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Ref: NMc/JG

29 March 2021

Dear ██████████

**APPLICATION BY ALTERNATIVE USE BOSTON PROJECTS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE BOSTON ALTERNATIVE ENERGY FACILITY: RIVERSIDE INDUSTRIAL ESTATE BOSTON – EN010095 – ADEQUACY OF CONSULTATION REQUEST**

Thank you for your letter dated 24 March 2021 granting Lincolnshire County Council with the opportunity to confirm whether in progressing the scheme the applicant has complied with the following requirements:

- Duty to consult – Planning Act 2008 (as amended) – Section 42
- Duty to consult the local community – Planning Act 2008 (as amended) – Section 47
- Duty to publicise – Planning Act 2008 (as amended) – Section 48

**Duty to Consult – Section 42**

Alternative Use Boston Projects undertook a statutory consultation pursuant to Section 42 of the Planning Act 2008 at Phase 3 of the consultation as set out in the consultation report. At this stage a Preliminary Environmental Impact Report was submitted to help consultees understand the likely significant effects of the proposed development on the environment. LCC was invited to respond to the consultation which took place in summer 2019. The County Council provided a response in August 2019. Following this consultation period a number of meetings were held jointly with the applicant, LCC and Boston Borough Council to set out concerns with the specific topic chapters contained in the PEIR. Following on from these meetings it was anticipated that updated topic chapters would be provided addressing the inadequacies/concerns which were raised in these meetings. No updated information was subsequently provided. The project was then put on pause until summer 2020 when a Phase 4 consultation was undertaken.

In advance of the Phase 4 consultation a further meeting was held with LCC and Boston Borough Council when the developer outlined a number of changes to the scheme including a change in technology from the original proposed gasification plant to an Energy from Waste facility. Whilst the developer contended that the changes were not significant in nature and therefore undertook a 'light touch' consultation at Phase 4.

Lincolnshire County Council submit that the approach to consultation undertaken at Phase 4 was not adequate given the significance of the change in technology and impact on the proposed feedstock which the original PEIR had been based on. LCC are of the view that a

further statutory consultation with an updated PEIR should have taken place at Phase 4 to allow interested parties to understand the consequences of the changes to the technology from both an environment, waste policy and operational perspective. This was not forthcoming and for this reason the Council submit that the requirements of Section 42 have not been adequately met.

The Local Highways Authority is also concerned that the issues raised during the meetings in Autumn 2019 have not been addressed or the detailed workings to demonstrate the projected reduction in traffic movements during the construction phased been following the changes to the scheme have been made available for scrutiny.

#### **Duty to Consult the local community – Section 47**

The County Council gave comments on a pre-consultation draft of the Statement of Community Involvement (SoCC) on 26th September 2018. The Council were formally consulted on the SOCG on 16<sup>th</sup> October 2018 and provided a response with comments on 5<sup>th</sup> November 2018. The Council were notified that an updated SOCG had been prepared and were consulted on the 27 March 2019. The Council provided a response on the 9<sup>th</sup> April confirming that it had no comments to make on the updated SOCG.

The County Council has no concerns in relation to the consultation and engagement process with the local community as set out in Section 47 of the Planning Act 2008.

#### **Duty to Publicise – Section 48**

The County Council has no comments to make in relation to the applicant's compliance with Section 48 of the Planning Act 2008.

In summary the Council considers that the applicant has met its requirements pursuant to Section 48 and 47 of the Act but failed to meet the requirements of Section 42.

If you require further information or clarification on any matter in this letter please do not hesitate to contact me.

Yours sincerely



Head of Planning