticipated impacts which will require consideration of a Zone of Visual Influence (ZVI). The ZVI should be determined relevant to the characteristics of the Proposed Development. Where uncertainty exists and flexibility is sought the ZVI should be based on the worst case scenario in terms of defining the extent of likely impacts. The Applicant should make effort to agree the extent of the ZVI with relevant consultation bodies ensuring that relevant</p>

ID	Para	Other points	Inspectorate's comments
			sensitive receptors are identified and assessed. Relevant receptors may include those experiencing views from the River Witham, and consideration should be given to this matter in the ES.
3	n/a	Potential effects - lighting	The ES should also assess impacts to visual amenity resulting from the introduction of artificial lighting during all phases of the Proposed Development. The assessment should, where relevant, cross refer to other relevant aspects and interrelated impacts such as to ecological receptors.
4	n/a	Potential effects - topography	The assessment of landscape and visual impact should include impacts arising from changes in landscape topography that may occur during the construction phase of the Proposed Development.
5	n/a	Figures	The ES should include a figure(s) to demonstrate the context of the Proposed Development with respect to designated landscapes and landscape character areas, and all visual receptors identified in the assessment. The figure(s) should also depict the extent of relevant management plans or strategies applicable to the Proposed Development site and the wider study area.



### 4.3 Noise and Vibration

(Scoping Report section 6.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	6.4.25	Vibration effects during operation	The Scoping Report does not justify the request to scope out impacts from vibration during operation. The Inspectorate considers that there may be impacts from ground borne vibration during operation from the gasification plant, aggregate production facility, and potentially from Heavy Goods Vehicle (HGV) movements travelling to and from the site. The Scoping Report has not clearly demonstrated an absence of likely significant effects. Accordingly this matter cannot be scoped out of the ES.

ID	Para	Other points	Inspectorate's comments
2	n/a	Study Area	The ES should clearly explain the study area used for the noise and vibration assessment which should be determined by the extent of likely impacts. The Applicant should make effort to agree the study area with relevant consultation bodies. The study area should be shown on a supporting plan contained within the ES.
3	6.4.1	Sensitive receptors	The Scoping Report identifies several noise sensitive receptors and identifies associated noise monitoring locations on Figure 6.1. The ES should contain a comprehensive list of noise sensitive receptors, including residential, recreational and ecological receptors both onshore and within the River Witham and these should be shown on a supporting plan. The ES should consider the need to cross refer to other aspect chapters, for example the ecology chapter where interrelated impacts may occur.

ID	Para	Other points	Inspectorate's comments
4	6.4.3	Baseline monitoring	<p>The Scoping Report indicates that additional monitoring to develop the baseline will be required. The ES should clearly describe the approach taken with regard to baseline monitoring that informs the assessment. The description should include details such as; date, location, timing and weather prevalent during the surveys. The Applicant should make effort to agree the approach to baseline monitoring with relevant consultation bodies.</p>
5	6.4.21	Construction impacts	<p>The ES should provide details of the anticipated construction working hours (including any night time working required) and activities on which the assessment of likely significant effects has been based. This should be consistent with the working hours specified in the dDCO.</p> <p>The ES should include sufficient information to describe and assess the construction methods and activities associated with onshore and marine works. This information will improve understanding with regards to the assessment. Should the Applicant intend to include a Deemed Marine Licence (DML) within the DCO, specific information in the ES with respect to assessment techniques and the nature of the construction activities related to the wharf should be consistent with the information within the proposed DML.</p>
6	n/a	<p>Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL)</p>	<p>Consistent with the Noise Policy Statement for England, LOAEL and SOAEL should be defined for all of the construction, operational and decommissioning noise and vibration matters assessed.</p>

## 4.4 Contaminated Land, Land Use and Hydrogeology

(Scoping Report section 6.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.5.5, 6.5.29	Soil classification and management	<p>The Applicant should be aware that loss of Agricultural Land Classification (ALC) Grade 1 (excellent) land may require specific mitigation to protect what is a recognised valuable resource. The ES should include information about the specific measures necessary for soil management and handling. The Applicant should make effort to seek agreement with relevant consultation bodies regarding the soil management measures required.</p> <p>The ES should state the likely dimensions and locations applicable to the spoil heaps required during the construction phase. The ES should also describe any mitigation measures required to prevent spoil heaps leaching contaminants to the surrounding area.</p>
2	6.5.8	Baseline - Borehole Locations	<p>The Scoping Report indicates the intent to inform the assessment in the ES using information derived from the Boston Biomass borehole data. The study area used in the ES and on which the assessment is based must be adequate to encompass the full extent of likely significant effects. The locations of the boreholes outlined in Table 6.5 of the Scoping Report and used to inform the baseline assessment should be clearly stated within the ES. The ES should also include a figure to depict the location of boreholes</p>

ID	Para	Other points	Inspectorate's comments
			as this will provide greater clarity.
3	6.5.13; 6.5.14; and 6.5.15	Baseline - Groundwater	<p>The Inspectorate notes that groundwater levels stated within the Scoping Report are derived from existing information from the Boston Biomass plc plant. The ES should explain the extent to which this data is relevant to the receiving environment for the Proposed Development.</p> <p>The Scoping Report states that the British Geological Society (BGS) flood risk information indicates that the site is not located within an area with potential ground water flooding. To aid the reader the ES should include the BGS groundwater flood risk map.</p> <p>The ES should include a ground water risk assessment to assess the potential effects that accidental spills of pollutants may have on the groundwater.</p> <p>Furthermore, if de-watering is required during the construction phase of the Proposed Development, the environmental effects of de-watering should be assessed and presented within the ES.</p>
4	6.5.20	Scope - Unlicensed water suppliers	<p>The Scoping Report proposes to exclude consideration of unlicensed water supplies abstracting less than 20m<sup>3</sup> from the assessment. No justification in support of this approach has been provided. The assessment in the ES should take these activities into account where significant effects are likely to occur.</p>
5	6.5.27	Methodology - Further investigation	<p>If further investigations and/or surveys will be undertaken to determine the potential for contaminated land and groundwater to cause significant effects as outlined within Table 6.9 of the Scoping Report, the ES should include a full description, location, methods used, and the results of the investigations. The ES must assess the effects of potential contaminants having regard to the</p>

ID	Para	Other points	Inspectorate's comments
			likely impact pathways to sensitive receptors as well as impacts to the Proposed Development during construction.
6	6.5.27 – 6.5.34	Potential effects - Receptors and study area	<p>A full description of the methodology used to determine the sensitivity of receptors and the significance of effect should be included within the ES.</p> <p>The Inspectorate notes that interrelated impacts between aspects have not been addressed within this aspect of the Scoping Report. The ES should assess the interrelated impacts from this aspect that may result in significant effects when considered with other applicable aspects, for example ecology and landscape effects.</p> <p>The ES should explain the study area applied to the assessment which should be applicable to the extent of the anticipated impacts and the likely significant effects.</p>
7	n/a	Mitigation - Monitoring	Table 6.9 of the Scoping Report indicates that the build-up and migration of ground gas and vapours will be monitored during construction to prevent potential significant effects. A full description of the monitoring measures and how they will be implemented should be included within the ES, with reference to a CEMP as appropriate.
8	6.5.35; and 6.5.36	Mitigation	The ES should include a full description of the proposed mitigation measures (including embedded mitigation and any 'appropriate working practices' as referred to in the Scoping Report) as well as an assessment of the efficacy of the mitigation measures, and how these measures will be secured in the dDCO or by other suitable agreement.
9	N/A	Potential effects - Piling	This aspect chapter of the Scoping Report does not state if piling is required, however it is noted in other aspect chapters of the

ID	Para	Other points	Inspectorate's comments
			Scoping Report. If piling is required during the construction phase, the location of piling, and a full assessment of the impacts that may result in potentially significant environmental effects be included within the ES.
10	N/A	Potential effects –Wharf construction and operation	The Inspectorate advises that an assessment of the potential land contamination and hydrogeological effects that may arise from the construction of the wharf including the disturbance of sediment within the River Witham should be included within the ES. The ES should include a full assessment of the potentially significant environmental effects that may arise from the construction and operation of the wharf and fully describe any required mitigation measures and their efficacy.

## 4.5 Ecology

(Scoping Report section 6.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	<p>Paragraph 6.6.78</p> <p>Table 6.10, Table 4.1 in Appendix A3</p>	<p>Effects associated with invasive species, dormice, and white-clawed crayfish</p>	<p>Having had regard to the information provided in the Scoping Report, the Inspectorate accepts that significant effects are unlikely to result from the Proposed Development with respect to invasive plant species, dormice, and white clawed crayfish. The information in the Scoping Report is limited, however, this decision is based on an understanding that the habitats within the study area are suboptimal for these species and they are therefore unlikely to be present. However, the ES should include the information that supports this position. In addition, the Inspectorate considers that there remains the need for pre-construction investigations to ensure that all legislative and policy requirements with respect to controlled or protected species are met.</p>
2	<p>Paragraph 6.6.78</p> <p>Table 6.10, Table 4.1 in Appendix A3</p>	<p>Effects associated with great-crested newt</p>	<p>Regarding great crested newts, the Inspectorate considers that insufficient survey information has been provided for potential breeding ponds and inadequate justification has been provided regarding the study area applied. The Proposed Development site contains suitable terrestrial habitat and therefore should newts be within the area significant effects could occur. Therefore the ES should provide an assessment with respect to great crested newts, supported by adequate survey information.</p> <p>It is noted that there are discrepancies between this paragraph and the content of the tables noted. Further comment is provided below.</p>

ID	Para	Other points	Inspectorate's comments
3	Table 6.10 Table 4.1, Appendix A3	Scope of EIA	Information contained within the Scoping Report relating to the scope of the assessment for ecological receptors is inconsistent. There are numerous discrepancies within the Scoping Report regarding the approach to the assessment which serve to undermine the confidence that the Inspectorate has in agreeing to outcomes. Consequently where such discrepancies occur the Inspectorate has by default determined that an assessment should be undertaken since inadequate information has been provided to conclude otherwise. Points of this nature are addressed throughout this aspect section.
4	6.6.5 – 6.6.6	Designated sites -location	The Scoping Report notes Havenside Local Nature Reserve (LNR) as the closest statutory designated site and provides a description; however, there is no figure to depict its location in relation to the Proposed Development. Similarly three Local Wildlife Sites are described in the text; however, the exact location of these sites in relation to the Proposed Development is also not provided. The ES should include a figure that demonstrates the Proposed Development site and all designated sites referred to in the assessment.
5	Table 6.10	Designated sites – indirect effects	Table 6.10 of the Scoping Report states that as there are no Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites within 2km and that there is no potential impact on these designations. No justification is provided in the Scoping Report as to why no indirect impacts could occur beyond 2km. The Inspectorate considers that the ES should assess potential indirect impacts on designated sites, and advises that significant effects could occur as a result of shipping



ID	Para	Other points	Inspectorate's comments
			<p>movements associated with the Proposed Development or from the construction and maintenance of the new wharf and berths. The ES should include an assessment of indirect effects on The Wash SPA and Ramsar site working in co-ordination with the proposed HRA, as required by the 2017 EIA Regulations. This aspect Chapter should cross refer to the Marine Ecology and Fisheries Chapter to provide additional clarity to the reader and avoid repetition.</p>
6	Table 6.10, Table 4.1 in Appendix A3	Habitats of ecological value	<p>Table 6.10 of the Scoping Report identifies potential impacts on coastal saltmarsh and mudflats. However it is important to note that Table 4.1 in Appendix A3 of the Scoping Report does not scope any habitats into further assessment which appears to contradict Table 6.10. The Inspectorate advises that the ES should include an assessment of significant effects on all habitats likely to be impacted by the Proposed Development including an assessment of their ecological value. This should include an assessment of the loss of saltmarsh and intertidal mudflat habitats, where significant effects could occur.</p>
7	Table 6.10 6.6.21, 6.6.34	Potential effects on water voles, reptiles	<p>Table 6.10 of the Scoping Report identifies the potential presence of water vole and reptiles; however information contained in the text suggests that there is no need to assess them as part of the ES. Given their potential presence the Inspectorate considers that significant effects may occur. Consequently the Inspectorate considers that the ES should include an assessment of the likely significant effects on water voles and reptiles and should be supported by appropriate survey information.</p>
8	Table 6.10 6.6.37-39,	Birds – including foraging water bird species, ground nesting	<p>The Inspectorate considers that an assessment of foraging water birds, ground nesting birds, and foraging raptors, should be assessed in the ES. Given the information on baseline conditions</p>

ID	Para	Other points	Inspectorate's comments
	6.6.43	birds, foraging raptors	and predicted potential effects it is not apparent why it is stated in Paragraph 6.6.39 that no further bird survey work is required. An assessment should be made in the ES of the significant effects on these features, supported by appropriate survey information and data gathering. Cross reference should be made in this Chapter of the ES to the aspect chapter for Marine Ecology and Fisheries.
9	Table 6.10 6.6.32, 6.6.45	Bats – in particular bat foraging activity	Paragraph 6.6.32 of the Scoping Report states that no further bat survey work in relation to bat foraging activity is required. The Inspectorate has had regard to the baseline information contained within the Scoping Report and does not agree. The ES should include an assessment of the likely significant effects to bats, including foraging bats. The assessment should be supported by appropriate survey information and data gathering.
10	6.6.40 – 6.6.41	Invertebrates	Paragraph 6.6.41 of the Scoping Report states that no further surveys are required for invertebrates. The Inspectorate has had regard to the baseline information in the Scoping Report and considers that this conclusion is premature and lacks justification. It is also important to note that Appendix A3 of the Scoping Report states that invertebrates are scoped in for further study. There is contradictory information in this regard and this should be avoided in the ES. For the avoidance of doubt the Inspectorate considers that further survey effort for invertebrates is required to inform the assessment of likely significant effects and this should be presented in the ES.
11	Table 6.10 Table 4.1, Appendix A3	Scope of EIA	There are a number of discrepancies between this information for example, otters, badgers, and invertebrates are missing entirely from Table 6.10, and it lists 'Japanese knotweed' while not addressing any of the other invasive plant species discussed elsewhere. Table 4.1 scopes in invertebrates but scopes out

ID	Para	Other points	Inspectorate's comments
			habitats and water voles, which does not agree with Table 6.10. The ES must clearly set out the features taken forward into the EIA and provide justification for the scope presented, with reference to where agreement has been reached with relevant consultees.
12	6.6.45	Potential construction effects	The Scoping Report identifies potential impacts in general terms, but does not describe the likely specific effects during construction. The ES should assess the likely significant effects to ecological receptors during the construction phase, for example the bat roost sites to be affected, the area of habitats to be removed and retained, and the anticipated nature of pollution and disturbance effects including those from noise and lighting.
13	6.6.47 – 6.6.50	Potential operational effects	The Inspectorate considers that specific impacts associated with the operation of the facility, including those associated with night-time operation and lighting, and transportation of materials, must be identified in the ES and assessed where significant effects may occur.
14	6.6.57-6.6.60, 6.6.61-6.6.62, 6.6.64	Mitigation	The ES should describe the anticipated efficacy of any proposed mitigation measures and present residual effects following mitigation. The mechanism by which mitigation is secured eg dDCO requirements or other legal agreement, should also be provided in the ES.
15	n/a	Cumulative effects	The assessment of impacts to ecological receptors should include an assessment of cumulative effects with other development.

