Boston Alternative Energy Facility

Statement of Common Ground between Alternative Use Boston Projects Limited and the Environment Agency

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Reviewer List

Name	Role
Abbie Garry	RHDHV reviewer

Approvals

Name	Signature	Role	Date of Issue	Version
Paul Salmon	PM	RHDHV PM	19/10/21	0

Table of Contents

Table of Tables

Appendices

1 Introduction

1.1 Purpose of the Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed Boston Alternative Energy Facility (the Facility) made by Alternative Use Boston Projects Limited (AUBP) to the Planning Inspectorate under section 37 of the Planning Act 2008 (Planning Act).

1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents are available on the Planning Inspectorate website.

1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties named in **Section 1.3**, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.1.4 It may be subject to further updates and revisions during the examination process.

1.2 Description of the Proposed Development

1.2.1 The Facility covers 26.8 hectares (ha) and is split in to two components: the area containing operational infrastructure for the Facility (the 'Principal Application Site'); and an area containing habitat mitigation works for wading birds (the 'Habitat Mitigation Area'). The Facility will generate power from Refuse Derived Fuel (RDF) with the 'thermal treatment' process for generating power converting the solid fuel into steam, which is then used to generate power using steam turbine generators. It will have a total gross generating capacity of 102 megawatts electric (MWe) and it will deliver approximately 80 MWe to the National Grid. The Facility will be designed to operate for at least 25 years, after which it may be decommissioned.

1.2.2 The Principal Application Site covers 25.3 ha and is located at the Riverside Industrial Estate, Boston, Lincolnshire. This site is next to the tidal River Witham (known as The Haven) and downstream from the Port of Boston. The Habitat Mitigation Area covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven.

1.2.3 The main elements of the Facility will be:

- Wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
- RDF bale storage area, including sealed drainage with automated crane system for transferring bales;
- Conveyor system between the RDF storage area and the RDF bale shredding plant, part of which is open and part of which is under cover;
- Bale shredding plant;
- RDF bunker building;
- Thermal Treatment Plant comprising three separate 34 MWe combustion lines and three stacks;
- Turbine plant comprising three steam turbine generators and make-up water facility;
- Air-cooled condenser structure, transformer pen and associated piping and ductwork;
- Lightweight aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos, a dedicated berthing point at the wharf, and storage (and drainage) facilities for silt and clay;
- Electrical export infrastructure;
- Two carbon dioxide (CO_2) recovery plants and associated infrastructure;
- Associated site infrastructure, including site roads and car parking, site workshop and storage, security gate, and control room with visitor centre; and
- Habitat mitigation works for Redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders within the Habitat Mitigation Area.

1.3 Parties to this Statement of Common Ground

1.3.1 This SoCG has been prepared in respect of the Facility by (1) AUBP, and (2) the Environment Agency (EA), together the Parties.

1.3.2 **AUBP** is a privately-owned company, established for the purpose of securing development consent for the Facility and then developing and operating the Facility. The company team has been involved in industrial development at the site in Boston, Lincolnshire since 2004.

1.3.3 The EA was established in 1996 to protect and improve the environment. The EA is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs. The EA is responsible for:

- Regulating major industry and waste;
- Treatment of contaminated land;
- Water quality and resources;
- Fisheries;
- Inland river, estuary and harbour navigations;
- Conservation ecology; and
- Managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

1.4 Terminology

1.4.1 In **Table 3-1** in the Issues section of this SoCG:

a) "Agreed" indicates area(s) of agreement;
b) "Under discussion" indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination; and
c) "Not agreed" indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.4.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the EA and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to the EA.

2 Overview of Previous Engagement

2.1.1 A summary of the meetings and correspondence undertaken between the Parties in relation to the Facility is outlined in **Table 2-1** below, this is also shown in **Appendix A**.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

Table 2-1 Engagement activities between AUBP and the EA

Date	Form of contact/correspondence	Key topics discussed and key outcomes
6 April 2018	Meeting	Introductory presentation to the scheme and discussion. Identified that the Applicant wanted to proceed with the DCO before the permit application.

Date	Form of contact/correspondence	Key topics discussed and key outcomes
13 December 2018	Meeting	Meeting to discuss flood defence for the Facility. EA provided information on the Boston Barrier and the Haven Bank Schemes.
6 August 2019	Letter	S42 response received from the EA.
19 September 2019	Meeting	Meeting to discuss drainage at the Facility. Meeting minutes not available.
16 June 2020	Meeting	Project update meeting to discuss changes to the project and provide information on upcoming consultation proposals. Also, an overview of findings from recent overwintering bird surveys and breeding bird surveys was provided.
7 September 2020	Email	Email sent to EA, Natural England, Lincolnshire Wildlife Trust and RSPB with attached copies of bird count reports for the overwintering and breeding bird numbers.
30 September 2020	Email	Email sent to EA, Natural England, Lincolnshire Wildlife Trust and RSPB with Breeding Bird Survey Report and an update on the assessment.
23 March 2021	Email	Email with response regarding Habitat Mitigation Area.
30 June 2021	Meeting	Meeting with EA to discuss key topics including: waste, geomorphology and permitting.
13 July 2021	Meeting	Meeting with EA to discuss key topics including: flood risk and wharf design.
19 August 2021	Meeting	Meeting with EA, RSPB, Lincolnshire Wildlife Trust and Natural England to discuss marine ecology and ornithology.
7 September 2021	Site Visit	Site visit to application site to view the proposed wharf area and to discuss how the integrity of the flood defence will be maintained through construction.
7 September 2021	Meeting	Meeting with EA, Public Health England and Boston Borough Council to discuss air quality.
23 September 2021	Meeting	Meeting with the EA to discuss the draft DCO and first steps re drafting a legal agreement with relation to the flood defences.

3 Issues

3.1 Introduction and General Matters

3.1.1 This document sets out the matters which are agreed, not agreed, or are under discussion between the EA and AUBP.

3.1.2 On 17 August 2021, the Examining Authority issued a letter under Section 88 of the Planning Act and Rules 4 and 6 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex E of the Rule 6 Letter set out a request for SoCGs between AUBP and various parties, including the EA. For the EA the Rule 6 Letter advises that the following issues should be in the SoCG:

- Impact on flood risk management infrastructure and the potential increase of flood risk to others;
- The Exception Test (Overarching National Policy Statement for Energy (EN-1));
- Disapplication of Consent Requirements;
- Draft DCO;
- Requirements in dDCO;
- Protective Provisions in dDCO;
- Flood Risk Assessment during construction, operation and decommissioning
- Compliance with the Water Environment (water Framework Directive) (England and Wales) Regulations 2017;
- Waste Management;
- Surface and Waste Water Permitting;
- Ground Water Contamination; and
- Environmental Permit Application.

3.1.3 The Rule 6 Letter also advises that all of the SoCGs should cover the Articles and Requirements in the draft Development Consent Order and that any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.

3.1.4 **Table 3-1** details the matters which are agreed, not agreed and under discussion between the Parties, including a reference number for each matter.

Table 3-1 Issues (as per EA's Relevant Representation RR-013)

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
1.0 Flood Risk and Wharf Design					
EA 1.1	Chapter 5 Project Description (document reference 6.2.5, APP-043)	Project description	The EA requested further details and information to ensure flood risk is not increased during construction, operation and decommissioning.	Further detailed methodology will be provided in response to the EA's relevant representation on this matter, including clarity on ensuring the integrity of the flood defence will be maintained.	Under discussion
EA 1.2	Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054)	Flood Risk Assessment – storm surges	The EA requested further detail on effects of storm surges. The EA noted they require further information on the effects of closing the Boston Barrier on flood risk due to tidal surge	The proposed development would not change the levels of the Environment Agency's flood defences along The Haven. The proposed wharf is set at the current maximum level of the Environment Agency's proposed adaptive defences. It is assumed that the design of the adaptive defences has taken account of future storm surges.	Under discussion
EA 1.3	Appendix 13.2 Flood Risk Assessment (document reference 6.4.13, APP-106)	Flood Risk Assessment and Exception Text	The EA object to the proposed DCO due to the impact on flood risk management infrastructure. The EA believes the scheme is contrary to the Exception Test as set out in Paragraph 5.7.16 of the Overarching National Policy	The Applicant considers that the analysis presented in the Flood Risk Assessment and ES Chapter on Estuarine Processes clearly demonstrates that there would be no impact on flood risk management infrastructure as increased vessel movement would not result in increased erosion of the defences or heightened risk of their failure.	Under discussion

