



Procedural Submission
for the
Royal Society for the Protection of Birds

Submitted for Procedural Deadline A
14 September 2021

Planning Act 2008 (as amended)

In the matter of:

Application by Alternative Use Boston Projects Limited for an
Order Granting Development Consent for the
Boston Alternative Energy Facility

Planning Inspectorate Ref: EN010095
Registration Identification Ref: 20028367

1. Written submissions on the Examination procedure including any submissions about the use of virtual procedures

The RSPB has engaged with the Examination of various Nationally Significant Infrastructure Projects (NSIPs) and has no concern about the use of virtual procedures.

With respect to the proposed Examination procedure, the RSPB considers this to be consistent with other NSIP cases and the proposed procedure is as we anticipated. However, we continue to draw the Examining Authority's attention to the level of information that remains to be provided to demonstrate that the proposed development is in an appropriate location given its proximity to The Wash Special Protection Area (SPA), The Wash Ramsar site, The Wash & North Norfolk Coast Special Area of Conservation (SAC), and The Wash Site of Special Scientific Interest (SSSI). There are direct and indirect impacts on these protected sites, and it is not possible to rule out adverse effects on integrity of these sites at this time. The RSPB (and others) consideration of these matters has been hindered by the failure to date of the Applicant to provide an in-principle derogation case to demonstrate the need for the development in this location, that there are no less environmentally damaging alternative solutions, that there are Imperative Reasons of Overriding Public Interest for the development, and that appropriate compensation measures have been identified, secured and can be delivered.

Having reviewed the proposed timetable for the Examination, the RSPB notes the agreement in the Relevant Representation comments submitted by Natural England, the Environment Agency, the Marine Management Organisation, Lincolnshire Wildlife Trust and ourselves about the need to pause the Examination. The latest survey reports are still under review by Interest Parties and discussions about potential compensation options are only just starting to be considered in detail through the Expert Topic Group that has only recently been convened by the Applicant.

If it is deemed that pausing the Examination for an extended period of time is not practical, we strongly request that the Applicant be asked to submit a draft in-principle derogation case for Deadline 1 (currently proposed to be 19th October 2021) and that sufficient time is provided within the examination timetable to Interested Parties to review and respond. Having this information at the start of the Examination would ensure that the maximum amount of time is then available to the Examining Authority and Interested Parties to review the evidence and explore the options to determine whether they are appropriate, can be secured and will be deliverable. At this stage there is no indication when or whether this information will be submitted by the Applicant and we seek clarification on this critical matter.

2. Requests to be heard orally at the Preliminary Meeting Part 1

The RSPB wishes to attend the Preliminary Meeting Part 1 on 28 September 2021. As the RSPB's Senior Conservation Officer for Norfolk and Lincolnshire, I am acting as the main point of contact for the Boston Alternative Energy Facility examination. I will attend, as well as other colleagues. At this stage we reserve the right to be heard orally at the Preliminary Meeting.