## 4.6 Surface Water, Flood Risk and Drainage Strategy

(Scoping Report section 6.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	Table 6.11	The Wash – Water Framework Directive (WFD) water body	The Applicant proposes to scope out an assessment of significant environmental effects to The Wash Inner WFD water body on the basis that the distance from the Proposed Development and the embedded mitigation measures will avert a likely significant effect. However, the Scoping Report does not include sufficient information about the embedded mitigation to enable the Inspectorate to scope this matter out of the ES. Therefore any likely significant environmental effects on The Wash must be assessed in the ES, with appropriate cross reference to the ecological assessment(s) taking into account the nature conservation designations associated with this feature (The Wash SPA, SSSI and Ramsar and The Wash and North Norfolk Coast SAC).

ID	Para	Other points	Inspectorate's comments
2	6.7.4	Baseline - Data sources	The Scoping Report states ' <i>Flood risk and climate change policy, guidance and legislation</i> ' has been applied but has not provided specific details in this regard. The specific policy, guidance, or legislation that has informed the assessment should be stated within the ES.
3	6.7.6	Baseline - Flood Zone	The Applicant should consult with relevant consultation bodies eg the Environment Agency (EA) in order to determine if the Proposed Development is within Flood Zone 3a or Flood 3b.

ID	Para	Other points	Inspectorate's comments
4	6.7.7	Baseline - Surface water	The Inspectorate notes that the surface water flood risk as shown on Figure 6.4a of the Scoping Report is not continuous across the Proposed Development but is prevalent within the majority of the Proposed Development. Therefore the ES should include a full assessment of the effects that surface water flooding may have on the Proposed Development taking into account the change in land use and a worst case scenario climate change model.
5	Figure 6.4a and Figure 6.4b	Baseline – Figures	These figures are difficult to interpret due to the scale at which they have been reproduced in the Scoping Report, and they do not include the Proposed Development boundary making the context of the information difficult to appreciate. The Applicant should ensure that any figures included in the ES are reproduced at an appropriate scale and include the Proposed Development boundary where this is relevant to the interpretation of the information concerned.
6	Table 6.11	Methodology - Surface waters	A full description of the methodology used to determine which surface waters will be assessed should be included within the ES.
7	6.7.25; 6.7.26; 6.7.27; and 6.7.28	Mitigation	<p>The Inspectorate expects that as the design process for the Proposed Development progresses, mitigation measures will become more detailed and the ES will include a full description of the mitigation measures, including an assessment of their efficacy. The Applicant should make effort to agree mitigation measures with the relevant consultation bodies.</p> <p>If Sustainable Drainage Systems (SuDS) are to be implemented within the Proposed Development, the ES should include a full description of the SuDS, including their location and an assessment of their efficacy. The Inspectorate considers that opportunities should be sought to maximise the biodiversity value</p>

ID	Para	Other points	Inspectorate's comments
			of mitigation, including SuDS, and the ES should demonstrate how this has been considered within the proposed mitigation design.
8	6.7.31	Water Framework Directive (WFD)	The Inspectorate notes the guidance referred to and also draws the Applicant's attention to Advice Note 18: the Water Framework Directive.
9	n/a	Flood Risk Assessment (FRA)	The FRA which will inform the assessment in the ES should include the potential increase in flood risk to the surrounding area, the Proposed Development's resilience to flooding, and how it will adapt to a worst case scenario flood event taking into account the effect of climate change.
10	n/a	Wharf – potential effects	<p>The Scoping Report omits reference to the proposed wharf that would be located within The Haven. The assessment in the ES should appropriately assess effects that would result from development of the wharf including to the wider River Witham. The ES should also assess impacts from increased flood risk and how this may impact the wharf's operation taking into account mitigation as necessary.</p> <p>The Applicant should assess the effects that the construction of the wharf will have on flooding including tidal, and sedimentation.</p>
11	n/a	Foul water flooding	The Scoping Report does not identify existing sewerage infrastructure within and in proximity to the Proposed Development, highlighted in Anglican Water's response in Appendix 2. The ES should include an assessment of the potential effects that foul water/ sewer flooding could have on the Proposed Development and describe any required mitigation measures.

## 4.7 Air Quality

(Scoping Report section 6.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.8.3	Air Quality Management Areas (AQMA)	The Scoping Report states that there are two AQMA's (Haven Bridge and Bargate Bridge), but it does not provide details of the location of these relative to the Proposed Development. The Inspectorate considers that the AQMA's should be shown on a map within the ES.
2	6.8.8	Study area and sensitive receptors	The proposed study area will include consideration of human receptors within 350m of the construction site and ecological receptors within 50m. The ES should also consider impacts on sensitive receptors located within proximity to the affected road network during construction and operation. The Applicant should make effort to agree the sensitive receptors for inclusion within the assessment with relevant consultation bodies.
3	6.8.9	Potential effects – vessel traffic	The assessment of potential significant effects of vessel traffic in the ES should set out the basis for the assessment. As part of the description of vehicle movements, the ES should explain where construction and operational vessels would be refuelled and manoeuvre.
4	6.8.10	Methodology- Dispersion	The ES should explain the approach used to develop the

ID	Para	Other points	Inspectorate's comments
		modelling	dispersion modelling and the findings. The Inspectorate considers that specific impacts on sensitive receptors, associated with the operation of the facility, including those associated with transportation of feedstock, aggregate and residual material, the gasification process, and aggregate production must be identified in the ES and assessed where significant effects may occur. Cross references should be made to the transportation chapter.
5	6.8.11	Potential effects - Odour from construction dredging	The Scoping Report proposes to conduct a qualitative assessment of odour emissions associated with dredging works. The ES should explain the approach to undertaking the qualitative assessment and provide details of any mitigation taken into account when determining significant effects.
6	6.8.18	Potential effects - transport exhausts	The Scoping Report states that a detailed dispersion modelling study will be used to assess impacts from traffic movements on the local road network. The Inspectorate considers that the ES should assess impacts on sensitive receptors from construction and operational traffic movements. The ES should also assess any impacts which additional vehicular traffic would place on the AQMA's identified within the affected road network.



## 4.8 Marine Ecology and Fisheries

(Scoping Report section 6.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	6.9.31	Impact of operation of the wharf facility	The Scoping Report intimates that impacts to marine ecology and fisheries from operation of the wharf facility are to be scoped out. However paragraph 6.9.11 contradicts this position and this leads to uncertainty overall. There is also an absence of justification to support a decision to scope this matter out. Therefore, in the absence of such information the Inspectorate cannot agree to scope this matter out of the assessment in the ES. Therefore the ES needs to include an assessment of the likely significant effects associated with the operation of the wharf, supported by appropriate evidence.

ID	Para	Other points	Inspectorate's comments
2	6.8.11	Potential operational effects	The Inspectorate considers that impacts resulting from increased emission of pollutants into the marine environment from vessel traffic, surface water run-off, feedstock handling and aggregate handling and production should be assessed in the ES. The assessment in the ES should cross-refer to other aspect assessments, for example those which addresses surface water and drainage. It is noted that disturbance to water birds is identified but that disturbance to marine mammals, specifically common seal which are a feature of The Haven LNR, is not identified. The ES should identify and assess all likely impacts to ecological features where significant effects may occur.

3	6.9.12- 6.9.20	Mitigation	Mitigation measures are based on sensitive construction practices and general recommendations. The ES should recommend specific mitigation measures to address the likely significant effects of the Proposed Development. The effectiveness of any mitigation measures should be assessed and residual effects reported in the ES. The Inspectorate acknowledges the text in Paragraph 6.9.16 regarding 'a permit to be issued by the Marine Management Organisation (MMO)' in relation to the construction of the wharf facility. The MMO has advised in their consultation response that the Applicant includes a deemed marine licence (DML) within the dDCO. The ES must clearly set out what activities will fall under this licence.
4	6.9.18	Mitigation/potential effects	The Scoping Report provides very little information on the intended dredging regime for the operation of the wharf. The Inspectorate considers it premature to conclude that effects on benthic fauna will be 'short term' in the absence of this information. Details of the duration, frequency, and quantity of maintenance dredging and more detailed information about the baseline conditions are required to inform the assessment in the ES. The ES should also define the temporal scales used to describe effects (ie how long 'short term' is in months/years).
5	6.9.21	EIA Approach	The Scoping Report does not explain why the Zone of Influence (ZoI) is assumed to be 5km from 'the site' with regards to aquatic designated sites. The ES must clearly explain and justify the study area(s) applied to the assessment, having regard to the likely extent of significant effects.
6	6.9.23	EIA Approach	The Applicant should ensure that information used to inform the baseline assessment in the ES is sufficiently robust and current to inform a meaningful assessment as whole. Effort should be made to agree the suitable baseline information with relevant

			consultation bodies.
7	6.9.24	EIA Approach	No approach is provided in Paragraph 6.9.24 for the assessment for some of the potential construction and operational effects identified previously in the Scoping Report, for example, disturbance effects on birds, release of contaminants from dredging, and spread of invasive species. In addition, it is not clear what information will be gathered to inform the assessments outlined. The ES should clearly set out the information on which the assessments have been based, including detailed information on the construction activities and operation of the Proposed Development. Details of the methodologies applied and any limitations to the assessments should be provided in the ES.

## 4.9 Estuarine and Geomorphology Processes

(Scoping Report section 6.10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	6.10.17	Effects on the geomorphology processes within The Wash	The Scoping Report does not provide information relating to the location of dredging and disposal activities. In the absence of this information the Inspectorate is unable to scope out the potential for significant effects on the geomorphology processes within The Wash, and subsequently effects on its status under the WFD and effects to its associated nature conservation designations.

ID	Para	Other points	Inspectorate's comments
2	6.10.3	WFD ecological classification	The Applicant should ensure that the ES includes accurate baseline information regarding sensitive receptors. In this regard the Applicant is referred to comments by the EA noting that The Haven has a bad ecological potential, and not a moderate ecological potential as stated within the Scoping Report.
3	6.10.8	Study area	The ES should clearly define the study area applied to the assessment. The study area must be established having regard to the extent of impacts and likely significant effects. Assumptions applied when establishing the study area should be clearly set out in the ES.
4	6.10.11 6.10.23	Potential effects	The Scoping Report describes impacts as temporary for construction and permanent for the operational phase. The Inspectorate considers that resulting effects may not adhere to the same timescales, for example permanent effects can result

ID	Para	Other points	Inspectorate's comments
			from temporary construction activities. The ES should characterise the duration of predicted effects, and define any terms used eg temporary, intermittent, short term, long term etc. in terms of days/months/years.
5	6.10.12- 6.12.14	Mitigation/monitoring	The ES should demonstrate how mitigation and monitoring measures relied upon in the assessment would be secured and how any necessary remedial action would be undertaken. For example if the proposed in-construction bathymetric surveys indicate that erosion and deposition are exceeding predicted values. The Inspectorate notes the intention to carry out surveys during operation to assess the need for channel maintenance. The Inspectorate advises that the anticipated nature of the maintenance dredging should be set out in the ES, where this information has been relied upon for the assessment of significant effects.
6	6.10.20 – 6.10.22	Methodology	The ES should explain how desk-study and modelling data has been used to inform the assessment. The Applicant should make effort to agree the approach with the relevant consultation bodies.

## 4.10 Navigational Issues

(Scoping Report section 6.11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.11.2	Study Area and baseline	The Scoping Report states that information presented in the Boston Barrier ES is deemed applicable to the BAEF because the document refers to the same area of the River Witham (The Haven) and was produced recently (August 2016). The Scoping Report does not provide sufficient detail about the Boston Barrier to allow confidence that this is the case. The ES should contain details of the study area used for the assessment and demonstrate how any existing data used has been applied to the assessment.
2	6.11.6 – 6.11.11	Baseline – navigation activity	The baseline information within the ES should be accurate and fully reflect the existing environment including the existing infrastructure and activities that take place on the River Witham. The baseline information should include anticipated traffic volumes and vessel type.
3	6.11.11	Baseline – development characteristics	The ES must set out the assumptions on which the assessment is based in relation to estimation of operating tonnage and ship movements, and the use of tugs for vessels etc. Where elements are unknown and flexibility is sought, eg the number of vessels

ID	Para	Other points	Inspectorate's comments
			operating to deliver feedstock, the Inspectorate advises that the ES should assess a worst-case scenario and that the ES should explain how this has been determined with respect to navigational concerns.
4	6.11.12, 6.11.17	Potential environmental effects	The ES should include an assessment of likely significant effects resulting from impacts on existing activities including dredging and vessel users. As part of this, the ES should provide details of how the wharf will be constructed, including the anticipated timescales and any restrictions on use of the main river. The Inspectorate considers that lighting from a navigation perspective should also be considered within the ES, and any significant effects assessed.
5	6.11.23 (2.2.15 and 2.2.27)	Potential impacts - ship movements per annum	The Scoping Report provides minimal information regarding the routing of ships bringing feedstock to the site. The ES should explain the assumptions with regards to the likely source of ships delivering materials and provide an assessment of the associated impacts these movements may have on existing users of the River Witham.

## 4.11 Transport

(Scoping Report section 6.12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.12.3	Project description - Alternative access point.	The Scoping Report states that an alternative access point will be provided from Marsh Road via Bittern Way. The ES should confirm whether this route would be used and assess the impacts associated. Cross references should be made to the air quality assessment chapter.
2	6.12.4 and 6.12.17	Potential effects - Macmillan Public Right of Way diversion	The Scoping Report states that the Macmillan Way will require a permanent diversion. The ES should assess any likely significant effects associated with this proposal. Cross reference should be made to the socio-economic assessment with respect to tourism.
3	6.12.23	Study Area	Very little information has been provided regarding whether traffic modelling will be undertaken and what data would be used to undertake such modelling. The ES should describe the numbers and types of traffic movements associated with the construction and operation of the Proposed Development. The ES should also include details of the routes for construction vehicles and assess the associated significant effects.
4	6.12.7	Potential effects - equestrians	The Scoping Report states that the Proposed Development may



ID	Para	Other points	Inspectorate's comments
			impact on equestrians but does not provide further detail. The ES should ensure that any user groups likely to experience significant effects as a result of the Proposed Development are assessed.
5	6.12.12	Potential effects - recreational users	The ES should identify and assess impacts to recreational users likely to experience significant effects resulting from noise emissions during construction.
6	6.12.14	Transportation routes	The ES should provide information regarding the anticipated transport routes which will be used to transport materials to and from the Proposed Development during construction and operation. The ES should explain if road closures will be required during construction phase and assess the impacts where significant effects are likely to occur.
7	2.2.9, 2.2.31 and 2.2.36	HGV/other traffic movements	The Scoping Report does not describe what happens to material which is received but cannot be used by the facility. The ES should explain what contrary material is, how much is anticipated to be derived and how it would be removed from the Proposed Development. The assessment should include details relating to how many additional HGV or ship movements will result from these arisings.
8	6.12.20	Study area	The ES should explain the study area used for the assessment. The study area should be shown on a supporting plan contained within the ES.