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
			Statement for Energy (EN-1).	On this basis, the Applicant considers that there would be no increase in flood risk to others as a result of the proposed development.	
EA 1.4	N/A	Environmental Permit	The EA note discharge to surface water from excavations during the construction phase will require an Environmental Permit.	The Applicant is committed to working with the EA to provide the information needed in relation to the construction stage drainage and associated permitting requirements.	Agreed
EA 1.5	Chapter 13 Surface Water Flood Risk and Drainage Strategy (document reference 6.2.13, APP-051)	Surface Water Flood Risk and Drainage Strategy	The EA has no objections to the proposals for the management and disposal of surface and waste water as set out in the Surface Water Flood Risk and Drainage Strategy (Document Ref 6.2.13).	Noted.	Agreed
2.0 Estuarine Processes					
EA 2.1	Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054)	Estuarine Processes Baseline	The EA notes further data is required.	The Applicant is continuing to liaise with the EA regarding the specifics of the data gaps.	Under discussion
EA 2.2	Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054)	Estuarine Processes Methodology	An Expert Geomorphological Assessment (EGA) should be included in supporting material.	The use of EGA is integral to the assessment of effects on each of the different estuarine processes (waves, currents, suspended sediment transport) and is not a	Under discussion

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
				technique that can be represented in a single supporting document. The EGA is embedded within each of the relevant assessments set out in Chapter 16 Estuarine Processes.	
EA 2.3	Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054)	Estuarine Processes Impact Assessment	The EA have concerns with the assessment in terms of: • ship wash; • impact on tidal velocities; and • sediment movement.	The Applicant is continuing to liaise with the EA regarding the specifics of these technical points.	Under discussion
3.0 Marine and Coastal Ecology					
EA 3.1	Outline Landscape and Ecological Mitigation Strategy (document reference 7.4, APP-123)	Marine and Coastal Ecology Mitigation	The EA note there should be mitigation for the loss of saltmarsh habitat.	The Applicant is continuing to liaise with the EA regarding the loss of saltmarsh.	Under discussion
4.0 Waste					
EA 4.1	Chapter 23 Waste (document reference 6.2.23, APP-061)	Waste Management	The EA provide advice on the Definition of Waste: Code of Practice (DoWCoP); re-use of materials and dredged materials; and waste exceptions.	The Applicant will ensure all guidance is followed.	Agreed

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
5.0 Marine Water and Sediment Quality					
EA 5.1	N/A	Marine Water and Sediment Quality – dredged sediment re-use.	The EA note further investigation will be required before dredged sediments are deemed suitable for land recovery.	Prior to use on land (noting that sediments may be dewatered and temporarily stockpiled on land prior to final deposition), sediment samples will be collected and subject to further testing. Subsequent assessment is required with respect to potential reuse within the proposed development. The use of sediments within the proposed development is only appropriate if the outcome of the reuse assessment determines the sediments do not pose an unacceptable risk to human health or the environment.	Under discussion
6.0 Ground Conditions and Contamination					
EA 6.1	Chapter 11 Contaminated Land, Land Use and Hydrogeology (document reference 6.2.11, APP-049) Draft DCO (document reference 2.1, APP-005)	Landfill gas risks	Landfill gas risk to the development should be considered and adequately addressed in the proposed development. The EA request that Schedule 2, Part 1, Requirement 10(3) is amended to include reference to the need to	Requirement 9 of the draft DCO (document reference 2.1(1)) has been amended in the version submitted at Deadline 1 to specifically refer to ground gases. The risk assessment undertaken under Requirement 9 must adopt the source-pathway-receptor principle to identify plausible contaminant linkages and take into account potential	Agreed

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
			investigate potential landfill gas intrusion and to identify mitigation measures.	migration of off-site ground gases. Mitigation will be incorporated should the outcome of the risk assessment recommend this	
EA 6.2	Chapter 11 Contaminated Land, Land Use and Hydrogeology (document reference 6.2.11, APP-049)	Contaminated Land, Land Use and Hydrogeology assessment of effects on groundwater	The EA has no objections to the proposal in relation to the protection of groundwater sources.	Noted.	Agreed
7.0 Water Framework Directive Compliance Assessment					
EA 7.1	Appendix 13.1 Water Framework Directive Compliance Assessment (document reference 6.4.12, APP-)	Compliance with Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ("WFD Regulations")	The EA notes there is insufficient evidence that the proposed development will not adversely impact on marine and transitional waterbodies. The EA considers there should be further assessment of potential marine ecology impacts to the Witham transitional water body.	The Applicant is currently looking at this issue and will be discussing this aspect further with the EA.	Under discussion
8.0 Air Quality					
EA 8.1	Chapter 14 Air Quality (document	Air Quality Assessment	The EA have noted several comments on the air quality assessment and requests	The Applicant will be submitting further information with regard to air quality to the EA and will	Under discussion

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
	reference 6.2.14, APP-052)		for further information within paragraphs 8.4 – 8.10 of the EA's Relevant Rep (RR-013).	continue to liaise with the EA regarding this matter.	
EA 8.2	Chapter 5 Project Description (document reference 6.2.5, APP-043)	Odour	The EA notes bale splitting should be in an enclosed building.	As described in ES Chapter 5 Project Description (document reference 6.2.5, APP-043) the feedstock bales will be loaded into a shredder from the conveyor lines inside the bale shredding building within an enclosed environment using odour control measures to ensure no unacceptable odour is released.	Agreed
9.0 Landscape and Visual Impact Assessment					
EA 9.1	Chapter 9 Landscape and Visual Impact Assessment (document reference 6.2.9, APP-047)	Landscape and visual impact assessment	The EA notes further information is needed on visible plumes. The EA notes a large visual impact on the landscape.	A technical note is being produced to address visible plumes, this will be provided to the EA. The LVIA identifies significant, irreversible adverse visual effects upon certain visual receptors. Effects upon wider landscape character from visible plumes are lessened due to the existing baseline and presence of industrial and infrastructure features.	Under discussion

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
10.0 Noise					
EA 10.1	Chapter 10 Noise and Vibration (document reference 6.2.10, APP-048)	Noise assessment	The EA notes the noise impact of air cooled condensers and activities on the wharf. The EA will assess noise impact during the environmental permit determination process, when full details of plant design and operation are available. The EA's initial view is that there could be some significant issues to overcome re noise, given the scale and nature of the proposed plant.	The EA has identified that it will not be providing additional commentary on noise until its internal specialist is engaged. The Applicant maintains the noise impacts as set out in the ES and any additional documents submitted during examination.	Construction phase: It is agreed that the EA has no comments to make on construction noise. Operational phase: Operational noise is under discussion but will only be fully assessed by the EA during the permit determination process.
11.0 Draft DCO					
EA 11.1	Draft DCO (document reference 2.1, APP-005)	Disapplication of consent requirements	The EA has concerns over disapplication of consent requirements.	The Applicant is committed to working with the EA to provide the information needed in relation to the management and protection of flood management infrastructure to reach agreement with the EA to enable the disapplication of the requirement to obtain an environmental permit for a flood risk activity.	Under discussion

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
EA 11.2	Draft DCO (document reference 2.1, APP-005)	Requests to be a required consultee	The EA requests to be a required consultee for Requirement 3, Requirement 5, Requirement 8, Requirement 10 and Requirement 14.	The draft DCO (document reference 2.1(1)) has been amended in the version submitted at Deadline 1 to include the EA as a consultee for the requested requirements.	Agreed
EA 11.3	Draft DCO (document reference 2.1, APP-005)	DCO comments	The EA requested a number of amendments to the draft DCO (document reference 2.1, APP-005) as set out in paragraphs 3.10 - 3.20 of the EA's Relevant Representation (RR-013).	The Applicant is considering these amendments and will be discussing the drafting further with the EA.	Under discussion
EA 12.0 Protective Provisions in dDCO					
EA 12.1	Draft DCO (document reference 2.1, APP-005)	Flood risk legal agreement and protective provisions	The EA notes for other projects protective provisions and a separate legal agreement with the applicants have been undertaken.	The Applicant is committed to working with the EA to provide the information needed in relation to the management and protection of flood management infrastructure and work with the EA to reach agreement on the protective provisions and any necessary legal agreements to enable the disapplication of the requirement to obtain an environmental permit for a flood risk activity.	Under discussion
13.0 Environmental Permit Application					

