

19 October 2021

Mr Max Wiltshire  
The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

*Banovallum House  
Manor House Street  
Horncastle  
Lincolnshire  
LN9 5HF*

*Tel: 01507 526667  
Fax: 01507 525732*

*info@lincstrust.co.uk  
www.lincstrust.org.uk*

Dear Mr Wiltshire

**EN010095 – Boston Alternative Energy Facility (BAEF)  
Written Representation by Lincolnshire Wildlife Trust**

Lincolnshire Wildlife Trust (The Trust) welcome this opportunity to comment further on the Boston Alternative Energy Facility (BAEF) application. Alongside this representation we are developing a Statement of Common Ground with the applicant.

The Trust has worked for over 70 years protecting wildlife and wild places and educating, influencing and empowering people. We manage almost 100 of the best sites for wildlife in Lincolnshire, North Lincolnshire and North-East Lincolnshire. Our work is helping to secure the future of many important habitats and species on land and at sea, which might otherwise be lost.

We acknowledge that the applicant has corresponded with us and other conservation organisations to try to resolve outstanding issues regarding impacts of the BAEF development on the natural environment. However, we are still of the opinion that insufficient information is presented within the application to demonstrate beyond reasonable scientific doubt that the proposed development will have no adverse effect on the Integrity of the interest features of The Wash SPA and Wash & North Norfolk Coast (W&NNC) SAC.

The Trust are aware that the DCO process is not designed for consultation on complex HRA issues<sup>1</sup>. We highlighted our concerns pre- submission and we still have concerns about the level of detail provided and potential adverse impacts on the integrity of the interest features of The Wash designated sites. The Trust welcomes the decision to include submission of an in-principle derogation case for this application. This should include the necessary compensatory measures being secured and included in the DCO application to ensure that the overall coherence of UK National Sites Network is maintained. We request compensation measures be published during examination in order for interested parties such as ourselves to make representations.

---

<sup>1</sup> [Hornsea Three Decision, Paragraph 6.3](#)



*Lincolnshire Wildlife  
Trust is a company  
limited by guarantee  
registered in  
England, no. 461863  
and is registered as a  
charity, no. 218895  
VAT no. 613 9067 44*

**Worst-case scenarios** for the designated interest features of The Wash SPA & W&NNC SAC.

Worst-case scenarios, or worst-case impacts, are not easily identified within the documentation. A table of worst-case scenarios should be included in the Examination Library. These will ensure that any compensation and mitigation measures of the proposed development can be easily and appropriately assessed against these.

Worst-case scenarios should include detrimental impacts and any possible compounding issues on features e.g. further declines in breeding harbour seal and permanent loss of priority habitats.

Worst case scenarios should be clearly defined and necessary compensation or mitigation in place for:

- impact on harbour seal of
  - piling
  - ship movements
  - anchorage
- Loss of priority habitat
  - Loss of saltmarsh and mudflat & the effect on protected species
  - mitigation / compensation area chosen; in relation to disturbance from construction and operational phase of the proposed development.

### **Loss of Priority Habitat**

Loss of saltmarsh and mudflats could have a major adverse effect on two priority habitats of principal importance for the conservation of biodiversity under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. We do not agree with the applicant's assessment of the saltmarsh as low quality. Natural England consideration and assessment is that the saltmarsh in this area of The Wash is of moderate quality. Appropriate compensation of good quality saltmarsh habitat should be secured.

Additionally, any area chosen for compensation of these habitats should undergo full ecological assessment for suitability and potential impacts of disturbance on designated species within The Wash SPA and W&NNC SAC due to construction, operation and maintenance activities associated with the BAEF planning proposal. Likewise, in-combination effects with the proposed project should be considered including:

- Assessment of further specific flood risk management work needed
- Increased boat movements
- Increased maintenance dredging
- Relocation of the fishing fleet
- Diversion of the England coastal path
- The planned solar farm immediately adjacent to the proposed site

*Banovallum House  
Manor House Street  
Horncastle  
Lincolnshire  
LN9 5HF*

*Tel: 01507 526667  
Fax: 01507 525732*

*info@lincstrust.co.uk  
www.lincstrust.org.uk*



*Lincolnshire Wildlife  
Trust is a company  
limited by guarantee  
registered in  
England, no. 461863  
and is registered as a  
charity, no. 218895  
VAT no. 613 9067 44*

## Harbour Seal

The Trust acknowledges that the applicant is aware that new information has recently become available relating to a serious and rapid decline in the east coast harbour seal population. In light of this decline, it is essential to provide a level of certainty in ensuring impacts are fully assessed and that there are no further negative effects on a population already at risk.

We believe that the developer should provide noise modelling information on piling **specific** to the BAEF project in order for us to comment on the outcome of the assessment.

At procedural meeting one; 28 September 2021, the Environment Agency confirmed that discussions about environmental permitting and flood risk management for the proposed facility had not been progressed with the DCO application. No data is therefore provided for potential impacts on harbour seal or the European designated sites and features of any works associated with removal, replacement or maintenance of Environment Agency flood defences. Impacts, specific to the BAEF project, should be identified, assessed and compensated / mitigated for as appropriate and time given to the appropriate organisations to assess this.

We support Natural England in their relevant and written representations concerning lack of data, assessment and relevant compensatory options and packages, supporting the application to provide certainty of 'no adverse effect' alone or in combination on the integrity of The Wash SPA (and underpinning SSSI); The W&NNC SAC, and The Wash Ramsar.

And their representations concerning potential impacts to priority habitats protected under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)

We support the RSPB in their relevant and written representations concerning lack of data, assessment and relevant compensatory options and packages, supporting the application to provide certainty of 'no adverse effect' alone or in combination on integrity of The Wash SPA and Ramsar and on The Wash SSSI.

We support the representations of the Marine Management Organisation (MMO) concerning maintenance dredging required for the operation of the facility. Further confirmation of the logistics of this operation and how the dredged material will be disposed of is needed.

Yours Sincerely



Amanda Jenkins  
Conservation Officer