## 4.12 Socio-Economics

(Scoping Report section 6.13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	6.13.17	Tourism	No evidence or justification has been provided in the Scoping Report to support scoping this matter out. On this basis the Inspectorate cannot agree to scope this matter out from the ES. The ES should include an assessment of the impacts to tourism where significant effects are likely to occur.

ID	Para	Other points	Inspectorate's comments
2	Table 6.14, Table 6.16	Missing baseline information	There is both data and calculations missing from these tables in the Scoping Report. The ES should provide the information which informs the baseline assessment. Where this lack of available information has presented a limitation to the assessment this should be explained and the implications for the conclusions described in the ES.
3	6.13.8	Definition of terms and use of data	The Scoping Report refers to 'micro' and 'small' to describe businesses captured in the baseline information. It is not clear how this data will inform the assessment. The ES should define these terms, using relevant data sources or guidance as necessary, and set out how this and other information has been applied to the assessment.
4	6.13.11	Potential environmental effects	The information on the potential effects is high level and does not identify specific impacts of the Proposed Development, for example the Scoping Report refers to 'indirect effects on services'

ID	Para	Other points	Inspectorate's comments
			<p>however little detail is provided as to what these would be. The socio-economic effects of impacts to human health, taking into account sensitive receptors such as disadvantaged socio-economic groups, should also be included in the assessment where significant effects could occur. The ES must identify the anticipated impacts of the Proposed Development and quantify these where possible, for example the number of jobs anticipated to be created.</p>
5	6.13.16	EIA Approach	<p>The Scoping Report gives a very broad description of the data that will be gathered to inform the ES. The ES should explain the methodology applied to the assessment, including the data sources used, consultation undertaken, the methodology applied to determining significance of effects, and any limitations encountered.</p>

## 4.13 Health Impacts

(Scoping Report Section 6.14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.14.1 - 6.14.2	Approach to assessment	The Inspectorate considers that in addition to the aspect assessments listed in this paragraph of the Scoping Report, human health aspects may also be relevant to soil handling and contaminated land. It is noted that in Section 6.5 the matter of human health is included. The ES should assess this matter and ensure consistency and cross reference between the health assessment and the contaminated land assessment chapter.
2	N/A	Cumulative effects	The ES should assess cumulative effects on human health, from both multiple effects on individual receptors and from the combined effects of other developments with the Proposed Development.

## 4.14 Waste

(Scoping Report section 6.15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.15.6	Baseline	Any assumptions made in predicting the quantity and type of waste arising generated from the Proposed Development should be stated within the ES.
2	6.15.6	Baseline-future capacity	The ES should ensure that the future baseline takes into account the availability/ capacity of the waste infrastructure, including from the first year of construction when waste arisings are likely to be at their greatest level. This assessment should include the availability of hazardous waste facilities, if applicable.
3	6.15.6	Mitigation	A full description of any measures used to minimise or mitigate waste should be included within the ES.
4	n/a	Potential effects - transportation of waste	The Scoping Report does not state how waste will be transported off-site or provide details of the proposed transportation route. The ES should include the transportation route of waste from the Proposed Development to the appropriate waste infrastructure facility and state whether waste will be transported via the road network or by other means eg boat from the proposed wharf. Cross reference should be made to the relevant sections of the

ID	Para	Other points	Inspectorate's comments
			<p>Transport chapter.</p> <p>The ES should also include an assessment of the anticipated effects resulting from transporting waste from the Proposed Development to existing waste infrastructure facilities. In undertaking the assessment the ES should state if any assumptions have been made, for example the maximum distance waste is likely to be transported.</p>
5	n/a	Contaminated waste	<p>The Scoping Report does not refer to contaminated/ hazardous waste. This matter will be relevant to both the construction and operation of the Proposed Development and should be assessed in the ES. The ES and Site Waste Management Plan (SWMP) should include the appropriate protocols for handling, transporting, disposing of contaminated/ hazardous waste with reference to applicable guidance.</p>

## 4.15 Climate Change

(Scoping Report section 6.16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Para	Other points	Inspectorate's comments
1	6.16.2	Methodology – GHG assessment	The Scoping Report refers to guidance applicable to the assessment. The Applicant should ensure that the guidance applied to the assessment and the methodology that is adopted are fully explained within the ES.
2	6.16.2	Lifecycle	The ES should clearly state within the GHG assessment the lifecycles of the Proposed Development that will be included within the assessment.
3	6.16.2	Assumptions, limitations and constraints	The ES should state any assumptions made in calculating the predictive GHG emission; any limitations to the calculations; and any uncertainties this presents for the assessment of GHG emissions.

## 4.16 Other Aspects

(Scoping Report section 7.2 to 7.6)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
1	7.2	Aviation and Radar	<p>The Inspectorate notes that the height of the stacks or cranes proposed during construction has not yet been finalised. Paragraph 7.2.3 of the Scoping Report states that with regard to aviation and radar – “should taller stacks or cranes be required than currently expected, the need for an aviation assessment will be reviewed accordingly”. In light of this, the Inspectorate does not agree to scope this matter out from the ES. The ES should ensure that impacts associated with the specific characteristics of the Proposed Development are assessed where they are likely to result in significant effects. If details of the characteristics eg height of stacks or cranes cannot be confirmed prior to application this should be based on the worst case scenario.</p>
2	7.3	Risks of Major Accidental Events	<p>The Inspectorate advises that insufficient information has been provided to allow agreement to scope this issue out at this stage. The ES should include an assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster as well as, the Proposed Development's potential to cause an accident or disaster. Any measures that will be employed to prevent and control significant effects should be presented in the ES. Sections 3.3.15 to 3.3.17 of this Opinion provide further comment.</p> <p>In particular, given the nature of the Proposed Development the Inspectorate considers that there may be risk of a major fire</p>



ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
			associated with the feedstock storage. The Proposed Development may also be vulnerable to tidal surge or other flooding events. The assessment should consider these matters and assess the potential significant effects.
3	7.4	Sunlight/Daylight	Given the information in the Scoping Report about the nature of the Proposed Development, and considering that there are no residential properties or outdoor amenity areas close to the Proposed Development site which could be over shadowed or suffer from light obstruction from the proposed development, the Inspectorate agrees to scope out a stand-alone assessment of sunlight/daylight levels from the ES.
4	7.5	Environmental Wind	The Scoping Report states that the buildings will not be of a sufficient scale to affect wind flow or dynamics to the point that significant effects would result. No specific dimensions of the proposed buildings are contained within the Scoping Report, however a broad description is provided. Receptors may be present in the form of pedestrians using the Macmillan Way and local public footpaths; and the Scoping Report states that these pedestrians are already exposed to high levels of wind under the existing site conditions. In light of this it is considered that while pathways exist, the characteristics of the Proposed Development are unlikely to alter the situation sufficient to result in a likely significant effect. The Inspectorate agrees to scope this matter out of the ES.

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed aspect to scope out</b>	<b>Inspectorate's comments</b>
5	7.6	Lighting	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). Provided this is the case, the Inspectorate agrees to scope lighting effects out on the basis that measures can be put in place to mitigate against any significant adverse impacts. This is subject to confirmation via further information becoming available on the visual receptors identified, navigational interests, and ecological receptors potentially affected by lighting, notably bats and birds.

<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
	n/a	n/a	n/a

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>3</sup>
- Planning Inspectorate advice notes<sup>4</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts;
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended).

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<sup>3</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>4</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## **APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED**

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>5</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Lincolnshire East Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - East Midlands
The relevant fire and rescue authority	Lincolnshire Fire and Rescue
The relevant police and crime commissioner	Lincolnshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Wyberton Parish Council
The Environment Agency	Environment Agency - Lincolnshire and Northamptonshire
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Lincolnshire County Council
The relevant strategic highways company	Highways England - Midlands

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<sup>5</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The relevant internal drainage board	Black Sluice Internal Drainage Board
The relevant internal drainage board	Withan Fourth District Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission - East and East Midlands
The Secretary of State for Defence	Ministry of Defence

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>6</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Clinical Commissioning Group	NHS Lincolnshire East Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	East Midlands Ambulance Service NHS Trust
Canal Or Inland Navigation Authorities	The Canal and River Trust
Dock and Harbour authority	Port of Boston
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group

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<sup>6</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (as amended)

Scoping Opinion for  
Proposed Boston Alternative Energy Facility

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
Homes and Communities Agency	Homes England
The relevant Environment Agency	Environment Agency - Lincolnshire and Northamptonshire
The relevant water and sewage undertaker	Anglian Water
The relevant public gas transporter	Cadent Gas Limited
	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
Southern Gas Networks Plc	
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited
	Energy Assets Networks Limited
	Energy Assets Power Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	G2 Energy IDNO Limited

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Utility Distribution Networks Limited
	Western Power Distribution (East Midlands) plc
	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>7</sup>**

<b>LOCAL AUTHORITY<sup>8</sup></b>
Boston Borough Council
South Holland District Council
North Kesteven District Council
East Lindsey District
Lincolnshire County Council

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<sup>7</sup> Sections 43 and 42(B) of the PA2008

<sup>8</sup> As defined in Section 43(3) of the PA2008

Scoping Opinion for  
Proposed Boston Alternative Energy Facility

<b>LOCAL AUTHORITY<sup>8</sup></b>
North East Lincolnshire Council
North Lincolnshire Council
Rutland County Council
Peterborough City Council
Leicestershire County Council
Northamptonshire County
Nottinghamshire County
Cambridgeshire County
Norfolk County



## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

Consultation bodies who replied by the statutory deadline:

Anglian Water
Black Sluice Internal Drainage Board
The Canal and River Trust
Civil Aviation Authority
East Lindsey District
Environment Agency
ESP Gas Group Ltd
Forestry Commission
Health and Safety Executive
Highways England
Historic England
Lincolnshire County Council
Marine Management Organisation
NATS En-Route Safeguarding
Natural England
Norfolk County Council
North Kesteven District Council
Peterborough City Council
Port of Boston
Public Health England
Royal Mail Group

██████████  
Senior EIA and Land Rights Advisor  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

██████████  
[www.anglianwater.co.uk](http://www.anglianwater.co.uk)

Your ref EN010097-000002

06 July 2018

Dear ██████████

**Boston Alternative Energy Facility: Environmental Statement  
Scoping Report**

Thank you for the opportunity to comment on the scoping report for the above project. Anglian Water is the water and sewerage undertaker for the above site. The following response is submitted on behalf of Anglian Water.

General comments

Anglian Water would welcome further discussions with Alternative Energy Use Boston Projects Ltd prior to the submission of the Draft DCO for examination.

In particular it would be helpful if we could discuss the following issues:

- Wording of the Draft DCO including protective provisions specifically for the benefit of Anglian Water.
- Requirement for water and water recycling services.
- Impact of development on Anglian Water's assets and the need for mitigation.
- Pre-construction surveys.

## 2 Site Setting and Land Use

Reference is made to the diversion of an existing water main in Anglian Water's ownership to enable the development of the main footprint of the above site. Similarly the Scoping Report refers to a water main which runs under the river within the northern part of the site and that this will be avoided as part of the development.

In addition there is an existing sewer which crosses the river and connects to Boston East Side Terminal Sewage pumping station and a sewer which has an outfall within the indicative boundary shown on Figure 2.3 of the report.

We would expect any requests for alteration or removal of water mains or sewers to be conducted in accordance with the Water Industry Act 1991. The extent to which existing water mains and sewers would be affected will need to be defined with the assistance of Anglian Water.

It is therefore suggested that the Environmental Statement should include reference to existing water mains and sewers in Anglian Water's ownership including any associated infrastructure e.g. outfalls. We would welcome further discussions in relation to the implications of the above project for the assets identified above.

Maps of Anglian Water's assets are available to view at the following address:

<http://www.digdat.co.uk/>

### 6.7 Surface water, Flood Risk and Drainage Strategy

Reference is made to principal risks of flooding from the above project being sea, river and surface water flooding.

Anglian Water is responsible for managing the risks of flooding from surface water, foul water or combined water sewer systems. Consideration should be given to all potential sources of flooding including sewer flooding as part of the Environmental Statement and related Flood Risk Assessment.

At this stage it is unclear whether there is a requirement for wastewater services for the above site. It is suggested that the Environmental Statement should include reference to the foul sewerage network and sewage treatment.

Should you have any queries relating to this response please let me know.

Yours sincerely

[Redacted signature]

[Redacted name]

**Spatial Planning Manager**

**From:** [REDACTED]  
**To:** [Boston Alternative Energy Facility](#)  
**Cc:** [REDACTED]  
**Subject:** FAC [REDACTED]  
**Date:** 04 July 2018 09:28:36

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Our Ref: IW/AS/Scheme2193/S12

Your Ref: EN010097-000002

**Application by Alternative use Boston Projects Limited for an Order granting Development Consent for the Boston Alternative Energy Facility**

-

The Board has reviewed the document concerned, and notes the scoping in of Surface Water, Flood Risk and Drainage under Section 6.7, which is welcomed.

The Board also notes the intention of the applicant to engage fully with the Board with regard to its requirements.

The Board wishes to clarify with the Planning Inspectorate as to whether the Board's powers within the Land Drainage Act 1991 will be dis-established under the proposed DCO. If this is the case, can the Board be assured that its requirements under Section 23-27 of the Act will be met under a set of Protective Provisions to be contained within the DCO itself?

Kind regards.

	<p>[REDACTED] Planning &amp; Byelaw Officer <b>Black Sluice Internal Drainage Board</b> Station Road, Swineshead, Boston, Lincolnshire, PE20 3PW 01205 821440 <a href="http://www.blacksluiceidb.gov.uk">www.blacksluiceidb.gov.uk</a></p>
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Canal &  
River Trust

06 July 2018

██████████  
Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our Ref** ID/BAEF NSIP  
**Your Ref** EN010097-000002

Dear ██████████,

**Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017- Regulations 10 and 11.**

**Application by Alternative Use Boston Projects Limited for an Order granting Development Consent for the Boston Alternative Energy Facility.**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested.**

Thank you for your consultation on the above.