SoCG Reference	Document Reference	Topic	EA's Comment	AUBP Response	Status
EA 13.1	N/A	Environmental Permitting	The EA notes a full permit application should be made. The EA notes they can only provide assurance as to their likely position on the permit application once they are in a position to publish a draft decision on that permit application.	The Applicant has commenced discussions with the EA regarding the timing of an Environmental Permit application and will be liaising with the EA regarding this aspect over the coming months.	Under discussion

4 Agreement of this Statement of Common Ground

4.1 Statement of Common Ground

4.1.1 This Statement of Common Ground has been prepared and agreed by the Parties.

Signed……
[NAME]
[POSITION]
on behalf of Alternative Use Boston Projects Limited
Date: [DATE]

Signed……
[NAME]
[POSITION]
on behalf of the EA
Date: [DATE]

Appendix A Previous Engagement

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Howard Goulbourne (Area Environment Management Officer), Peter Chesney (National Environmental Permitting Service), Jim Branson (Land Contamination & Groundwater Officer), Chris Walker (Flood Risk Management) and Annette Hewitson (DCO/Planning process). Gary Bower, Abbie Garry and Jonathan Standen
Apologies:	Click to enter "Apologies"
From:	Abbie Garry
Date:	06 April 2018
Location:	Ceres House, 2 Searby Rd, Lincoln LN2 4DT
Copy:	
Our reference:	PB6934-RHD-01-ZZ-MI-E-1010
Classification:	Project related
Enclosures:	

Subject: **BAEF Pre-Scoping Meeting with the Environment Agency – 06/04/18**

Number	Questions raised/Comments by the Environment Agency	Action
1	PC asked about tonnage for the ships and processing capacity. GB responded with approximately 3,000 to 3,500 tonnes and a processing capacity of one ship load a day. Approximately 8 ships a week. HG asked where the RDF would be coming from. GB confirmed that there were 3.6 mt presently being exported to Europe. It was intended to divert part of this outflow to the Boston scheme. The RDF being generated from UK sources, not necessarily from Lincolnshire. GB mentioned that discussions with Lincolnshire and Boston councils had confirmed that the Hykenham plant was now at capacity. They identified that the MRF next to the proposal site could provide a source of RDF to the plant, but this conversation had yet to be had with the client. There will be a capacity for 1 million tonnes per year (Three-line facility). PC asked if there would be the same company operating each part of the site? GB stated there would probably be one operator for the wharf; one for the waste processing facility and gasification plant; and another for the lightweight aggregate (LWA) facility. This would mean there would need to be multi-operator permits. PC and HG expressed a preference for a single operator, however, multi-operator permits are achievable. HG mentioned that the process for creating aggregate pellets is only diluting hazardous waste. It would be dilution followed by solidification. This is not possible because it does not meet Best Available Techniques (BAT) for Air Pollution Control residues (APC). GB – we want to use the APC waste in a recovery process to generate a product. This will mean only a very small amount of residual waste will need to be removed by road for disposal. This would be from the LWA where the gas treatment residues will contain concentrated hazardous substances if it is recycled back into the process. The process will be monitored to the point at which the hazardous waste cannot be cycled in and this material will be disposed.	

	HG + PC –need to prove it is an appropriate waste management technique and need to meet BAT requirements. Must show the technique is appropriate and that hazardous substances are not just being diluted to meet specification for an end product. GB – the worst case is to only use the non-hazardous waste ash/char from the gasification plant in the LWA as they are collected separately from the APC residues in the gasification process. However, this will mean that the APC residues will need to be removed by road. PC asked if the LWA plant will use the syngas from the gasification plant? GB said it would not use the syngas but will use its own internal heat following initial start-up. PC asked what intention we have with the environmental permit applications? GB – we will develop these when we have consent in around 2020. We will have the information needed for permitting developed before this point. We are mindful of the technical requirements including modelling stack emissions. AH preferred twin tacking the permit application alongside the DCO consent process as per guidance. GB identified that the client wants surety on the consent before committing to permitting, which is common practice with developers. CW asked what the height of the wharf will be. GB replied that we have only developed a functional requirements layout and it is an evolving design. CW also asked what the life expectancy of the scheme is, as the flood defences will have to be raised to 7m in 25 years. GB suggested we would maintain have to maintain the current standard of flood protection as it is now; plus we would have to be mindful of any recommendations made by the EA with regards to the future requirements of the flood defences during the consultation process. And we will take the Boston Barrier development into account during the Environmental Impact Assessment (EIA) stage. AH asked if we were going to disapply any legislation or have a side agreement or any protective provisions? GB said that there has been no such measure at this point in time, but it may be something to discuss during the consent process and would be progressed through negotiation with the EA as appropriate. HG asked if this technology was used elsewhere as they had had a test plant in Northamptonshire that had taken household waste in but wasn't functioning. GB said that the manufacturer's website provided examples in Europe GB stated that this is an established technology and is operating in other parts of the world and is adaptable. HG mentioned that there had been a waste fire at the aforementioned test site. GB: The placement of RDF and fire protection will be a key consideration. HG was not convinced on the multi-operator site. And stated that we will need to know clearly the legal operators for each part. GB stated that it is because of the different technology providers. HG – the wharf could be viewed as a transfer station and part of the overall facility –	

	PC said maybe not as long as the wharf only receives waste to go to the gasification plant and no other waste for any other user or purpose. AH asked if we will use the Consent Service Unit and twin track with the DCO? GB said we would like to have it overlapping, but from a risk perspective we need certainty of consent. AH said that PINS will be looking for a letter from EA about the permits, which the EA cannot provide if the permit process has no started. Suggests potentially re-considering this. HG – Need an air quality model for the stack. GB identified that this would be one several key topic areas that would need very detailed consideration in the EIA. The two stacks (gasification plant and LWA) will influence each-other and also the stack for the current Boston facility. Will need to identify that both processes meet technical standards in the Industrial Emissions Directive. PC: Need an emphasis on stack height with a cost: benefit analysis. PC asked if there are any potential waste heat users for excess heat from the gasification facility in the vicinity? GB - potential that agricultural facilities could use this but it is not part of the DCO application – consideration further down the line. PC stated that the priorities should be: Firstly, air quality; Secondly, energy efficiency including a cost: benefit assessment of using waste heat elsewhere. Include this in environmental permit application. AH – Cost recovery – the EA now charge for the provision of non-statutory advice. GB we will look to develop the need for this with the EA and define what this will be in addition to the statutory response requirements. AH: Permitting, pre-application, shift to national pricing structure Pre-application – 3 hours advice. Online form – enhanced pre-application advice. Set rate – around £100 per hour. Some technical advice commands a higher fee due to complexity. GB asked how we would go about informing them of the scoping report before they get it officially from PINS. AH said that we can send through the scoping report ASAP to her and that any extra time would be beneficial. GB suggested it would be towards the end of April.	

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Mark Robinson (EA), Alison Hukin (EA), Annette Hewitson (EA), Chris Walker (EA), Gary Bower (RHDHV), Helen Wicks (RHDHV) and Ashleigh Holmes (RHDHV)
Apologies:	
From:	Ashleigh Holmes
Date:	13 December 2018
Location:	Environment Agency, Ceres House, 2 Searby Road, Lincoln, LN2 4DT
Copy:	
Our reference:	PB6934-RHD-01-ZZ-MI-E-1021
Classification:	Open
Enclosures:	Current General Arrangement drawing

Subject: **Boston Alternative Energy Facility meeting with the Environment Agency (EA)**

Number	Details	Action
1	Boston Alternative Energy Facility – GB outlined the project and made reference to the latest version of the general arrangement drawing, which will be provided to the EA: • Combustible RDF bales (wrapped in plastic) will be arriving by ship • Each ship will carry approx. 2500 tonnes of RDF • Proposed vessel size: 100m length • Vessels can only travel during high tide (there is a 3 hour navigation window; 1.5 hours either side of high tide) • All combustible material will be transported by ship • The RDF bales will be sourced from East Coast UK ports – such as Scotland, Tilbury Grimsby (i.e. none will be from overseas). • The Facility will not receive RDF material in loose form from vessels. • Damaged Bales would not be loaded onto the ships. Any bales damaged during loading would be removed prior to departure. Therefore, bales would only be damaged during rough sailing • The storage area behind wharf edge cannot have a stockpile of more than 450m^3 and there would be approximately 40-45 bale stockpiles to accommodate approx. four days' supply. • The RDF bales are proposed to be stored on hard standing with sealed drainage. • There will be 2 berths of receiving RDF and 1 berth for removal of lightweight aggregate. • The 2 RDF berths are the furthest up river. • The RDF bales will be offloaded by cranes onto trailers and taken into a dedicated bale area. • Bales will then be loaded onto a conveyor for transport to the feedstock processing facility. • The feedstock processing facility will shred RDF bales to approx. 90mm (in 2D).	

