



Procedural Submission
for the
Royal Society for the Protection of Birds

Submitted for Procedural Deadline B
4 October 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 responses to matters raised orally at the Preliminary Meeting Part 1

a) Support for water quality to be considered under Principal Issue 7

The RSPB supports the Environment Agency's submission to consider water quality issues under Principal Issue 7 (Habitats, Ecology and Nature Conservation). The RSPB abstracts water from the drainage network leading from the application site to maintain our Frampton Marsh reserve. The quality of this water is therefore critical to ensure the freshwater habitats, which supports features of The Wash protected sites throughout the year, will not deteriorate. It would therefore be an appropriate approach to consider water quality within this Principal Issue.

b) Support for a pause to enable Environmental Permitting and Flood Risk Assessment discussions to include requirements of any compensation measures

The Environment Agency has highlighted that discussions about environmental permitting and flood risk for the proposed facility have not been progressed in parallel with the DCO application. At the Preliminary Meeting, the Environment Agency made a submission that the second Preliminary Meeting be postponed for a minimum of three months until more progress has been made on the environmental permitting and flood risk issues.

The RSPB supports a postponement to enable more time to:

- Confirm the scale of compensation needed to ensure adverse effects on the integrity of The Wash SPA/Ramsar and The Wash & North Norfolk Coast SAC are avoided. This is still unknown as data are still being analysed.
- Enable a more comprehensive options appraisal to be carried out to identify the best options for delivering mitigation and compensation requirements.
- Use the above information to confirm the consenting requirements needed to secure compensation measures. Based on our experience, planning permission will be required, Natural England consents may be required, and the Environmental Agency will also require the Environmental Permitting and Flood Risk Assessment processes to be completed.
- Enable time for the Applicant to secure land to give certainty that compensation measures can be delivered and functioning prior to construction starting. It is our experience that such negotiations can take at least three months to complete once land has been identified.

This approach would then allow any Environmental Permitting and Flood Risk Assessment issues of compensations sites and habitat designs to be considered alongside the discussions that the Environment Agency and the Applicant are currently undertaking with respect to the Application site alone. This would ensure the process followed is as efficient as possible.

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

The RSPB wishes to attend the Preliminary Meeting Part 2 on 7 October 2021, should it be deemed necessary for this to take place.

3. Comments on the Applicant's draft Accompanied Site Inspection (ASI) itinerary

Whilst it appears the main points of interest around the application site have been identified, we suggest consideration be given to the potential to view the mouth of The Haven as well, particularly if this would coincide with a high tide. This would ensure all points of interest in the case have been visited and may provide helpful context if the Applicant identifies land close to the mouth of The Haven to deliver compensation measures.