The Canal & River Trust (the Trust) has reviewed the Scoping Report and would make the following comments:

The Trust is owner and operator of the River Witham north of the Grand Sluice. As the site identified lies some 2km south east of the Grand Sluice, and does not appear to involve transportation of materials along the part of the River Witham where we are Navigation Authority, it appears very unlikely that the proposal detailed in the Scoping Report will affect the Trust either in our capacity as a landowner or as Navigation Authority for the river north of Boston.

The Trust does not therefore wish to make any comments at this stage, but should the proposal be amended, we would be happy to review matters further to identify whether there any matters that may be of relevance to us.

I would be grateful if you could direct future consultations to me via the email address below or by post to The Kiln, Mather Road, Newark, Notts. NG24 1FB.

Yours sincerely

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth B78 3QZ

**T** 0303 040 4040 **E** National.Planning@canalrivertrust.org.uk [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

██████████ MRTPI

Area Planner

Tel: 01636 675790

Email: ██████████ [@canalrivertrust.org.uk](mailto:██████████@canalrivertrust.org.uk)

**From:** [REDACTED]  
**To:** [Boston Alternative Energy Facility](#)  
**Subject:** Boston Energy Alternative Facility  
**Date:** 19 June 2018 12:08:13

---

Dear [REDACTED]

Thank you for the details concerning the Boston Energy Alternative Facility – EIA Scoping Notification and consultation documentation. I would like to offer the following recommendations:

1. Boston Aerodrome/Heliport should be advised of this proposal (specifically for local helicopter flights)  
Boston Wings, Boston Aerodrome, Boardsides, Boston, Lincs, PE21 7NY. Tel: 07957-330990.
2. Due to the unique nature of operations in respect of altitudes and potentially unusual landing sites, it would be sensible for you to establish the related viewpoints of local emergency services Air Support Units through the National Police Air Service (NPAS) organisation via email  
[npas.obstructions@npas.pnn.police.uk](mailto:npas.obstructions@npas.pnn.police.uk);
3. Due to the unique nature of operations in respect of altitudes and potentially unusual landing sites, it would be sensible for you to establish the related viewpoints of local emergency services Air Support Units through the relevant Air Ambulance Units - <https://associationofairambulances.co.uk/member/lincolnshire-nottinghamshire-air-ambulance-trust/>

Regards

[REDACTED]

[REDACTED]  
ATM Technical Specialist  
Safety and Airspace Regulation Group (SARG) - Airspace Regulation  
Civil Aviation Authority

020-7453 6559

[www.caa.co.uk](http://www.caa.co.uk)  
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N/113/01195/18/IC

[REDACTED]  
01507 613158

[REDACTED]@e-lindsey.gov.uk

20 June 2018

The Planning Inspectorate

Dear Sir/Madam,

APPLICANT: Alternative Use Boston Projects Limited,  
PROPOSAL: Consultation on scoping opinion for the Boston Alternative Energy  
application.  
LOCATION: RIVERSIDE INDUSTRIAL ESTATE, BOSTON

Thank you for your consultation dated 8th June relating to a proposed energy recovery plant with associated development on a site to the south of the town of Boston. It is noted this will be considered as a Nationally Significant Infrastructure project and comments are requested as to what should be provided in the Environmental Statement. Given the distance from East Lindsey and the location on the southern side of the town this Council has no comments to make.

Yours faithfully,

[REDACTED]  
Service Manager Development Control

██████████  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
Avon  
BS1 6PN

**Our ref:** AN/2018/127555/01-L01  
**Your ref:** EN010097-000002  
**Date:** 3 July 2018

Dear ██████████

**Boston Alternative Energy Facility - Energy recovery plant to generate 102MWe of renewable energy  
Riverside Industrial Estate, Haven Banks, Boston**

Thank you for consulting us on the Scoping Report for the above project on 8 June 2018.

We have reviewed the Report, undertaken by Royal Haskoning DHV, dated 30 May 2018 (ref: I&BPB6934-RH002R001F01) and have the following comments to make on it, which cover issues that fall within our remit.

**6.4 Noise and Vibration**

The noise and vibration assessment needs to include, with the receptors, the complete range of species present on site; for freshwater fauna this needs to include resident and migratory fish species. Both adult and juvenile life stages that may be moving in different directions within the Witham at the time of the proposed works.

**6.5 Contaminated Land, Land Use and Hydrogeology**

A preliminary risk assessment (PRA) has been completed, which has revealed the site to be historically farmland and on unproductive strata (Non-Aquifer). Consequently, we consider this to be a low risk site in respect of groundwater. Furthermore, investigations are proposed in the Environmental Impact Assessment (EIA) with the aim to refine the environmental setting of the site but these will be predominantly for geotechnical and human health risks. I can, therefore, confirm that we are satisfied with the findings of the PRA and EIA scope of works in this respect.

## **6.6 Ecology**

Updated protected species surveys may need to be undertaken by suitably qualified ecologists at appropriate times of year to account for the dynamic nature of some species and the suitable habitat that exist within the boundary of the proposed development and in the surrounding area. It is also feasible the presence may change between now and construction starting.

Where possible, suitable habitat should be integrated within the project to deliver net gains for Biodiversity in line with current environmental policy. The integration of mitigation measures under the Water Framework Directive (WFD) may also have wider ecological and biodiversity gains, further than preventing deterioration of water status.

Section 6.6.54 – The applicant expects the proposed project will result in loss of saltmarsh and intertidal mudflat habitats, and proposes early liaison with the Borough and County Councils regarding potential mitigation measures. The applicant should also liaise with us at an early stage on this issue. These are WFD biological quality elements in the Witham and potential impacts would need to be considered as part of their WFD Assessment. We are the competent authority for the WFD, we have a national policy on encroachment (see link under chapter 6.10 comments below), and we are monitoring the saltmarsh in the Haven due to the construction of the Boston Barrier.

The final designs of the wharf should look to integrate environmental improvements and delivery of mitigation measures wherever possible. We will review the development against the WFD and the Natural Environment and Rural Communities (NERC) Act requirements, to ensure no loss or detriment in environmental quality results from the proposal.

No information on aquatic species is currently included; it has been noted that a data request has been sent to us requesting information. This may need to be supplanted with additional surveys to provide evidence on the potential impacts and suitable mitigation as part of the proposed development.

## **6.7 Surface Water, Flood Risk and Drainage Strategy**

The Report correctly identifies that the proposed development is at a high risk of flooding and located in flood zone 3. Flood zone 3 is where land has been assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.

As such, the EIA will need to include a detailed flood risk assessment (FRA), which complies with the requirements of section 5.7 of the National Policy Statement for Energy (EN-1). This will need to take into account the potential impacts of climate change using the latest UK Climate Projections available at the time the EIA is prepared (see EN1, paragraphs 4.8.5 – 4.8.13). In accordance with this, all critical elements should be set above an appropriate level, based on the high emissions scenario (high impact, low likelihood).

We note that the proposal includes the construction of a new wharf through which waste will be delivered by vessels; approximately 560 ships per year. This will need to be appropriately designed to ensure that there is no increased flood risk to others. The town of Boston suffered extensive flooding in the tidal surge of December 2013, with

688 residential properties and 115 commercial properties being inundated by tidal waters. Most relevant to this proposal is that the areas of the proposed development, identified under the Indicative Site Boundary as 2 – Gasification Plant and 3 – Lightweight Aggregate Plant, were subjected to tidal inundation during the December 2013 tidal surge.

The potential consequence of flooding from tidal inundation on the floodplain is shown on our hazard breach mapping. This shows the hazard rating based on depths and velocity of flood waters should a breach occur to a defence in base year 2006 and future year of 2115. The proposed development location could be subject to a range of depths of 1m-1.6m for a tide with a 0.1% chance of occurring in any one year following a breach in the defences for the 2006 scenario. In the climate change scenario for 2115 depths in excess of 1.6m could be expected.

This data should be used in the initial assessment of flood risk and the Scoping Report has correctly identified the need to obtain a flood Product 8 package from us for this purpose.

As well as addressing the issues included in section 5.7 of EN-1, we would request that the FRA also includes the following:

- The creation of a new wharf may alter physical characteristics and behaviours of the tidal Witham Haven waters. This will need to be evidenced and mitigation proposed if/where negative impacts are identified.
- We currently have a scheme ongoing to raise the flood embankment heights to 6.5m by 2021 in this location. The wharf will, as a minimum, need to be in-line with this. However, details will be required in respect of the proposed wharf crest, how this will tie into the defence height as currently exists, and when raised in the future.
- What will be the arrangement for maintenance of the wharf/defences post construction.
- We require information on whether or not any land raising is proposed and if it is, whether there is any risk posed to third parties as a result of it. This may require hydraulic modelling to demonstrate no increase in risk to existing developments.
- At this location there is a secondary defence line, and the applicant will need to consider if the development will impact this.
- Please advise if the applicant's intention is to apply to become a harbour authority in order to establish permissive rights and protection under Schedule 22 of the Water Resources Act.

Flood risk is a significant factor for any development in Boston, especially when the proposal involves changes to flood risk management infrastructure. As the proposal is developed, there may be additional aspects, relevant to flood risk (such as to the need for Protective Provisions and/or entering into a legal agreement with us regarding the construction of the wharf), that will need to be addressed and we would, therefore, welcome the opportunity for early discussions with the applicant on this matter.

Sediment management and the application of SUDS needs to be considered in regard to fine sediment input and scour and deposition within the Witham/South Footy Foot Drain from all elements of the development that could change the baseline. This could be an opportunity for environmental benefit habitat creation.

With regards to the supply of fine sediments during operation, there is the potential for additional mobilisation of fines within the Witham as a result of scour due to the presence of the wharf along with potential propeller scour and anchor drag. We request that these issues are also given consideration.

Section 6.7.31 – refers to sources of WFD guidance documents. The applicant correctly refers to the Clearing the Waters For All guidance which is available via the internet at: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

## **6.8 Air Quality**

Section 6.8.13 of the report refers to compliance with the requirements of the Industrial Emissions Directive (IED) and revised Best Available Techniques (BAT) Conclusions for power generation plant. From an IED/Environmental Permitting Regulations (EPR) point of view the proposed facility would be undertaking a waste incineration activity and therefore would need to comply with the IED/BAT requirements for waste incineration, including consideration/assessment of all relevant pollutants and emissions associated with “abnormal operation”.

As part of the air quality assessment we would want the applicant to undertake a stack height assessment (i.e. to demonstrate that the proposed stack height is BAT in terms of preventing/minimising pollution). This would need to be undertaken as part of (or at the same time as) the EIA, as stack height is likely to be subject to planning Requirements/conditions etc.

Detailed air quality modelling will need to be undertaken to support your application under the EPR and further details on this are available from our website at: [www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports](http://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports)

## **6.9 Marine Ecology and Fisheries**

Paragraph 6.9.7 - The EIA must consider and address risks to resident fish species within the tidal Witham as well as the listed migratory species and where possible net gains and adequate mitigation included for at all stages of the proposed development.

Paragraph 6.9.14 - Noise and vibration operating levels need to be agreed to minimise impact upon resident and migratory species that are known to be present.

Paragraph 6.9.18 - The new wharf should be designed to minimise future maintenance needs at the Wharf and within the wider Witham in regards to upstream and downstream sediment transport, erosion and bank stability.

Paragraph 6.9.23 - More information may be required to inform the final EIA for this proposed development as the Boston Barrier may not have considered any in combination impacts or information within the immediate area of this proposed development.

Section 6.9 and final summary – We disagree with the conclusion that the impact of the project’s operational phase on marine ecology and fisheries can be scoped out of the EIA. This is because the impacts of the operational phase on estuarine and geomorphological processes during the operational phase is scoped in. Estuarine processes and ecology are intrinsically linked. The applicant will need to determine the

impacts on geomorphology and estuarine processes before concluding whether or not there is a risk of impacts to ecological elements.

### **6.10 Estuarine and Geomorphology Processes**

The EIA will need to include further information surrounding the tidal regime i.e. the tidal range and tidal symmetry. According to the UK Estuaries database the Witham is flood dominant; understanding this will help to address sedimentation issues.

Sub-section 6.10.3 states incorrect information; according to both our Catchment Data Explorer and Catchment Planning System the Haven (Witham Transitional) waterbody is currently classed as having bad ecological potential (this represents the 2016 classification – the 2015 classification was moderate). The project should consider if there is any scope to offer better mitigation to help achieve good ecological potential?

6.10.8 Refers to a high level pre-scoping document that looked into the potential environmental effects. It would be helpful to have this document appended or summarised to the EIA. There are many potential impacts; loss of tidal prism and sediment storage due to the wharf along with scour due to navigation, vessel movements and anchoring etc. Given the proposals to dredge a significant area of the bank we have a concern that the application may have underestimated how frequently they will need to dredge the frontage of the wharf to maintain a viable depth – this should be covered in detail in the EIA.

We note that there is no mention in these sections (or within the ecology section) of providing mitigation for the direct loss of habitat. This conflicts with our [National Encroachment Policy for Tidal Rivers and Estuaries](#), which will need to be considered.

### **Environmental Permitting Regulations 2010**

The proposed development will require a bespoke permit under Schedule 5.1 Part A(1) of the Environmental Permitting Regulations 2010. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.

We therefore strongly advise the applicant to consider parallel tracking of the planning and permit applications to allow these issues to be resolved if possible. Parallel tracking planning and environmental permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission.

Further [guidance for developments requiring planning permission and environmental permits](#) is available on the .gov.uk website.

### **Further pre-application consultation**

Should the applicant wish us to review any technical documents or want further advice to address the environmental issues, we can do this as part of our charged for service. Further engagement at the pre-application stage will speed up our formal response to their application and provide them with certainty as to what our response to the Development Consent Order application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. The terms and conditions of our charged for service are available [here](#).

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

**[REDACTED]**  
**Principal Planning Adviser**

Direct dial [REDACTED]  
Direct e-mail [REDACTED]@environment-agency.gov.uk



**From:** [ESP Utilities Group Ltd](#)  
**To:** [Boston Energy Alternative Facility](#)  
**Subject:** Your Reference: EN010097-000002. Our Reference: PE136369. Plant Not Affected Notice from ES Pipelines  
**Date:** 08 June 2018 10:09:02

---

Boston Energy Alternative Facility  
The Planning Inspectorate

8 June 2018

Reference: EN010097-000002

Dear Sir/Madam,

Thank you for your recent plant enquiry at (EN010097-000002).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

**Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com)

Yours faithfully,

  
**Operations Manager**



Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA

☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

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**From:** [REDACTED]  
**To:** [Boston Energy Alternative Facility](#)  
**Subject:** Att [REDACTED] -EN010097-000002 Boston Alternative energy facility  
**Date:** 12 June 2018 14:17:55

---

Thank you for consulting the Forestry Commission on this application. We do not believe that this will impact on any Ancient Woodland and therefore we have no comments to make, this does not imply support or objection to the applications as a government department we can do neither.