Number	Details	Action
	• The feedstock processing facility process also involves an eddy current (for non-ferrous metals) and magnet (for ferrous metals) and inert separation (glass, sand, stones etc). • Ferrous and non-ferrous metals, glass, sand and stones etc will be collect separately. • There are scrap yards within 200m of the proposed facility which could take this metal waste. • Fine sands can be processed for the lightweight aggregate facility – this is can only process lightweight material; if any heavier/denser materials are separated they could be used by the Mick George Facility (for processing into secondary aggregate). • In terms of odour, the feedstock processing facility will be a sealed building under negative pressure therefore odour issues are mitigated. • Shredded material is then transferred to silos. • The silos feed into the gasification facility at an automated rate. • There are 3 identical gasification lines. • Gasification is different to incineration as the gasifiers will be heating solid material with hot mobile sand grinding down the RDF in a limited oxygen atmosphere, which prevents combustion of the solid material. This process generates a synthetic gas known as 'syngas'. The syngas is transferred to a combustion chamber to generate steam. • Steam drives turbines (3 turbines), there is an air-cooled condenser and carbon dioxide facility on the site too. • A total of about 102MWe is generated by the facility. • 80MWe transferred to the grid and approx. 20MWe retained to power the facility. • Ash from the gasifiers will be used in the lightweight aggregate facility and exported by ship from the wharf at berth 3. • Ash residues will total about 200,000 tonnes (but this is dependent upon the content of the RDF and performance of the facility). • Approx. 1.2 million tonnes of RDF imported. • The waste processing facility will process approximately 3000 tonnes of RDF per day. • Each gasifier will be in operation for approximately 8,000 hours per year (approx. 333 days) with the rest for planned maintenance leaving – approx. 130 days where only 2 gasifiers are running). • Site is grade 1 agricultural land but has been designated for industrial use.	
2	<u>Moving the existing tidal (wharf construction)</u> MR asked about the construction programme for moving the existing tidal defence as the EA normally restrict works to summer months when there are fewer storms.	

Number	Details	Action
	MR queried if the crest height of 6.8m on the drawings so far depict the design height. GB replied that this height is based on the discussion with the landowner and is an assumed height but not fixed and open to EA input / advice. MR asked about the proposed running time for the facility. GB replied 25 years, which is typical of this sort of facility. AHu queried if this was the design for the wharf life. GB replied that it wasn't; the wharf design needs to be longer than 25 years as the structure will be replacing existing flood defences and design should meet future climate change resilience requirements. MR mentioned the EA's design strategy which discusses all the schemes in Boston. The strategy is for 100 years which means that if the Boston Alternative Energy Facility wharf was to be in line with the rest of the Boston strategy, the crest level would need to be increased to 7m GB mentioned that the client would be open to this. AHu mentioned that potentially a full crest height of 7.55m would be needed. This is the level that the Barrier is being constructed to - the freeboard height accommodates waves from the wash of ships approaching the bend on the river. MR mentioned that the wharf construction document (please see attached) sets out construction essentially as 2 piles with infills with the plan to move the defence back. MR asked for an explanation of this. GB replied that the proposed new quay way will be replacing the existing defence. The design for the wharf are to be provided by Royal HaskoningDHV's Maritime engineering team. Still need an indicative layout from the maritime team. MR asked where the flood line of defence will be if the plan is to build over the current defence. **Action 2.1: GB to confirm where the intended flood backstop line will be.** MR raised concerns with the location of construction. As the site will sit over sea bank batter, if the client is not happy to take ownership of the 400m strip (where the proposed wharf will be constructed) the EA would object if the EA is expected to maintain the defence provided by the wharf. GB replied that it was anticipated that the client would take responsibility however this would need to be confirmed by legal agreement with the client. The arrangement would also need to consider how the wharf construction would tie-in with existing defence features.	**2.1 GB**

Number	Details	Action
	MR mentioned that the EA will still be working on either side of the proposed wharf site therefore access will be required on either side at all times and after completion. MR asked about the construction period for the wharf as the Haven Banks project will be running between Summer 2019 to December 2020. GB replied that if submission is achieved in Jun 2019, then construction will commence at the earliest in late 2020. This is for overall site construction and laydown area. The plan is to get the wharf constructed as early as possible, to potentially receive construction material by ship (subject to loading). AHu queried the tender period of the DCO. GB replied financial close for the client is after consent. MR mentioned that the EA has plans to maintain the banks in 2019 / 2020. AHu asked about whether or not there will be any investigation works (site visits) before DCO submission. GB replied that the plan is to use most the EA data from the Boston Barrier. MR mentioned that the groundworks investigation for Haven Banks will be undertaken in January, therefore, if there is anything additional RHDHV would like the EA to do; please advise. MR identified that he can provide RHDHV with the topographic survey for the Haven banks project; and also the GI Specification document for the Haven Banks ground investigation. **Action 2.2: MR to provide GB with the Haven Banks topographic survey data.** **Action 2.3: MR to provide GB with the Haven Banks GI specification data.** GB queried how far Haven Bank covers and if the EA has any topographic data for the bank. MR replied the scheme for the Haven Banks covers 5km per bank down to Hobhole IDB , i.e. 10km in total being raised to 6.5m and is out for tender at the moment. If tenders accepted then construction of site will commence in June 2019. No programme decided as of yet, however construction has to be completed by December 2020. For Haven Banks there is a minimum crest height of 6.5m in line with 50 years of climate change adaptation values. AHu mentioned the crest height for the Boston Barrier was a lot higher than this at 7.55m (due to waves) to meet a 1 in 300 year event. MR suggested that a crest height of between 7-7.55m should be acceptable. MR to let GB know of the proposed recommended height. **Action 2.4: MR to confirm recommended height of the wharf crest.** .	**2.2 MR** **2.3 MR** **2.4 MR**
3	Boston Barrier - Alison Hukin outlined the works	

Number	Details	Action
	• Boston Barrier will be down in the recess position except for maintenance and in times of high tidal levels • The scheme involves widening the wet dock entrance to 18m allowing a transit of 16m beam, and new flood gate on the port. • The scheme will provide an extended turning circle provision for NAABSA berths for the port during the Wet Dock works (access to the Wet Dock will not be possible). • AHu mentioned that the EA would be implementing temporary improvement works for the 'Knuckle' which is the turning point outside the Wet Dock. • AHu worked with HR Wallingford for the modelling of vessel passage and the turning circle. The simulators for the public inquiry may have removed some of the objections earlier objections from river users. • Dredged sediment transported to Teesside – to the Port Clarence landfill. GB queried whether any of this material would be deposited locally, i.e. used as cover on the Boston landfill. AHu stated that this was a possibility, however, was not confirmed. MR asked how susceptible the Boston Alternative Energy Facility infrastructure is to tidal water. GB replied that in an event of overtopping, the most susceptible infrastructure would be the lightweight aggregate facility. However, they are looking to build the facility at slightly raised levels. There is the secondary defence. For the RDF storage area behind the wharf, the hardstanding would be sloped and graded GB added there is not much hard standing (other than roads) behind the proposed facility. There is an attenuation pond within the site that was built to accommodate drainage for the whole industrial estate. This will be retained (but will be built over). The construction of the current gasification facility also built in further underground water storage (anecdotal information provided by H H Adkins who did the groundworks). AHu mentioned the Boston Barrier itself will be in place by late 2019. The Barrier will then go through a commissioning process and the wet dock will be constructed in 2019-2020. The project as a whole is currently projected to be complete by winter 2020. AHu asked whether the project had held any discussion with the Crown Estate team. GB mentioned that a meeting had been held with the Crown Estate representatives on 16th October. They identified the need to engage in options agreement with a draft lease for their land within our boundary. Crown Estates were interested in the dredging works and the vibracore sampling – this is a licensable activity. HW asked how often the Boston Barrier will be closed. **Action 3.1: AHu to find out lead timings for Boston Barrier during storm surge.**	**3.1 AHu.**

Number	Details	Action
	HW mentioned that it would be good to know lead timings for closing the Barrier following a forecast of tidal surge. In some cases the time to take action varies – between 6 to 12 hours before the surge. **Action 3.2 AHu to provide lead timings for barrier closure.** MR mentioned that RHDHV would need separate flood warning plan, however, EA work can be referenced. GB mentioned that previous meeting with the EA identified that the EA has sediment quality data. We would be interesting in having that information. CW mentioned he would need to find out how to share sediment data and what licenses are required to go with this. **Action 3.3: CW to extract data sand provide to RHDHV in accordance with the required data licence**	**3.2 AHu.** **3.3 CW**
4	<u>Legal Permissions – Annette Hewitson outlined</u> • AHe identified the aspects of the wharf that would need to be covered in legal agreement – this would be via a 'Side Agreement'. This would not form part of the DCO, but would become active on grant of the DCO. However, it would need to be agreed (signed & executed) by both parties before the end of the DCO Examination period. • The agreement would cover maintenance, and identify how often the EA will expect the client to inspect the wharf. • The agreement would cover how it is proposed to tie in the design of the wharf with the existing defences • The EA will also require access to existing defences – the EA would need to secure access in this legal agreement. • Defence standard will need to be provided in the legal agreement. • MR asked if the client is based in the UK. GB replied yes. • Connected with the building of the quay, there are 2 options of agreement for final design 1. Apply permitting regime 2. Dis-apply the environmental permitting requirements via a 'Protective Provisions' approach – standard set for DCO (AHe to send standards set for DCO to GB). **Action 4.1 AHe to provide the details of the protective provisions approach for DCO** • Under protective provisions you will still have to go out for public consultation. • • Need to negotiate timescales • GB to speak to lawyers (Eversheds Sutherland) to seek advice on the preferred use of protected provisions or EPR. • GB asked when to start negotiations. AHe replied as soon as possible.	**4.1 AHe**.

Number	Details	Action
	• MR asked if EA has standard terms, does this need to be signed higher up or can this be done by a lawyer. AHe replied protective provision and legal agreement are all signed off by lawyers. • GB asked if protected provisions or EPR need to be agreed before DCO submission or before consent. AHe replied it is best to be agreed before submission but close of examination is the last possible point for agreeing these. • MR asked GB when Boston Gasification DCO is likely to be submitted. GB identified that earliest submission of April 2019, subject to PINS and consultation. • MR mentioned that if the EA was to agree, they would need to see final designs for the wharf. GB to work with maritime design team about advancing the wharf designs.	
5	<u>Setting up future meetings</u> MR asked about preferences for future meetings. GB replied for efficiency purposes, teleconferences would be fine although with drawings/plans etc. face to face may be necessary. GB mentioned that the PEIR will be complete in January 2019.	

6	<u>Actions from previous meetings</u>
	• AHu to send TWAO link
	  ○ Consultation – Dave Brew
	• Melisa Vural requested sediment data
	  ○ Sediment sampling results in May 2016 and more sampling in October 2018 (Mike Fraser)
	• Salt marsh survey – AHu mentioned this is public data and RHDHV should be receiving this soon. CW earlier actions.
	• Melisa Vural asked about underwater noise survey – CW to find out.
	• Melisa Vural asked about turbidity and sediment disposal – CW to find out and get information to RHDHV.
	• Ecological surveys for Haven banks – AHu mentioned that it is unlikely the EA will be able to share this data. However, the EA does have 2016 data. GB asked if RHDHV could request fish survey data and migratory fish data. CW to include this in request for information.
	• Bird survey data (overwintering birds) not much more has been done. AHu to send through bird survey data to RHDHV.
	• MR asked about the mentioning of crossing the secondary defence line. GB mentioned a pinch point of the secondary line, however technical team yet to confirm conveyor over or taking bank away. MR mentioned that taking the bank away may be a problem. GB continued that the conveyor needs to be raised to 6m above ground at the point of entry into the feedstock processing facility. So the conveyor is likely to pass over this defence. But the conveyor cannot
		closed
		
		open
		
		open
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		open

Number	Details	Action
	be too high off the ground because it passes under a power line (there will be a minimal clearance height set by Western Power Distribution). The initial intention was to have conveyor lines over but provide access by flood gates – **Action 6.1: GB to confirm with principal contractor**. • GB mentioned the secondary bank is a public walkway. MR mentioned the permanent diversion of the MacMillan Way on the main flood bank. • Natural England coastal footpath, contact Debbie Morris, as NE wanted to retain the view of the coast the whole way around the UK. MR mentioned that the section from Kings Lynn to Boston under consultation. • MR to put this on the agenda for EA meeting with NE in January 2019. CW to put GB down as a contact. • RHDHV to go through CW (part of PSO) for contact with the EA **Action 6.2: – GB/AHo to circulate this to RHDHV team**.	**6.1 GB** **6.2 GB and AHo.**

Athene Communications Ltd
25 Priestgate
Peterborough
PE1 1JL

Our ref: AN/2019/129219/01-L02
Your ref: EN010097

Date: 6 August 2019

Dear Sir/Madam

Section 42 Planning Act 2008 - Preliminary Environmental Information Report Boston Alternative Energy Facility, Riverside Industrial Estate, Boston

Thank you for consulting us on your Preliminary Environmental Information Report (PEIR) on 25 June 2019.

We have reviewed the PEIR and have the following comments to make on it, for issues that fall under the Environment Agency's remit.

1.0 Chapter 5: Project Description

1.1 For Sections 5.4.30 and 5.5.123, can you please confirm if consideration has been given to light spillage across the estuary during hours of darkness and potential impact on the photo-tactic behaviour of any *Osmerus eperlanus* larvae present.

1.2 Section 5.5.18 states that damaged bales of Refuse Derived Fuel (RDF) will not be brought ashore. If the bales are returned with the ship, how will the litter be unloaded to prevent it inadvertently entering the water at the point of origin? Will the bales be reconstructed and resent to the Boston Alternative Energy Facility (BAEF)? RDF bales are described as being 'tightly wrapped in plastic' (Section 5.5.26) - has an alternative wrapping material been considered?

2.0 Chapter 11 Contaminated Land, Land Use and Hydrogeology

2.1 We have reviewed Chapter 11, along with the associated Land Quality Phase 1 Preliminary Risk Assessment (ref: PB6934-RHD-01-ZZ-RP-N-2011_A11.1, dated 27 October 2017) included in Appendix 11.1.

2.2 Based on the available information, the site has been previously used for arable/agricultural use and is located in an area of low sensitivity for groundwater. As such, we consider the site to pose a negligible risk to controlled waters and the PEIR is satisfactory in respect of this.

3.0 Chapter 13 Surface Water, Flood Risk and Drainage Strategy

3.1 We have reviewed Chapter 13, along with Appendix 13.1 Water Framework Directive Compliance Assessment (ref: PB6934-RHD-01-ZZ-RP-N-2013_A13.1, dated 17 June 2019) and Appendix 13.2 Flood Risk Assessment (ref: PB6934-RHD-01-ZZ-RP-N-2013_A13.2, dated 17 June 2019)

3.2 We note that the intention is to discharge foul drainage, from welfare facilities to a mains connection if a suitable one is available (Table 13.7 Embedded Mitigation Measures). We support this approach and would require further consultation on alternative methods of foul drainage if this is not feasible. We note the intention to determine the specific approach during detailed design work – if this is post-permission we will ask for a Requirement to be included in the Development Consent Order (DCO) to secure details to be submitted and approved following further consultation with us.

3.3 In respect of flood risk to and from the proposed development, our comments are based on the information currently available; however, more detailed information is required. Before any final agreements can be reached we will require detailed information such as:

- drawings, including construction details and cross sections of the proposed wharf and how it interacts with the existing defence through and immediately adjacent to the site;
- details of any proposed defence re-alignment and how the required defence level will be achieved;
- proposed ground levels across the site;
- construction methodology outlining how a minimum defence level of 6.5mAOD will be maintained at all times during construction.

3.4 Updated extreme sea level estimates, with a base date of 2018, are expected to be released in late August 2019 and therefore we would expect these to be used in further assessment work. We will be able to supply these to you, upon request, when they are released.