Yours sincerely,

[REDACTED]

[REDACTED]  
Local Partnership Advisor  
Forestry Commission East and East Midlands  
Tel: 0300 067 4583

[REDACTED] [@forestry.gsi.gov.uk](#)

Have you signed up for the Tree Health Newsletter yet? Link here: [Tree Health Newsletter](#) also check out Twitter [@treehealthnews](#)

Please report signs of tree pests and diseases using our online Tree Alert form: <http://www.forestry.gov.uk/trealert>

For up-to-date information follow Steve Scott on Twitter: [@SteveScottFC](#), check out [www.facebook.com/MakingWoodlandsWork](http://www.facebook.com/MakingWoodlandsWork) and [Subscribe](#) to our e-alert to stay up to date on forestry Grants & Regulations

CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 2.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: ENO10097  
Our ref: 4.2.1.6433

HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO [REDACTED]  
The Planning Inspectorate  
Temple Quay House  
Temple Quay,  
Bristol  
BS1 6PN

27/06/18

Dear [REDACTED]

**PROPOSED BOSTON ALTERNATIVE ENERGY FACILITY (the project)  
PROPOSAL BY ALTERNATIVE USE BOSTON PROJECTS LTD (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for the letter dated 8<sup>th</sup> June 2018 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there is one major accident hazard site within the proposed redline boundary of the allocated waste area and the indicative boundary for the Boston Gasification Plant for this nationally significant infrastructure project:

Major accident hazard site - HSE ref H3720; operated by The Port of Boston Limited.

HSE's Land Use Planning advice would be dependent on the location of areas where public may be present and so it is possible that HSE may advise against this proposal. When we are consulted by the Applicant with further information, under Section 42 of the Planning Act 2008, we can update our advice.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites


HSE has no comment to make as there are no licensed explosive sites in the vicinity,

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 An Annex on the Planning Inspectorate's website - Annex G – The Health and Safety Executive. This document includes consideration of risk assessments on page 3


**Electrical Safety**

No comment from a planning perspective

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

 (MHPD)  
NSIP Consultations  
2.2 Redgrave Court  
Merton Road, Bootle,  
Merseyside L20 7HS

Yours sincerely,

  
  
(CEMHD4 Policy)

Your ref: EN010097-000002

[REDACTED]  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Via email:

[BostonEnergyAlternativeFacility@pins.gsi.gov.uk](mailto:BostonEnergyAlternativeFacility@pins.gsi.gov.uk)

[REDACTED]  
Highways England  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

Direct Line: [REDACTED]

27 June 2018

Dear [REDACTED],

**Boston Alternative Energy Facility, application for Development Consent Order (DCO) – EIA Scoping Opinion**

Thank you for inviting Highways England to provide comments on the scope of an Environmental Impact Assessment (EIA) prepared by Alternative Use Boston Projects Limited in support of a Development Consent Order (DCO) for the proposed Boston Alternative Energy Facility (BAEF) project to be located to the south of Boston town and east of the Riverside Industrial Estate, Boston, East Midlands, Lincolnshire.

We note that the site lies approximately 50 Km away from the nearest strategic routes managed by Highways England, i.e. the A1 and A52 in Grantham, the A46 to the west of Lincoln and the A47 in Peterborough. Therefore, there are no shared boundary considerations.

The EIA Scoping Report submitted by the applicant outlines in broad terms the likely impact of the construction, operation and decommissioning of the BAEF on the surrounding environment.

Having reviewed this information, it is our understanding that the trip generation associated with BAEF would be mainly related to staff movements, given that most of the materials are expected to be delivered to and removed from the site by ship.

Having undertaken an assessment of the journey to work patterns in the area, we do not consider the proposal likely to have a detrimental impact on the Strategic Road Network (SRN) managed by Highways England.

Therefore, we do not consider a junction capacity assessment to be necessary for any SRN junctions and, as such, we have no further comments to make on this matter.

Yours sincerely,

[REDACTED]

[REDACTED]  
Assistant Spatial Planning & Economic Development Manager  
Email: [REDACTED] [@highwaysengland.co.uk](mailto:[REDACTED]@highwaysengland.co.uk)



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[REDACTED]  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Direct Dial: [REDACTED]

Our ref: PL00438544

4 July 2018

Dear [REDACTED]

Thank you for contacting us on 8 June 2018 regarding a scoping opinion in relation to the above site. The proposed development is for a gasification plant.

### **Advice**

Historic England has reviewed the information submitted in the scoping report from the applicant and our own records for the proposed development area. In our view, development is likely to have an impact upon a number of designated heritage assets and their settings. We therefore consider it essential that the EIA process in this case is sufficiently detailed for it to assist in identifying how the proposed gasification plant might be delivered sustainably without it having serious adverse effects on designated heritage assets.

### *General Advice*

In accordance with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Impact Assessment (EIA) documentation to contain a thorough assessment of the likely effects which development might have upon those elements which contribute to the significance of heritage assets. In this way it should be possible to identify (and where possible avoid, minimise or if appropriate mitigate) what may be substantial direct and indirect impacts on assets of local, regional and national importance.

In general terms, Historic England advises that a number of considerations will need to be taken into account when proposals of this nature are being assessed. In order for the determining body to understand the potential impacts of the proposals on the significance of both designated and non-designated heritage assets of all types, we would recommend that you ensure that the Environmental Impact Assessment (EIA) conducted takes the following issues into account. This includes consideration of the impact of ancillary infrastructure:

- The potential impact upon the landscape, especially if a site falls within an area of historic landscape;
- Direct impacts on historic/archaeological fabric (buildings, sites or areas),



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



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whether statutorily protected or not;

- Other impacts, particularly the setting of listed buildings, scheduled monuments, registered parks and gardens, conservation areas etc., including long views and any specific designed views and vistas within historic designed landscapes. All grades of listed buildings should be identified. In some cases, intervisibility between historic sites may be a significant issue;
- The potential for buried archaeological remains;
- Effects on landscape amenity from public and private land;
- Cumulative impacts.

The level of carefully considered information required under the EIA process will need to be proportional to the severity of the potential issues which may arise from any proposed scheme, and directly related to the need to assess the overall sustainability of the development proposals.

Our initial assessment shows the attached list of designated heritage assets within 3km of the proposed development:

- **4 Scheduled Monument**
- **23 Grade I & II\* Listed Buildings**
- **5 Conservation Areas**

We would draw particular attention to the Church of St Botolph, Boston and the Church of St Nicholas, Skirbeck - both of which are prominent historic buildings which in our view are likely to be affected by the proposed development. We also strongly recommend that you involve the Conservation Officers of the relevant local authorities and the archaeological staff at Lincolnshire County Council in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

We advise that the determining body must ensure that the EIA process provides a sufficient understanding of the significance of all the heritage assets potentially affected both individually and as part of the development of the wider historic landscape. The EIA must provide a clear understanding of any e.g. historic and spatial relationships between assets whether designated or non-designated, as well as the specific contribution which the development site makes to the significance of any designated assets affected.

Recent nearby work associated with the Boston Flood Barrier has demonstrated the importance of revealing the significance of the hulks, wooden structures and deposits associated with the river. Therefore we would strongly encourage the production of



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desk based and foreshore inspection reports to ensure we can begin to understand the full significance of non-designated archaeological remains.

The impact of the proposed scheme (including any secondary effects such as wash or scouring) should be examined in detail in respect of sediments likely to contain archaeological and palaeo-environmental remains. Such remains are of importance in both the understanding of the port of Boston and the wider context of Coastal, North Sea and Baltic commerce. This matter should be treated through the detailed specification of an intrusive sampling and analysis strategy.

The proposal may also have an impact on foreshore structures (such as wrecks and other wooden structures). We would advise an approach be taken that starts from the premise that the known and visible wreck and timber evidence will, where impacted, be recorded in situ (photographed/ drawn / or other techniques including structure from motion / laser scanning etc.) and where feasible excavated for additional assessment onshore.

As it may be likely that this application will also require a marine licence, Historic England would recommend that when it is submitted, the marine licence application is supported by the agreed WSI, and sufficient cultural heritage information (e.g. the cultural heritage chapter of the ES). This will allow Historic England staff (who are a statutory consultee to the Maritime Management Organisation licence process) to rapidly respond to this application, as the absence of this information will lead to delays.

We advise that the determining body must ensure that the EIA will provide a robust assessment of the impact of development on the setting of designated heritage assets including, but not limited to visual impacts. Heritage Assets are key visual receptors and any impact upon them would need to be considered in depth. This should also include an appropriate selection of viewpoints/photomontages relevant to the significance of the assets in question, to demonstrate the likely impacts of the development - particularly upon, but not necessarily limited to, the churches that we have referred to above. We would recommend the inclusion of long views and any specific designed or historically relevant views and vistas within the surrounding landscape.

*Comments on Content of Scoping Report*

Historic England welcomes the inclusion of Cultural Heritage Chapter in the proposed scope of the Environmental Impact Assessment. In general we recommend that there should be a close relationship between the Landscape and Visual Impact Assessment and the Heritage Assessment.

We note that the scoping report only proposes a limited assessment as detailed at paragraph 6.2.2, which we consider is unlikely to be sufficient thorough for an





Historic England

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assessment of impact on designated heritage assets. We recommend that the extent of the study area is defined appropriately and in relation to the results of the Landscape and Visual Impact assessment with specific reference to a Zone of Theoretical Visibility. We recommend that you are also guided by the advice of the specialist, County archaeological advisor in relation to the definition of a study area for non-designated archaeological remains.

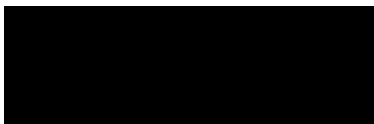
We would also recommend that the Good Practice Advice Note (2) on Managing Significance in Decision Taking in the Historic Environment is also consulted by the applicant in producing the Environmental Impact Assessment:

<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015)

<http://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

We also welcome the commitment of the applicant to embark upon a geophysical survey at the earliest opportunity in consultation with the County Archaeological Advisor.



Assistant Inspector of Historic Buildings and Areas

@HistoricEngland.org.uk



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Telephone 01604 735460  
HistoricEngland.org.uk



Your Ref: EN010097-000002  
Our Ref: EIA/05/18  
Date: 4 July 2018

Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Please reply to:

**Planning**

Lancaster House, 36 Orchard Street,  
Lincoln LN1 1XX  
Tel: (01522) 782070  
E-Mail: [REDACTED]@lincolnshire.gov.uk

Dear [REDACTED]

**PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL  
IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA REGULATIONS) –  
REGULATIONS 10 AND 11**

**EN010097-000002 – APPLICATION BY ALTERNATIVE USE BOSTON PROJECTS  
LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT  
FOR THE BOSTON ALTERNATIVE ENERGY FACILITY (THE PROPOSED  
DEVELOPMENT)**

**SCOPING CONSULTATION AND NOTIFICATION RESPONSE**

Thank you for your letter dated 8 June 2018 in connection with the above project. This letter sets out Lincolnshire County Council's response to the scoping request and the information that should be contained in the Environmental Statement.

Firstly I would wish to make you aware that there are some factual errors regarding facilities operated by Lincolnshire County Council close to the proposed site. Paragraph 2.1.7 - HWRC in Lincolnshire is already in use whereas it is stated to still be in construction. It is not MRF as stated but is a WTS that collects waste before transferring it to the EfW facility at North Hykeham. Finally it is assumed that there is a typo at the end of this paragraph and it should read 'Black bag'. At Paragraph 2.1.16 a description of the site's allocation is provided. This makes reference to the Boston Borough Local Plan (1999) and South East Lincolnshire Local Plan but fails to mention the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) and the Lincolnshire Minerals and Waste Local Plan Site Location Document (2017). The extract used and allocation is from the Minerals and Waste Site Location document and reference should be made to these documents in the allocation section.

At Paragraph 4.3.13 an assertion is made that the principal of the development is to generate energy and whilst clearly this is an outcome of the facility the principal objective is to provide a facility to process waste materials. Consequently the policies of the Minerals and Waste Local Plan are not of 'some' relevance to this project but of '**great relevance**'. The material proposed to be brought to that facility is clearly still 'waste'. This is supported by references such as at Paragraph 6.4.22 which describe operations

connected to the development such as 'waste storage' and 'waste processing facility'. Clearly this acknowledges that the proposed feedstock is classified as waste materials and will need to be stored in the 'waste storage' areas before being moved to the 'waste processing' areas before being used in the gasification plant. This very much supports the County Council assertion that the facility is classified as a waste project involving energy recovery.

In terms of specific points for the subject topics included in the scoping request would make the following points:

- Paragraph 6.14 – **Health Impacts** – Air quality should be the main focus of health impacts within the Environmental Statement. There should be an air quality management plan. The document acknowledges that increased traffic could have an impact within the air quality management areas designated in Boston. Welcome the commitment to producing a Health Impact Assessment. This should incorporate recommendations for enhancing positive benefits to human health and wellbeing that the development can bring through community benefits such as provision of green space (through for example the enhancement of the Havenside Country Park on the opposite side of the Haven) and not just mitigating against health impacts. It is also noted that consideration of human health will be included in the assessments of flood risk, noise and vibration traffic and transport, recreation and socio-economics. The social economic study should consider the health impacts of environmental nuisances and their contribution to health inequalities (i.e. the disproportionate effect on disadvantaged groups of people).
- Paragraph 6.15 – **Waste** – This section picks sets out the information that will be included in the Waste Impact Assessment. This appears to be capturing the potential waste arisings/management during the construction/operational phase of the project rather than its relationship with overall waste provision/needs in the County. Therefore, the Waste Impact Assessment should include detail about the proposed feedstocks for the facility including sources and specification. This should include an assessment of how the facility will contribute to the waste needs of Lincolnshire which are set out in the Lincolnshire Minerals and Waste Local Plan (2016). It also needs to set out how residual waste from the project will be dealt with. For instance bottom ash which will not be suitable for construction use will need to be disposed of and this is likely to be classed as hazardous waste. There is very limited capacity in Lincolnshire to accept hazardous waste so a facility for disposing of this hazardous waste needs to be identified.
- The facility would result in a significant proportion of Boston's allocation for waste uses within the Lincolnshire Minerals and Waste Site Allocation document (2017) being taken up and potentially leaving a shortfall of land for waste uses within this part of Lincolnshire. The assessment needs to consider the implications of the loss of this allocated land and how it is proposed to address this.

- Paragraph 7.3 – **Risk of Major Accidental Events** – Waste sites and those storing large amounts of RDF in particular, are a significant fire risk. There have been a number of large fires in Lincolnshire at waste facilities and for this reason these sites are seen as an elevated risk of a major fire. The Council therefore does not agree that the risk of a major accidental event is not a non-significant EIA and should be included in the Environmental Statement considering the risk of fire and what measures will be adopted to mitigate this and what measures will be put in place to deal with a fire should this occur.
- Paragraph 7.6 – **Lighting** – The Council is of the view that lighting is a topic that should be included in the Environmental Statement. The proposed site is situated within and beyond the north-east boundary of the industrial estate. So whilst the site is partly situated within an industrial estate the Council does not agree with the reasoning set out in the document for not including 'Lighting' in the Environmental Statement. The project will bring the development closer to sensitive receptors situated on the other side of the River Haven.

I trust this is helpful to you but should you wish to discuss any of the above matters further do not hesitate to contact me.

Yours sincerely

██████████

Planning Manager



# Marine Management Organisation

## Comments on Environmental Impact Assessment Scoping Report

**Title:** Boston Alternative Energy Facility

**Applicant:** Alternative Use Boston Projects Limited

**MMO Reference:** DCO/2018/00012

### Contents

1	Proposal.....	2
1.1	Project Background .....	2
2	Location .....	2
3	The Marine Management Organisation’s role in Nationally Significant Infrastructure Projects.....	3
4	Activities for this project that would be licensable under the 2009 Act .....	5
5	Scoping Opinion.....	5
5.1	Marine Consents .....	5
5.2	Cultural Heritage.....	6
5.3	Landscape and Visual Impact.....	6
5.4	Noise and Vibration .....	6
5.5	Contaminated Land, Land Use and Hydrogeology .....	7
5.6	Marine Ecology and Fisheries .....	7
5.7	Estuarine and Geomorphology Processes .....	8
5.8	Navigational Issues .....	9
5.9	Health Impacts.....	9
5.10	Cumulative Impacts & In-Combination Impacts.....	9
5.11	Risk of Major Accidents and Disasters Relevant to the Project .....	9
5.12	Planning Context .....	9
5.13	Dredging and Disposal of Dredged Material.....	9
6	Conclusion .....	11
7	References.....	11



# 1 Proposal

Alternative Use Boston Projects Ltd (AUBP) are seeking to construct the Boston Alternative Energy Facility (BAEF) with associated development. This would be an energy recovery plant to generate approximately 102 MWe (gross) of renewable energy and deliver approximately 80 MWe (net) to the national grid. The proposed plant will be a gasification facility and use refuse derived fuel (RDF) as a feedstock to generate energy. The associated development includes a lightweight aggregates manufacturing plant, a new wharf, and a feedstock checking, processing and storage facility to support the operational phase of the gasification process.

The proposed wharf comprises an approximately 350m to 400m docking facility, loading and unloading equipment, storage and internal road links. The purpose of the wharf is to connect the BAEF by water, to provide for delivery of feedstock and dispatch of lightweight aggregate by ship. The wharf will be located in the River Witham (known as The Haven). Ships will access The Haven via The Wash.

## 1.1 Project Background

As the proposed facility will generate over 50MWe of energy it is a nationally significant infrastructure project (NSIP). This would contribute to Government sustainable energy targets to achieve an 80% reduction in carbon emissions by 2050. The RDF will be sourced from UK suppliers and will comprise 'black bag' waste from householders and the residual output from material recycling facilities that cannot be recycled further. Therefore, the facility will not divert any source-segregated or co-mingled recycle from being recycled.

# 2 Location

The Boston Alternative Energy Facility is located at Riverside Industrial Estate, Boston Lincolnshire. This is adjacent to the tidal River Witham (known as The Haven) and down-stream from the Port of Boston. The site comprises of former agricultural fields bounded by drainage ditches. The proposed site for the marine facilities is located on the River Witham, approximately 750m downstream from the existing Port of Boston.



**Figure 1: Location of proposed works for BAEF**



### **3 The Marine Management Organisation’s role in Nationally Significant Infrastructure Projects**

The Marine Management Organisation (MMO) was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in the marine area by way of a marine licence<sup>1</sup>. Marine licences are required for deposits or removals of articles or substances below the level of MHWS, unless a relevant exemption applies under the Marine Licensing (Exempted Activities) (Amendment) Order 2013 (the “2013 Order”).

In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (the “2008 Act”) enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences<sup>2</sup>. Alternatively, applicants may wish to separately seek consent for a marine licence directly from the MMO rather than having it deemed by a DCO.

For NSIPs where applicants choose to have a marine licence deemed by a DCO, during pre-application the MMO will advise developers on the aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction within the marine area, this would also include assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

<sup>1</sup> Under Part 4 of the 2009 Act  
<sup>2</sup> Section 149A of the 2008 Act



Whether a marine licence is deemed within a DCO or consented independently by the MMO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this, the MMO would seek to agree the deemed marine licence with the developer for inclusion with their application to the Planning Inspectorate (“PINS”).

Further information on licensable activities can be found on the MMO website<sup>3</sup>. Further information on the interaction between PINS and the MMO can be found in our joint advice note<sup>4</sup>.

The MMO recognises there is some overlap between the geographical jurisdiction of the MMO and the local planning authorities (i.e. between MHWS and mean low water springs).

The MMO has considered this and is of the view that matters which fall within the scope of the marine licensing provisions of the 2009 Act (i.e. anything below MHWS) are generally best regulated by conditions on marine licences. This should minimise the risk of inconsistency between different schemes of regulation, or of a duplication of controls.

In considering applications for marine licences to be consented independently by the MMO, the MMO regularly consults with bodies including, but not limited, to:

- the Environment Agency
- Natural England
- Natural Resources Wales (for works in or affecting Wales)
- the Maritime and Coastguard Agency
- Historic England
- local planning authorities
- local harbour authorities
- local inshore fisheries and conservation authorities
- the Royal Yachting Association (RYA)
- the Royal Society for the Protection of Birds
- the corporation of the Trinity House of Deptford Strond.

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<sup>3</sup> <https://www.gov.uk/guidance/do-i-need-a-marine-licence>

<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2012/04/Advice-note-11-Annex-B-MMO.pdf>

Where a marine licence is to be deemed within a DCO, the MMO would expect that comments provided by the above list of bodies and any other relevant bodies are taken into consideration.

## **4 Activities for this project that would be licensable under the 2009 Act**

The report includes limited detail regarding construction activities and their associated methodologies. These activities are likely to be more of a threat to marine receptors than activities during the operational phase. Further detail on activities proposed within the marine environment is required to understand which activities require licensing under the 2009 Act, and to enable a robust assessment of their impact on the marine environment.

Any additional works or activities in the marine area which may require a marine licence under the 2009 Act should be notified to the MMO at the earliest opportunity, and the impacts of such works considered in the Environmental Impact Assessment (EIA) process.

## **5 Scoping Opinion**

The Planning Inspectorate have requested a Scoping Opinion from the MMO. In so doing a Scoping Report entitled “Boston Alternative Energy Facility” has been submitted to the MMO for review.

The MMO broadly agrees with the topics outlined in the Scoping Report and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting Environmental Statement.

### **5.1 Marine Consents**

- 5.1.1 Section 6.9.16 of the Scoping Report states “The construction of the wharf would be covered by the requirements of a permit to be issued by the Marine Management Organisation”. The MMO advises that the applicant seeks permission for construction of the wharf through the inclusion of a deemed marine licence (DML) within their DCO.
- 5.1.2 The MMO considers that the inclusion of a DML within the DCO would act to streamline the consents process for the application and welcomes further engagement on this matter.

## **5.2 Cultural Heritage**

- 5.2.1 The MMO welcomes the methodology for informing the Cultural Heritage Assessment, but would defer to Historic England on this matter.

## **5.3 Landscape and Visual Impact**

- 5.3.1 The MMO welcomes the intention to assess the potential for the adverse landscape and visual effects on both construction and operation, but would also expect an assessment of the visual impact from the river, as seen by approaching vessels.

## **5.4 Noise and Vibration**

- 5.4.1 The ES should include an assessment of the potential risk of impact of underwater noise on sensitive receptors. This should be supported by relevant and recent scientific literature, for example, Popper et al (2014) for fish and National Marine Fisheries Service (NMFS) (NOAA) (2016) for marine mammals.
- 5.4.2 Depending on the size and intensity of the marine works, i.e. whether excavation of marine sediments will be required, the necessary assessment would change. If piling and dredging are the only activities which will be required below the water line, then the MMO consider a desk-based assessment should suffice to inform the assessment of any potential risk to marine receptors, dependent on the scale and intensity of the works. Any significant change to proposed construction methods which significantly increase stress on the marine environment will potentially require more investigative assessment methods such as noise propagation modelling. If underwater noise modelling is deemed necessary, appropriate metrics should be used for each source type, i.e. the zero-to-peak sound pressure level (SPL) or peak-to-peak SPL for impulsive sources. The metric most suitable for continuous sounds is the root mean square (rms) SPL. The sound exposure level (SEL) can also provide an informative assessment. The noise assessment should assess the potential permanent (PTS) and temporary (TTS) threshold shifts to marine receptors by forecasting the significance of the zone of impact and detail any necessary mitigation with the findings of the assessment in the ES. Guidance such as Faulkner et al (2018) will be helpful in determining the best course of action.
- 5.4.3 Relevant mitigation for piling and dredging works include but are not limited to: soft-start measures; observing periods of increased sensitivity such as spawning; vibratory piling methods; and, maximum piling days per week or hours per day. Mitigation will depend on piling method, how many piles, their diameter and the amount of time required to install then to the desired depth.

- 5.4.4 The MMO considers it is challenging to verify the potential Zone of Impact in relation to the Havenside Local Nature Reserve (HLNR) given that clarification is needed concerning construction methodology. Unlike the terrestrial species listed in Chapter 4.1.1, the common seal must use the river for key biological processes, though it is unlikely that they will move further upstream towards the development site given their life characteristics and non-migratory nature. This is further supported by the fact that the River Witham is not characterised as a haul out or breeding site such as Donna Nook and the Wash<sup>5</sup>. If vibratory/softer piling does not prove practical, the impact to acoustically sensitive organisms, such as the common seal, is likely to increase. The MMO would expect to see some consideration of the potential impacts to seals inhabiting the HLNR in the ES.
- 5.4.5 Smelt, eel and sea trout can be considered relevant receptors to underwater noise due to possessing a swim-bladder. Whereas the River lamprey is not recognised as a species of particular concern for vulnerability to underwater noise. Anadromous fish (migratory) such as smelt are particularly vulnerable, given the potential threat of an acoustic barrier occurring from any piling activity. The MMO defers to the Environment Agency on mitigation of disrupting fish migration, but note that this should be considered in the ES.

## **5.5 Contaminated Land, Land Use and Hydrogeology**

- 5.5.1 The MMO welcomes the intention to assess the potential for contamination but would expect that disturbance of the river bed sediment (both during construction and operation) is considered within the ES.

## **5.6 Marine Ecology and Fisheries**

- 5.6.1 The MMO would expect the ES to have detailed the statutory sites of importance for nature conservation nearest to the proposed development and justified why they can be screened out. These sites are:
- The Wash (SPA)
  - The Wash(Ramsar)
  - The Wash and North Norfolk Coast (SAC).
- 5.6.2 The MMO welcomes the consideration of potential impacts to species in the Havenside Local Nature Reserve (LNR). Additional points for consideration of the impact on marine mammals at the site has been included in section 5.8 of this advice.
- 5.6.3 Any fisheries data taken from past surveys that are used in the ES, should include or signpost to relevant information such as dates and times of surveys, locations, gear used, mesh size, duration of tow / soak times. The limitations of any data sources used in the assessment are presented in the ES.
- 5.6.4 The ES should provide information on any known spawning and nursery grounds of fish. For migratory species, the impact assessment should

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<sup>5</sup> <https://glnp.org.uk/admin/resources/lincolnshire-bap-3rd-edition-15-saps.pdf> Greater Lincolnshire Nature Partnership: Lincolnshire Biodiversity action plan

consider the timing of upstream and downstream migrations in relation to construction and dredging activities. Areas of substrate suitable for smelt spawning should also be identified where possible.

- 5.6.5 A construction schedule indicating the months when dredging and piling works will be carried out should be presented within the ES. This will help identify the months that piling /dredging activity will overlap with the peak migratory seasons of fish.
- 5.6.6 The MMO would expect a precautionary approach to the impacts of noise and vibration (from all forms of piling) on fish to be taken, to ensure that the mitigation is adequate.
- 5.6.7 The MMO expect the ES to include detailed descriptions of marine and migratory fish in the study area, especially in relation to the seasonal movements of migratory fish.
- 5.6.8 Section 6.9.31 of the Scoping Report, within the Marine Ecology and Fisheries chapter, states that “the impact of operation of the wharf facility is not anticipated to have any significantly adverse effects”. The MMO consider that this requires further assessment given that the vessels using the wharf will ground on the seabed.

## **5.7 Estuarine and Geomorphology Processes**

- 5.7.1 The MMO considers that the direct impact of vessels (i.e. wash during manoeuvring in the nearshore) should be explicitly considered, during construction and operation, within the ES.
- 5.7.2 Whilst the monitoring measures appear to be sufficient for the likely scale of the proposed project, the ES should identify what further mitigation may be proposed should the proposed monitoring identify changes exceeding the predictions – and, therefore, also indicate what would represent an unacceptable local change.
- 5.7.3 The Scoping Report proposes to scope out impacts on the Inner Wash (6.10.17), based on the understanding that no dredging will be required in the channel here. Impacts in the Wash will need to be assessed if there is any doubt or change in the presumption regarding channel dredging. Also, if dredging is required within the Haven, the assessment will need to demonstrate that impacts (i.e. the suspended sediment plume) do not extend into the Wash. The decision to scope out these impacts should be (briefly, but quantitatively) justified in the ES by reference to evidence that the impacts caused will not be significant here.
- 5.7.4 The MMO consider that the proposed Expert Geomorphological Assessment (EGA), should clearly separate the specific spatial context of the new wharf and work for previous projects.

## **5.8 Navigational Issues**

5.8.1 The MMO welcomes the intention in 6.11.20 to supplement the Navigational Impact Assessment by consultation, and would expect consultees to include the RYA and local boat and canoe clubs.

## **5.9 Health Impacts**

5.9.1 The MMO welcomes the intention to provide a Health Impact Assessment (HIA) in addition to considering health issues within the relevant ES assessments.

## **5.10 Cumulative Impacts & In-Combination Impacts**

5.10.1 An assessment of cumulative impacts should consider the potentially increased vulnerability of any receptors due to activities concerning the Boston Tidal Barrier Project and any other projects identified during the EIA. The MMO do not consider that the cumulative impacts for BAEF should be assumed to be the same as the cumulative assessment for the Boston Barrier EIA<sup>6</sup>.