3.5 There are some activities proposed, which fall under the remit of the Environmental Permitting Regulations (EPR) 2016. For example, working on either the front line or former line of land reclamation defence, or dredging in the channel to maintain access to the wharf would fall under the remit of these Regulations. Section 150 of the Planning Act 2008 allows applicants to *"include provision* [within the DCO] *the effect of which is to remove a requirement for a prescribed consent or authorisation to be granted, only if the relevant body has consented to the inclusion of the provision".* At this time we would not consent to the inclusion of such a provision, as we will need to discuss with you, in more detail, the most appropriate mechanism to protect the flood defence assets, to ensure the project will not increase flood risk to third parties.

3.1.0 Appendix 13.1 WFD compliance assessment

3.1.1 The Witham (Transitional) Water Body ID is incorrect in Plate A13.1.4 (page 14) and should read GB530503000100.

3.1.2 On page 21 with regard to the question, *'Is in a water body with a phytoplankton status of moderate, poor or bad?'*, phytoplankton was classified as at 'Bad' status in 2016 (EA Catchment Data Explorer) and you should demonstrate you have

considered whether there is a pathway from the proposed activities that may cause phytoplankton to deteriorate.

3.1.3 Table A13.1 3 – for the Witham (The Haven) waterbody (page 22) – please note that saltmarsh is WFD high sensitivity habitat, not low sensitivity as suggested in the scoping table. Further detailed assessment will therefore be required on the grounds that the project would involve impacts to an area of high sensitivity habitat.

3.1.4 *'The key construction and operational activities (not including vessel movements) for the proposed scheme will not be larger than 0.5 km²'* (page 22) - has any necessary navigational dredging been included in this figure?

3.1.5 The quality element *'Introduce or spread invasive non-native species (INNS)'* on page 23 has not been addressed fully and a more detailed assessment is required. Will a biosecurity plan feature in the Project Environmental Management Plan?

3.1.6 A13.7.1 – We do not agree with the statement that the project 'will have no local effects on the hydromorphological, physico-chemical and biological quality elements…'. Clearly there will be localised impacts, albeit probably (pending final design details and further assessments) not at a scale sufficient to impact compliance.

3.1.7 Is there any evidence available from the Witham European eel population to support the following statement on page 39? *'In addition, European eels are prone to infestation with the swimbladder parasite, Anguillicoloides (Anguillicola) crassus, which can cause thickening of the swimbladder walls influence the sensitivity of eels to sound'*.

3.1.8 We would also request that an additional monitoring measure is added (under paragraph 13.1.2), due to the acknowledgement in 15.7.23 that sediment contamination is present (above Cefas Action Level 1 for some contaminants). Therefore, monitoring of contaminant levels and associated water quality parameters is advised during the construction phase of the project (as has been done for the Ipswich and Boston Tidal Barrier projects).

3.1.9 We would also like to see evidence that consideration has been given to any opportunities to deliver WFD mitigation through the scheme. We encourage discussion of any potential opportunities to contribute towards efforts to achieve Good Ecological Potential.

3.2.0 Appendix 13.2 Flood Risk Assessment

3.2.1 A13.2.4 - The "Great Sluice" referred to is incorrect and should be changed to "Grand Sluice".

3.2.2 A13.3.9 - The long term aim of the Boston Combined Strategy is to raise the Witham Haven banks, at intervals in the future, to provide a 1 in 300 standard of protection in 100 years. At present this level for the BAEF site is estimated to be 7.2mAOD. However, we will review this level when updated climate change allowances are published later this year.

3.2.3 If the proposed wharf or a set-back defence line through the site is constructed at a lower level, we will require information to demonstrate how this can be adapted in the future to achieve the required defence level (7.2mAOD, or as required when updated climate change allowances are published), or decommissioned such that future defence raising projects by the Environment Agency will not be financially disadvantaged by the presence of the development.

3.2.4 A13.3.10 States the Environment Agency may require access to the frontage. We can confirm that access to inspect the defences will be required at all times. Consideration also needs to be given to any impact on our ability to move maintenance plant from the bank upstream of the site to the bank downstream: whether access through the site can be arranged or the additional cost of an alternative route quantified.

3.2.5 The Flood Risk Assessment (FRA) mentions the South East Lincolnshire Local Plan at paragraph A13.4.5. We would draw your attention to Policy 4 (Approach to flood risk) of the plan, which includes a 50m buffer from the toe of the raised Witham Haven banks (flood defences), to allow access for construction and maintenance. This was included in the Policy to ensure delivery of the Haven Banks Project, which is fundamental to the continued protection of Boston.

3.2.6 A13.5.5 includes a typo in respect of the 5th December 2018 – this should read 2013, as should the reference in A13.5.6.

3.2.7 A13.5.7 and A13.5.14 refers to the Boston SFRA and the relative probability of flooding maps. This SFRA has been superseded by the South East Lincolnshire SFRA (March 2017) – these probability maps are no longer part of the current SFRA and reference to them should be removed.

3.2.8 A13.8.23 States that "*no personnel are anticipated to be required to sleep on site*". If there is any possibility that sleeping on site will be required this needs to be included in your FRA.

3.2.9 There is little mention in the FRA in relation to the feedstock facility and whether the RDF will be contained or bunded. Please clarify what measures will be in place to stop the waste material being washed away, creating an environmental hazard, if the site floods (or signpost us to where this issue is addressed in the assessment).

4.0 Chapter 14 Air Quality

4.1 Please note, we have not undertaken any review of the air quality modelling contained in Chapter 14 (ref: PB6934-RHD-01-ZZ-RP-N-2014, dated 17 June 2019) or the associated Appendices, and would advise that this will only be undertaken as part of our discretionary pre-application permit service or once an application for an environmental permit has been duly made.

4.2 We have serious concerns regarding potential emissions of odour from the proposed development given the scale and nature of the RDF ship unloading facility and associated dockside RDF storage given the proximity of residential areas to the northeast of the site. We welcome the proposal in paragraph 14.4.47 to carry out an assessment of the main odour sources at the site. We recommend that a quantitative assessment for odour be carried out that includes the ship unloading facilities, dockside storage and conveyor lines under worst case conditions.

Cont/d..

4.3 We also have concerns regarding the potential release of litter from the ship unloading operations and RDF handling given the scale of the proposed operation i.e greater than one million bales per year and the exposed, estuarine location. We, therefore, recommend that a quantitative assessment of litter releases be carried out using realistic operating parameters.

4.4 Pest, fly and leachate management from damaged RDF bales will also need to be addressed. Also see comments in paragraph 1.2 above in respect of plastic wrapping material.

5.0 Chapter 15 Marine Water and Sediment Quality

5.1 We have reviewed Chapter 15 (ref: PB6934-RHD-01-ZZ-RP-N-2015, dated 17 June 2019).

5.2 Section 15.6.10 onwards (and Chapter 16) refers to sediment sampling sites using site codes SC12-SC23 but no map figure is provided to show where these sites are. There is reference made to a Figure 16.6 but this doesn't appear to be included. There are also additional particle size data from samples taken at these sites in 2018 that could be included.

5.3 Section 15.6.19 "In terms of chemical contaminants, the waterbody is at 'good' status, thus indicating no significant exceedances of EQS." This is a default 'good' status as there were no chemical monitoring data available for the classification period. This, therefore, is not indicative of no significant exceedances of EQS. The 2019 WFD classifications are expected to be released on the Catchment Data Explorer in early 2020, these will not include any additional chemicals data for the Witham so that status will again default to 'good' but the overall status may be improved.

6.0 Chapter 16 Estuarine Processes

6.1 We have reviewed Chapter 16, along with Appendix 16.1 Supplementary Information to Estuarine Processes (ref: PB6934-RHD-01-ZZ-RP-N-2016_A16.1, dated 17 June 2019).

6.2 We request that the Environmental Impact Assessment provides additional clarity surrounding the possible role of surges and the risk that they have been excluded due to the emphasis on relative sea level rise using Intergovernmental Panel on Climate Change (IPCC) and Shennan et al. rather than the United Kingdom Climate Projections in 2018 (UKCP18) projections.

6.3 We also request further clarity in respect of the assessment of impacts related to ship wash, which assumes that the effects of wind waves over a year exceeds that of the worst case increase in ship wash over the same duration. This seems like a simplistic approach – would the potential erosion effects not be dictated by the shear stress of individual waves, such that less frequent but more energetic ship wash could far exceed the impacts of more frequent wind waves generating lower shear stresses? Further work is required for us to be confident in the assessment of magnitude and significance of the effect.