## **5.11 Risk of Major Accidents and Disasters Relevant to the Project**

5.11.1 Section 7.3 of the Scoping Report states that the impacts to the environment from a major accident or disaster can be scoped out of the ES. The MMO would expect to see a full consideration in the ES, of how the surrounding environment would be impacted should a major accident/disaster, which is not within AUBP control, destroy or damage the facility, for example as a result of a tidal surge.

## **5.12 Planning Context**

5.12.1 The East Marine Plan is not referenced within the Report. The project contains elements both within, and bordering, the East Inshore Marine Plan Area and a review and assessment against relevant plan policies should, therefore, be included within the ES<sup>7</sup>.

## **5.13 Dredging and Disposal of Dredged Material**

### **5.13.1 Dredging**

5.13.1.1 The MMO consider that effects related to dredging have been appropriately identified in the Marine Ecology chapter for the construction phase (i.e. capital dredging).

5.13.1.3 Mitigation proposed at this stage includes non-dredging periods coinciding with a) 'warm weather' (to reduce the risk of algae blooms) and b) spawning periods for smelt. The Environment Agency may have further comment on the mitigation regarding 'warm weather' however the MMO consider this to be vague at present and should be specified with a temperature cut off (air or

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<sup>6</sup> <http://mis.marinemanagement.org.uk/>

<sup>7</sup> <https://www.gov.uk/government/collections/east-marine-plans>  
<http://mis.marinemanagement.org.uk/>

water) if this mitigation is embedded into the ES and DML conditions, if a DML is sought.

5.13.1.4 The 'EIA approach section' of the Scoping Report (sections 6.9.21 to 6.9.29) states that no surveys are being planned. With regard to the dredging, unless sediment contaminant data which is demonstrably spatially characteristic of the dredge area and temporally valid (i.e. within 3 years of the dredging works) can be assessed as appropriate to support the application, samples of the dredge material will be required.

5.13.1.5 Capital and maintenance dredging are licensable activities. Dredge material will require characterisation following OSPAR guidelines and assessment relative to Centre for Environment, Fisheries and Aquaculture Service (Cefas) Action Levels<sup>8</sup>. The number of samples collected for dredge material testing and the analyses conducted must be compliant with OSAPR guidelines. The applicant should consult with the MMO prior to undertaking dredge material sampling and testing. Analysis must also be conducted by an MMO validated laboratory<sup>2</sup>.

5.13.1.6 Section 6.10.6 states that the Port of Boston has confirmed that no ongoing maintenance dredging is carried out in the Haven at the wharf site. Maintenance dredging is carried out immediately upstream of the wharf by the Port of Boston and Boston Barrier and the MMO consider that maintenance dredging at the wharf is likely to be a requirement and should be fully assessed in the ES.

## 5.13.2 Disposal

5.13.2.1 Should a new offshore disposal site need to be designated, further impacts at the disposal site (such as increased suspended sediment, changes to sediment properties and their effects on biological receptors) would need to be considered. Should there be an identified need for maintenance dredging, the impacts should also be identified in section 6.9.11 (operational impacts).

5.13.2.2 Whilst section 6.9.26 states that Cefas will be contacted, via the MMO, to confirm the management options for sediment removal during construction, the MMO note that disposal options have not been detailed. If offshore disposal is required there are two options, a) utilise an existing designated disposal site or b) characterise and licence a new disposal site. Should the volume of dredge material be significantly in excess of that which is normally received for any identified existing designated offshore disposal site, or if a new offshore disposal site is required, an assessment of the impacts on the disposal site will be required following the OSPAR guidelines<sup>9</sup>. This may require a site-specific survey and post disposal monitoring (typically monitoring would only be required if specific receptors were at risk, such as bathymetric surveys to identify shoaling). The MMO would urge the applicant to consider their dredge disposal requirements and identify if the existing disposal sites in the region are suitable. To note, the closest disposal site

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<sup>8</sup> <https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans>

<sup>9</sup> <https://www.ospar.org/documents?d=34060>



Boston 7 HU170 is a small site which receives minimal deposits and there are current concerns over shoaling at the site, therefore if this site is identified a detailed assessment of shoaling impacts would be required.

## 6 Conclusion

The MMO wishes to emphasise the benefit of including a DML within the DCO to streamline the consents process. Further engagement in this regard is welcomed.

The topics highlighted in this scoping opinion must be assessed during the EIA process and the outcome of these assessments **must** be documented in the ES in support of the application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

## 7 References

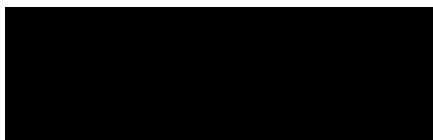
Faulkner, R.C., Farcas, A. and Merchant, N.D., 2018. Guiding principles for assessing the impact of underwater noise. *Journal of Applied Ecology*.


NOAA., 2016. Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts.

[http://www.nmfs.noaa.gov/pr/acoustics/Acoustic%20Guidance%20Files/opr-55\\_acoustic\\_guidance\\_tech\\_memo.pdf](http://www.nmfs.noaa.gov/pr/acoustics/Acoustic%20Guidance%20Files/opr-55_acoustic_guidance_tech_memo.pdf) (Acc. 25/6/18)

Popper, A. N. et al., 2014. Sound Exposure Guidelines for Fishes and Sea Turtles.

[https://www.researchgate.net/profile/Arthur\\_Popper/publication/279347068\\_Sound\\_Exposure\\_Guidelines/links/5596735d08ae99aa62c777b9/Sound-Exposure-Guidelines.pdf](https://www.researchgate.net/profile/Arthur_Popper/publication/279347068_Sound_Exposure_Guidelines/links/5596735d08ae99aa62c777b9/Sound-Exposure-Guidelines.pdf) (Acc. 25/6/18)



  
Marine Licensing Case Officer  
4 July 2018



**From:** [NATS Safeguarding](#)  
**To:** [Boston Energy Alternative Facility](#)  
**Subject:** RE: Boston Alternative Energy Facility - EIA Scoping Notification and Consultation [Our Ref: SG26367]  
**Date:** 11 June 2018 10:53:23  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

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.

Yours Faithfully

**NATS**

**NATS Safeguarding**

D: 01489 444687

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
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**\*\*Please note:** NATS Safeguarding email address has changed to: [NATSSafeguarding@nats.co.uk](mailto:NATSSafeguarding@nats.co.uk)

---

**From:** Boston Energy Alternative Facility [mailto:[BostonEnergyAlternativeFacility@pins.gsi.gov.uk](mailto:BostonEnergyAlternativeFacility@pins.gsi.gov.uk)]  
**Sent:** 08 June 2018 09:35  
**Subject:** Boston Alternative Energy Facility - EIA Scoping Notification and Consultation

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Dear Sir/ Madam

Please see the attached correspondence on the proposed Boston Alternative Energy Facility.

Please note the deadline for the consultation response is 6 July 2018, and is a statutory requirement that cannot be extended.

Kind Regards

[Redacted]

EIA and Land Rights Advisor  
Major Applications & Plans  
Major Casework Directorate

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[Redacted]

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Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

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**BY EMAIL ONLY**

FAO [REDACTED].  
[BostonEnergyAlternativeFacility@pins.gsi.gov.uk](mailto:BostonEnergyAlternativeFacility@pins.gsi.gov.uk)

Dear Madam

**Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011):** Boston Alternative Energy Facility - EIA Scoping Notification and Consultation

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 08 June 2018 which we received on 08 June 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact [REDACTED] on **07900608043**. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Yours sincerely

Kristina Cox  
Sustainable Development East Midlands

## **Annex A – Advice related to EIA Scoping Requirements**

### **General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### **Ecological Aspects of an Environmental Statement**

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

### **2.1 Internationally and Nationally Designated Sites**

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

- Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within [Click here to enter text](#). and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

### **2.2 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

### **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact*

*within the Planning System.* The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

## **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

## **2.6 Contacts for Local Records**

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

## **1. Designated Landscapes and Landscape Character**

### **Landscape and visual impacts**

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in

topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### **Heritage Landscapes**

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

## **2. Access and Recreation**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby [Click here to enter text](#). National Trail. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.



### **3. Soil and Agricultural Land Quality**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Add this standard text to the EIA Scoping standard letter if soils should be considered as part of the EIA (non-minerals and waste developments only).

[http://neintranettechnical/content/technical/docs/docs\\_12/Non-Minerals EIA Scoping - Land Quality and Soil Resource Protection v1.2.docx](http://neintranettechnical/content/technical/docs/docs_12/Non-Minerals_EIA_Scoping_-_Land_Quality_and_Soil_Resource_Protection_v1.2.docx)

Add this standard text to the EIA Scoping standard letter for developments involving land-filling, land-raising, or restoration.

[http://neintranettechnical/content/technical/docs/docs\\_12/Minerals EIA Scoping - Land Quality and Soil Resource Protection v1.2.docx](http://neintranettechnical/content/technical/docs/docs_12/Minerals_EIA_Scoping_-_Land_Quality_and_Soil_Resource_Protection_v1.2.docx)

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

### **4. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

### **5. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

### **6. Contribution to local environmental initiatives and priorities**

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Evidence and advice on green infrastructure, including the economic benefits can be found here under gov.uk website [Green Infrastructure](#).

### **7. Cumulative and in-combination effects**

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have



been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

### **Wind Turbines**

Specific guidance for wind developments has been developed by Natural England and should be used to inform the EIA.

A full consideration of the implications of the whole scheme should be included in the ES. This should include the consideration of the electrical connection within the site and between the proposed substation and the wider grid. All supporting infrastructure should be included within the assessment.

Bat surveys should conform to our current guidance [TIN051 - Bats and onshore wind turbines \(interim guidance\)](#). Reference should also be made to the Bat Conservation Trust 'Bat Surveys – Good Practice Guidelines' 2<sup>nd</sup> Edition Chapter 10 Surveying proposed onshore wind turbine developments.

The ES will need to consider the impact of the proposals on bird populations including the potential impact of the proposals on bird flight lines, breeding and wintering populations and high tide roosts. Bird surveys should conform to Natural England guidance [TIN069 Assessing the effects of onshore wind farms on birds](#).

The ES should also have regard to any wind capacity studies for the area and Natural England considers that this development is likely to affect landscape character in this locality – see section 2 in this scoping letter for details of the assessment required.

**From:** [REDACTED]  
**To:** [Boston Alternative Energy Facility](#)  
**Cc:** [REDACTED]  
**Subject:** FW: Boston Alternative Energy Facility - EIA Scoping Notification and Consultation  
**Date:** 26 June 2018 11:50:43

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[REDACTED]

Thank you for consulting Norfolk County Council on the above scoping documentation.

The officer-level comments below are made on a “without prejudice” basis and the County Council reserves the right to make further comments during the application process.

General Comments:-

#### Grid Connection and Landscape Issues

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:

- (a) Whether the existing overhead lines and substation/s are sufficient to be able to cope with the energy proposal;
- (b) Whether there will be a need to upgrade any existing overhead power lines;
- (c) Whether there is a need for a new electricity substation.

The EIA/PEIR should also address the cumulative impact 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) or any other infrastructure needs up-grading (e.g. sub-station) there would need to be a description of the route(s) including plans at an appropriate scale incorporating, for example:

- an assessment of their impact (e.g. photomontages etc).
- details of temporary construction compounds
- identification of any sensitive features along route

The EIA/PEIR should consider the possibility of putting over-head power lines underground in order to minimise their impact.

Should you have any queries with the above comments please call or email me.

Kind regards

[REDACTED]

[REDACTED] BA(Hons), MSc, DipTP, CiLCA, MRTPI  
Principal Planner  
Norfolk County Council  
01603 222752

[REDACTED]@norfolk.gov.uk

---

**From:** Boston Energy Alternative Facility [<mailto:BostonEnergyAlternativeFacility@pins.gsi.gov.uk>]  
**Sent:** 08 June 2018 09:47  
**Subject:** Boston Alternative Energy Facility - EIA Scoping Notification and Consultation

FAO: Head of Planning

Dear Sir/ Madam

Please see the attached correspondence on the proposed Boston Alternative Energy Facility.

Please note the deadline for the consultation response is 6 July 2018, and is a statutory requirement that cannot be extended.

Kind Regards

[REDACTED]

EIA and Land Rights Advisor  
Major Applications & Plans  
Major Casework Directorate

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

[REDACTED]

Helpline: 0303 444 5000

Email: [REDACTED]@pins.gsi.gov.uk

Web: [infrastructure.planninginspectorate.gov.uk](http://infrastructure.planninginspectorate.gov.uk) (National Infrastructure Planning)

Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

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**From:** [REDACTED]  
**To:** [Boston Alternative Energy Facility](#)  
**Subject:** EN010097-000002 - Application by Alternative Use Boston Projects Limited (the Applicant) for an Order granting Development Consent for the Boston Alternative Energy Facility (the Proposed Development)  
**Date:** 15 June 2018 16:33:35

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Dear Sir/Madam

**Planning Act 2008 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11**

Thank you for notifying the District Planning Authority of the above proposals however in this instance we have no comments to make in relation to the EIA Scoping Opinion or the associated project.

Regards

[REDACTED]  
Principal Planning Officer  
(01529) 414155  
[www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk)



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**Telephone:** 01733 453410  
**Email:** planningcontrol@peterborough.gov.uk  
**Case Officer:** [REDACTED]  
**Our Ref:** 18/00417/CONSUL  
**Your Ref:** EN010097-000002

**PETERBOROUGH**



Planning Services

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Peterborough  
PE1 1HF

[REDACTED]  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Peterborough Direct:** 01733 747474

25 June 2018

Dear [REDACTED]

**Planning enquiry**

Proposal: Consultation on scoping opinion for Boston Alternative Energy Facility

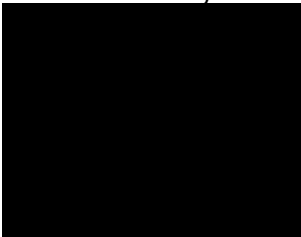
Site address: South Of Boston And East Of Riverside Industrial Estate

Further to your enquiry received on 8 June 2018, in respect of the above, the Local Planning Authority makes the following comments:

As the proposal site is located a considerable distance from the Authority, we can confirm that we have no comments to make at this time.

I trust that the above advice is of use however should you have any further queries, please do not hesitate to contact me on the details shown at the top of this letter.

Yours sincerely



[REDACTED]  
Senior Minerals and Waste Officer

From: [REDACTED]  
To: [Boston Alternative Energy Facility](#)  
Cc: [REDACTED]  
Subject: Re: Boston Alternative Energy Facility - EIA Scoping Notification and Consultation  
Date: 05 July 2018 21:20:57

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**For the attention of [REDACTED]**

**Boston Alternative Energy Facility (BAEF)  
EIA Scoping Consultation - BAEF – EIA Scoping Report rev 01/ Final,  
dated 30th May 2018 (ref: I&BPB6934-RH002R001F01)  
Response from the Port of Boston Ltd**

Further to the letter dated 8th June 2018 (Ref: EN010097-000002) from Gail Boyle regarding the statutory consultation in respect of the above project, and our receipt of the Scoping Report, I set out the formal response from the Port of Boston Ltd (the Port), being the Statutory Harbour Authority at Boston:

Comments on the report using their references:

**General**

The Port considers that the proposed scheme has the potential to impact significantly on navigation within the Haven, and specifically on the safety of navigation.

Accordingly, the Port advises that the EIA should scope into the assessment a Navigation Impact Assessment, carried out in conjunction with the Port, and agreed with the Port. The Navigation Impact Assessment should incorporate a risk assessment.

**1.5 Preliminary Stakeholder Consultation (Page 9)**

The Port notes that the preliminary contact to date has not constituted consultation on the potential impacts of the scheme, rather it was an information gathering exercise by BAEF to inform their baseline data.

**2.0 The Proposed Development (Page 13)**

***Additional Information***

2.2.87 - The Port notes that the Boston Barrier Consent Order under the Transport and Works Act, excluded Marine Consent under the Marine and Coastal Access Act 2009, which was separately consented by the Marine Management Organisation. The Port notes that the BAEF project should be similarly treated.

**6.10 Estuarine and geomorphological Processes (Page 106)**

***Potential Environmental Effects***

6.10.10 - A major capital dredging campaign is an essential ingredient in the construction of the new wharf facility, include dredging within and directly adjacent to the main navigation channel. The Port is concerned that the report understates this impact, since in order to facilitate safe access for ships onto the newly created river berths, significant dredging will be needed, including extensive transitions upstream and downstream of the facility.



6.10.11 - there is the potential to impact on the sea disposal site due to the likely need to undertake maintenance dredging of the new wharf facility.

### ***Mitigation***

Mitigation might include a similar approach to the Boston Barrier project, which has allowed for disposal of capital dredged materials to land and not to sea so as to mitigate the potential impact on the sea disposal site serving the port.

### ***EIA Approach***

6.10.17 - dredging may not be needed within the approach channel, but sea disposal will be needed of maintenance dredging and/or the capital dredging of the scheme. This should therefore be scoped in to the assessment.

6.10.18 - Since capital dredging of the scheme is an essential ingredient of the scheme, and that this will impact significantly on the profile of the river channel at the BAEF site, the impacts on geomorphology and estuarine processes should be scoped in.

### ***Conclusion***

6.10.25 - the Port believes that the impacts on geomorphology in the Wash should be scoped in due to the potential impact on sea disposal of dredged materials.

## **6.11 Navigation Issues (Page 110)**

### ***Baseline Conditions***

6.11.2 - Whilst the Port accepts the relevance of the Boston Barrier ES to the BAEF project, and that it provides some relevant data upon which to rely, it may not bound the full range of issues that are relevant to this project, and therefore it should be considered informative only, rather than assuming that it remains a reliable baseline.

6.11.4 – We note that fresh water releases especially from Grand Sluice will impact heavily and quickly on sediment movement

6.11.6 - Given that all commercial shipping passes the proposed site of the BAEF, the description here is not correct. There is no sand bar at Tab's Head.

6.11.7 - The description here is misleading. The predominant users of the river are the commercial shipping and the fishing fleet. Recreational traffic and other commercial activity e.g. tripper boats is extremely small by comparison.

6.11.8 – The description is not accurate as the timings of fishing vessel and recreational vessel movements can and do occur at other times to those indicated. The prescriptive description is unhelpful and not representative of the range and timings of movements.

6.11.9 - the description of Port Control activities here is not accurate. It is the Harbour Authority that is responsible for the control of shipping. We note that Port of Boston Pilots report to Port Control their position in the river at dedicated reporting points, however, Port Control does not routinely use VHF to notify other river users of shipping movements.

6.11.10 - The description of the river lights is incorrect. We note that the river benefits from navigational aids in accordance with Trinity House protocols, with Port of Boston being the Local Lighthouse Authority.

6.11.11 – The tonnage described here are inconsistent with the vessel size indicated elsewhere. We note that 2500 tonne deadweight vessels with low draught would be more suitable for calling at the port in the majority of tidal conditions.

Generally - the baseline conditions should include a description of traffic volumes and types

### ***Potential Environmental Effects***

6.11.12 - the potential impacts described exclude:

- the impact on dredging
- the impact on hydrodynamic flows
- the impact on scour and/or accretion
- the impact on passing vessels
- the impact on swinging vessels

6.11.12 - the Port could not accept reduced manoeuvrability or river width post completion of the project.

6.11.15 – The wording here suggests that restriction on navigation cannot be mitigated during construction, whereas the intention ought to be to deploy mitigation to prevent impact on navigation.

General - there is no description of mitigation during the operational phase following construction

### ***EIA Approach***

6.11.19 - the Port advises that a Navigation Impact Assessment is carried out, which contains a Navigation Risk Assessment. The Navigation Impact Assessment should look to identify mitigation to inform the detailed design, the construction methodology and construction sequencing. The Navigation Impact Assessment should be carried out in conjunction with the Harbour Authority. Further the Port advises that the Navigation Impact Assessment might be used to inform the development of a Navigation Management Plan that would set out the procedures to be followed and the aids to navigation to be provided to mitigate the risks to navigation arising from the construction and operation of the BAEF.

6.11.21 – The wording '.....Port of Boston fleet,.....' is inappropriate as this suggests that the Port owns the vessels which bring the cargo to and from the port. This is not the case.

## **7 Non-significant EIA Issues (page 126)**

### ***Lighting***

Section 7.6 - Lighting of a large gasification plant this close to the river could have an adverse effect on the safety of navigation, and should therefore be scoped in to the EIA.

As separately advised to Michael Breslaw, please note that I am the Port's Authorised Representative and all communication on this matter should be directed for my attention either by email at this address, or by post to:

Mr Neil Harris  
c/o Port of Boston Ltd  
The Docks  
Boston  
Lincolnshire  
PE21 6BN

Kind regards,

■  
Authorised Representative of the Port of Boston

■ BSc CEng MStructE

**Chartered Structural and Maritime Engineer**

**Neil Harris Consulting**

t: 01752 872806

■  
e: ■ [@cloud.com](mailto:■@cloud.com)

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Public Health  
England

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██████████  
Senior EIA and Land Rights Advisor  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Your Ref: EN010097-000002  
Our Ref: 45977

4<sup>th</sup> July 2018

Dear ██████████

**Nationally Significant Infrastructure Project  
Boston Alternative Energy Facility Scoping Consultation**

Thank you for your consultation regarding the above development. Public Health England (PHE) welcomes the opportunity to comment on the proposed scope of the applicant's Environmental Impact Assessment at this stage of the project. Our response focuses on health protection issues relating to chemicals and radiation.

A copy of PHE's standard recommendations regarding the content of the promoter's Environmental Impact Assessment (EIA) is appended to this letter. Further to those recommendations, we request the promotor considers the following points:

- Evaluation of potential impacts associated with non-ionising radiation (EMF) is not mentioned within the proposed EIA scope and should be considered.

In relation to air quality:

The applicant intends to define baseline conditions using local authority annual reports and Defra national modelling. It is proposed that the Boston Biomass Facility stack is included in the promoter's dispersion model, but potential emissions from other planned facilities nearby are not mentioned – modelling assessments must account for their emissions and/or raised background concentrations.

- Given that there are several nearby waste facilities undergoing construction, it is important to address all of their future contributions (ie, emissions associated with stack, fugitive and transport sources) to local air pollution to ensure predicted background pollutant levels are representative
- The applicant states that fugitive operational emissions of dust and particulate matter during construction will be considered but assessment of these emissions at the operational phase is not mentioned. Emissions associated

with storage, handling and treatment of waste, ash and aggregates during the operation phase should be considered within the scoping stage.


- The air quality impact assessment should include evaluation of the combined impact from all emission sources on short and long-term air quality (ie, a combined assessment of the operational traffic (road and shipping) emissions, installation (stack and fugitive) emissions, and emissions from nearby facilities). Each component should not be assessed in isolation, and, for example, if detailed assessment of traffic emissions (road or ship) is screened out, the contribution of road/ship traffic to the installation's overall air quality impacts should not be excluded.
- There are public health benefits in reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards: as such, we recommend consideration of mitigation measures that reduce public exposures to pollutant levels as low as reasonably practicable, and that the applicant's proposed air quality management plan recognises this important principle
  - Mitigation of air quality impacts associated with approximately 560 ship movements per year related to the project could include consideration of shore to ship power supplies, preferably using renewable energy generated to reduce noise and emissions to air associated with ships at berth.
- Fires at unregulated waste sites are a recognised issue with implications for public health. Incineration, although removing the problem, does not increase waste reduction or reuse as part of the waste hierarchy. As part of the EIA, the promoter may wish to evaluate the wider benefits that can be associated with generating electricity and aggregate at their proposed plant.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

We hope that the above is useful but should you have any questions or concerns please do not hesitate to contact us.

Yours sincerely



  
Principal Environmental Public Health Scientist  
[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### **Receptors**

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and

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<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development



Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

#### *Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

#### *Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

### **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

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<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

## **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

For wastes delivered to the installation:

- the EIA should consider issues associated with waste delivery and acceptance procedures (including delivery of prohibited wastes) and should assess potential off-site impacts and describe their mitigation

## **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be

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<sup>4</sup> Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

negligible.” PHE supports the inclusion of this information within EIAs as good practice.

## **Electromagnetic fields (EMF)**

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

## **Policy Measures for the Electricity Industry**

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf)

## **Exposure Guidelines**

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE’s predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/Publichealth/Healthprotection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500)

### **Static magnetic fields**

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

### **Power frequency electric and magnetic fields**

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

### **Long term effects**

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

## The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

### Annex 1

#### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>5</sup> is used

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<sup>5</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



## **Boston Alternative Energy Facility – proposed development by Alternative Use Boston Projects Ltd**

### **Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement**

#### **Introduction**

Reference the letter from PINS to Royal Mail dated 8 June 2018 requesting Royal Mail's comments on the information that should be provided in Alternative Use Boston Projects Ltd's Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Regulation 8 (1) Scoping Report dated June 2018.

#### **Royal Mail- relevant information**

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom (the independent communications regulator) as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. Its services are regulated by the Communications Industry Regulator, Ofcom.

In respect of its postal services functions, section 29 of the Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

By sections 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.

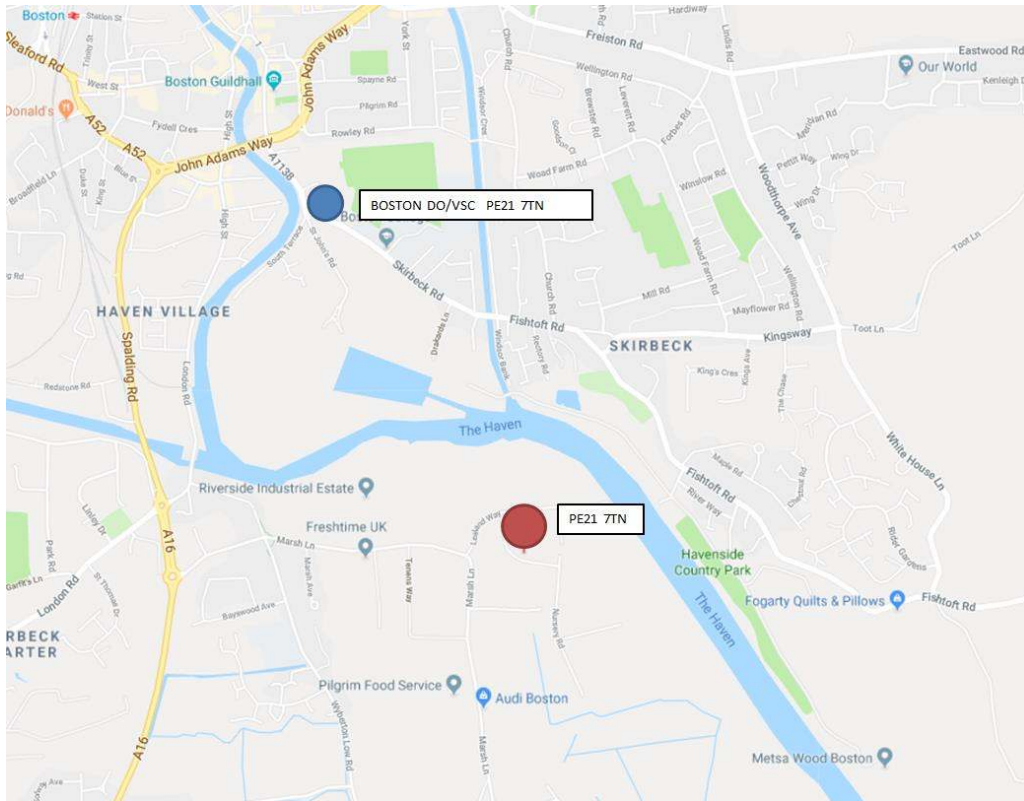
Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.





Royal Mail's nearest operational property to the Boston Alternative Energy Facility site is Boston Delivery Office, South End, Boston PE21 6AB which is c 1.8 miles distant, as shown on the plan below.



The location, nature and scale of the proposed Boston Alternative Energy Facility may present risk of construction phase impact / delays to Royal Mail's road based operations in the area.

Every day, in exercising its statutory duties Royal Mail vehicles use all of the main roads that may potentially be affected by additional traffic arising from the construction of the Boston Alternative Energy Facility.

Royal Mail therefore wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may be adversely affected by the construction and operation of this proposed scheme.

### **Royal Mail's comments on information that should be provided in the Port of Tilbury London Limited's Environmental Statement**

Royal Mail has the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted though full consultation at the appropriate time in the DCO and development process.



2. The ES should include detailed information on the construction traffic mitigation measures that are proposed to be implemented, including a draft Construction Traffic Management Plan (CTMP).
3. Royal Mail requests that careful attention is given to the potential for cumulative traffic impact during the construction phase. The Scoping Report should address the potential cumulative traffic effects arising from the construction of Boston Alternative Energy Facility together with all other proposed major developments in the area.
4. Royal Mail requests that it is fully pre consulted by the Alternative Use Boston Projects Ltd on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or the RWE Generation have any queries in relation to the above then in the first instance please contact [REDACTED] [@Royalmail.com](mailto:[REDACTED]@Royalmail.com)) or [REDACTED] [@royalmail.com](mailto:[REDACTED]@royalmail.com)) of Royal Mail's Legal Services Team or [REDACTED] [@bnpparibas.com](mailto:[REDACTED]@bnpparibas.com)) of BNP Paribas Real Estate.