6.1.0 Appendix 16.1 Supplementary Information to Estuarine Processes

6.1.1 The relative sea level (RSL) projections use the IPCC's global mean sea level (GMSL) projections for future sea-level rise combined with Shennan et al.'s (2012) regional estimates of vertical land motion (VLM). It is unlikely that this

approach, using the IPCC's GMSL projections, are reflective of the future rates expected in Boston for the following reasons:

1. GMSL is considered 'eustatic' and is the sea-level change that would result by distributing water evenly across a rigid, non-rotating planet. Thus, a globally uniform, eustatic, sea level has been adopted for the Boston sea level projections. This is problematic because sea level is highly variable spatially due to oceanographic, gravitational and rotational processes which cause local changes in the sea-surface topography independent of local VLM processes (e.g. Gehrels and Long, 2008[1]). It is therefore unlikely that any location in the world reflects GMSL (unless by chance the numerous regional/local RSL components cancel one another out).

2. IPCC's projections under the various representative concentration pathway (RCP) scenarios are derived from general circulation models (GCMs) of the global climate using a coarse grid but do not take into account local-scale (subgrid) processes. To connect the global-scale projections and regional climate dynamics requires 'downscaling' of the GCMs (e.g. Wolf et al., 2015[2]).

3. A linear rate of RSL has been assumed over the 50 year time period under consideration. However, sea-level theory suggests future climate-related sea-level change is expected to be non-linear.

6.1.2 The latest UKCP18 provides downscaled versions of the global projections which also includes regional mean sea-level, storm surge, extreme water level and wave climate projections and directly include the most recent and most plausible VLM estimates. These provide a more plausible context than the IPPC's global projections and should be used over the IPCC's global projections. Moreover, the impacts that RSL rise pose arise primarily from associated extreme water level events, so consideration of the UKCP18 extreme water level and wave climate projections is recommended. It is also recommended that the full confidence range, rather than just the median values, are considered. Finally, over the relatively short time periods considered for BAEF (50 years) interannual to multidecadal sea-level variability should be considered. The best information currently available on observed coastal sea level variability comes from tide gauge and bottom pressure data records that can be accessed from the Permanent Service for Mean Sea Leve[redacted]

7.0 Chapter 17 Marine and Coastal Ecology

7.1 We have reviewed Chapter 17, (ref: PB6934-RHD-01-ZZ-RP-N-2017, dated 17 June 2019). (Please note that we have referred to Schuchardt and Scholle (2007) [3] in making the comments below).

7.2 In Section 17.6.21 and the 2017 infauna data (see additional EA data available below), it may be worthwhile highlighting which benthic species are important prey items for birds (if any) to support the understanding of potential bird feeding activity.

[1] Gehrels, R., & Long, A. (2008). Sea level is not level. Geography, 93(Part 1).
[2] Wolf, J., Lowe, J., & Howard, T. (2015). Climate downscaling: Local mean sea level, surge and wave modelling. In Broad Scale Coastal Simulation (pp. 79-102). Springer, Dordrecht.
[3] Schuchardt, B. and Scholle, J., (2007). Situation of the smelt (*Osmerus eperlanus* in the Ems estuary with regard to the aspects of spawning grounds and recruitment. Bioconsult, Interreg North Sea Region.

7.3 We would advise that smelt, eels, and lamprey (as mentioned in 17.6.30 – 17.6.40) could be affected during dredging for construction, maintenance and lightweight aggregate production. Eels Regulations would apply to any pumping related to dredging, for example suction dredging, which would require pumps to be screened. This applies to construction, maintenance and operation activities and needs to be assessed in detail, with a suitable programme and method statement proposed to avoid impacts to eels.

7.4 We look forward to reviewing the Project Environmental Management Plan (PEMP) mentioned in Section 17.7.5. Will this be included in the Environmental Statement?

7.5 In Table 17.9 invasive species would be an impact not a receptor. Maintenance dredging would not only increase suspended sediment but also cause direct disturbance of the benthic communities present.

7.6 Sections 17.8.14 to 17.8.18 describe the quantity of material being removed and loss of saltmarsh and mudflat habitat. We can provide a more accurate estimation of saltmarsh extent within The Haven by providing the latest mapped extent based on aerial imagery. There will be loss of intertidal habitat (mudflats and saltmarsh) through construction of the wharf and increased boat wash during operation. Mitigation is not outlined here, but should be included in the Environmental Impact Assessment. The PEIR seems to suggest that because there is plenty of other intertidal habitat, the impact is low, but any permanent loss of this habitat requires mitigation in its own right (Natural Environment and Rural Communities Act 2006 & South East Lincolnshire Local Plan, Policy 28: The Natural Environment).

7.7 The 2015 Water Framework Directive (WFD) classification for ecological elements in The Haven (Witham) was Moderate and in 2016 had decreased to Bad (source: EA Catchment Data Explorer). Is there anywhere in the Witham (The Haven) or adjoining WFD Water Bodies where the BAEF project could support the regeneration, restoration of 'higher value' saltmarsh in another location to compensate for that lost during the construction of the wharf and help prevent further deterioration in ecological status (Section 17.8.24)?

7.8 To support the expert-based assessment regarding the sediment plume in Section 17.8.27, in-situ turbidity monitoring has been used by us to monitor levels during dredging activity and scour protection work for both the Ipswich and Boston tidal barrier projects. Has this been considered as a mitigation measure for this project?

7.9 In Sections 17.8.45 to 17.8.51 the impacts on benthic communities do not appear to mention direct losses due to capital and maintenance dredging. Although a smaller impact area when compared to potential sediment plume smothering, loss of communities should be acknowledged and considered here.

7.10 In Section 17.8.93 ship ballast water has been given appropriate consideration with reference to the IMO Ballast Waters Convention, however there is no mention of hull fouling. Chapter 5 (specifically 5.5.6 and 5.5.21) states that approximately 624 ships (12 per week) will be required per year once the BAEF is fully operational and that these are likely to be coming from various locations in the UK (Leith, Grimsby and Tilbury). This presents a significant increased biosecurity risk with regards to hull fouling in particular, identified as one of the

Cont/d..

top 5 pathways facilitating the introduction and spread of non-native species by the GB Non-Native Species Secretariat Comprehensive Pathway Analysis Report, 2019 (available online from: [redacted] If the source ports are frequented by international shipping (e.g. Humber and Thames) BAEF vessels will be exposed to potential new non-native species arrivals and this presents a significant risk that new species will be spread to The Haven. Also a population of *Rangia cuneata* (Gulf Wedge clams) has been found in a 10 km reach of the South Forty Foot Drain. Currently this is the only known location of this species in UK waters. What measures will be taken to mitigate the spread of non-natives species either in to or out of the Witham?

7.11 Additionally, we encourage the consideration of measures to implement biodiversity and environmental net gain through the project. Although it is not the Government's intention to make this compulsory for Nationally Significant Infrastructure Projects, the National Planning Policy Framework (NPPF), paragraph 170, requires planning decisions to enhance the natural and local environment by providing net gains for biodiversity and paragraph 118 encourages achieving net environmental gains to make effective use of land. Policies in the NPPF are also relevant to DCO decisions.

8.0 Chapter 23 Waste

8.1 We have considered the information contained in Chapter 23. We support the approach to prepare a Site Waste Management Plan (SWMP), suggested in paragraph 23.6.10. SWMPs are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

8.2 If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc…' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

8.3 Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

8.4 A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of the Waste Framework Directive as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at [redacted]

8.5 You can find more information on the Waste Framework Directive here: [redacted]

8.6 More information on the definition of waste can be found here:

[redacted]

8.7 More information on the use of waste in exempt activities can be found here:

[redacted]

8.8 Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

[redacted]

8.9 If you require any advice or guidance regarding permits then please contact our pre application team using the link found here:

[redacted]

9.0 Environmental Permit

9.1 Following a meeting held at the Environment Agency offices on 3 July 2019, we advised the environmental consultants that a pre-application meeting will be required to discuss the bespoke permit application required to operate this facility. We advised that on current information supplied, the facility activity will fall under an Environmental Permitting Regulations, Schedule 1, Part 2, Chapter 5, Section 5.3A (1) (vi) activity (disposal/recovery of hazardous waste).

9.2 The final vote on the Waste Incineration (WI) BREF was held at the Article 75 Committee in Brussels on 17 June 2019 and all Member States voted in favour. This means that the scope and BAT Conclusions (BATCs) can be considered as the final version. It is anticipated that the WI BREF will be officially published sometime around September-October 2019. Due regard needs to be given to the updated WI BREF to ensure that the facility can comply with any revised emission limit values (ELVs) set.

Additional data available:

We hold additional data, which may be of use in your assessment, for the following:

1. Fish surveys continue for the Boston Tidal Barrier project and more recent data is available from the 2017 to 2019 surveys (EA Report T. Consol, 2019 in draft) which is relevant for Chapter 17 Section 17.8.75. The data includes 128 Smelt (*Osmerus eperlanus*) caught in early May, 2019 which is the highest number seen to date.
2. The subtidal benthic infauna (10 x 0.1 m^2 Day Grab sites) data referred to in Newton (2017) is now available on request from the EA.

Please refer all requests for data to lnenquiries@environment-agency.gov.uk

The EA Catchment Data Explorer is due to be updated with the latest WFD classifications early next year (2020).

Please note that the view expressed in this letter is a response to a pre-application enquiry only and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application.

Cont/d..

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 faithfully

Annette Hewitson
Principal Planning Adviser

[redacted]

End

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Ros Deeming, Louise Denning (Natural England (NE)), Annette Hewitson, Lee Walker, Helen Dale, Kevin Burton (Environment Agency (EA)), Amanda Jenkins (Lincolnshire Wildlife Trust), Sarah Mitchell (RSPB) Gary Bower (Royal HaskoningDHV (RHDHV), EIA Project Manager), Abbie Garry (RHDHV EIA Co-ordination), Claire Smith (Terrestrial Ecologist, RHDHV), Chris Adnitt (Marine and Coastal Ecology, RHDHV), Rachel Wild (Athene Communications)
Apologies:	Gillian Fisher (NE), Phillip Pearson (RSPB)
From:	Abbie Garry
Date:	16 June 2020
Location:	Teleconference
Copy:	
Our reference:	PB6934-RHD-ZZ-XX-MI-Z-1056
Classification:	Project related
Enclosures:	

Subject: **Boston Alternative Energy Facility Update Meeting with Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB**

No.	Details	Action

1 Project Update

Following discussions with the relevant technology providers, the Applicant has decided to change the thermal treatment technology from gasification to Energy from Waste (EfW). One of the reasons behind this is that the proposed the gasification technology supplier made the decision to divest their business. This has positive outcomes in that are more large-scale reference plants for EfW compared to gasification plants. This is also beneficial from an investment perspective because EfW is proven bankable technology at this scale.

Construction

Previous Scheme Detail: very large amounts of concrete was needed for six large silos (used for storing processed RDF) which were to be constructed by slip-form concrete. This requires a high number of vehicle movements during construction, with more than 10 traffic movements per hour for 26 separate weeks over the construction process, with a peak of 42 traffic movements per hour.

Current Scheme Detail: There will be a concrete batching plant on site. The raw materials for making concrete can be transported in larger quantities, thus reducing vehicle movements. Furthermore, there will be aggregate delivery via ship during construction due to early construction of part of the wharf. This will result in only two separate weeks in the construction period with greater than 10 movements per hour with a peak of 15 movements per hour; and also noting that only 43% of movements will be outside the local area.

No.	Details	Action

Outcome: Overall there will be a reduction in the volume of concrete necessary as silos are no longer required. There will be a significant reduction of construction vehicle movements associated with concrete supply. Although there will be ships arriving during the construction period, which is a change from previous, there will be an overall net reduction in anticipated number of shipments per year.

The overall construction timeline is the same as with the previous scheme detail, with a 4 year construction time period.

RDF Supply

Previous Scheme Detail: Main supplier was N&P however they changed their business priorities to 'subcoal' and SRF. Previously the RDF was coming from 3 UK ports.

Current Scheme Detail: The client has engaged with a company called Totus. These have a wider range of ports (11 UK ports) which will lead to a more widespread distribution of source material. Some suppliers will have different bale sizes which could impact on the number of bales per ship (but with the same overall gross tonnage approximately 2,500 tonnes). Due to these different sizes there will be consideration of the number of bales per stockpile stored on site to maintain compliance with the 450m^3 limit in EA Fire Prevention Plan guidance.

Previous Scheme Detail: Gasification technology had a very specific RDF specification required, hence 1.5 million tonnes of RDF was needed as worst case to cope with potential variation in calorific value and quality and to ensure that sufficient material was available following processing in the RDF Processing building (see below).

Current Scheme Detail: Conventional Energy from Waste (EfW) facilities can cope with wider variances in calorific value and RDF quality, hence the worst case can be reduced to 1.2 million tonnes of RDF.

Therefore, the worst case quantity is reduced by 300,000 tones, leading to an annual reduction of up to approximately 120 less ships.

The RDF supply will still come from the UK only – not Europe or the Republic of Ireland.

RDF handling (wharf)

Previous Scheme Detail: One crane at each berth. Cranes offloaded bales and these were removed to the external bale storage area by trailer. Approximately four days of supply was anticipated to be stored at the wharf in an area of approximately one hectare (42 potential stockpiles of bales).

No.	Details	Action
	Current Scheme Detail: • Two cranes per berth (still three berthing points along the wharf). • Automated cranes offloading the ships. • Bales directly loaded from ship onto the conveyors to be shredded and stored in the EfW bunker, with a contingency arrangement for outside storage at the wharf when the bunker is full. • Bunker has 4 days of supply. • External storage area has approximately 1-2 days of supply and which means less storage area is required (between 25 and 50% of previous storage requirements). • Slope protection has been added to the berthing pocket. *Outcome:* Reduction in the impacts associated with external storage of bales in a larger area. Increased efficiency in offloading the bales. Reduced health and safety and nuisance risks. There will be no change to the dredging requirements. HD asked the time taken to offload the ships – GB to confirm. In addition the red line boundary (RLB) has been amended (by contracting the boundary) to exclude a main sewer line, as discussed with Anglian Water, in order to allow Anglian Water access to the sewer line without coming onto the Facility's secure site. ***RDF Pre-Processing*** *Previous Scheme Detail:* Large RDF processing facility involving eight shredding lines and automated segregation of ferrous metal, non-ferrous metal, fine inert material, hard plastic and medium to heavy density inert material. This was required due to the sensitivity of the gasification process. EfW does not require this level of pre-processing. *Current Scheme Detail:* • Increased space and less compact layout by removing this large building and the six 48,000 m^3 silos required to store the processed RDF. • Simplified layout works more efficiently and allows for construction flow to be optimised. • No pre-processing or segregation, therefore no vehicle movements associated with removal of inert materials or metals off site from the RDF pre-thermal treatment. • Has allowed for repositioning of the air cooled condenser (ACC) and turbine building to a central point to potentially reduce noise impact from the site.	**GB to confirm offload timings of the ships.**

No.	Details	Action

Thermal Treatment

Previous Scheme Detail:

- Gasification technology, three line system.
- One combined stack with three cores within, one for each line – approximately 5m diameter.
- High level of screening and segregation of metals and inert materials prior to processing etc.

Current Scheme Detail:

- Energy from Waste technology (still three lines).
- Three lines but one individual stack per line, these stacks will be the same height but narrower than the combined stack in the previous design.
- Plant is slightly taller (approximately 4-6m taller)
- There will also be more cladding around this facility which could reduce the noise impact.
- Greater amount of ash and ash processing – ash will be ground and sent to the Lightweight Aggregate (LWA) Facility as previously. Around 10% more aggregate would be produced.
- Metal will be screened from the ash and sent for offsite recycling (but there will be a reduction in the number of lorries compared to previously).

Outcome: There will be an updated Landscape and Visual Impact Assessment with the Zone of Theoretical Visibility checked.
Emissions for the EfW will be required to comply with the new BAT Waste Incineration document issued in December 2019 – this would be the same for gasification – there are no different standards. The emissions of the three separate stacks as opposed to one would be modelled but are unlikely to exceed previous scheme levels.

Other Changes

The red line boundary has been reduced at the southern end, however there is still space for laydown associated with construction of the facility. The operational boundary will likely be reduced to exclude some of this area. This will be represented by the construction and parameter plans produced for the DCO application.

The power output will be the same as previous (80 MWe), as the agreement with Western Power has not changed.

Previous Scheme Detail:

- One carbon dioxide capture unit.
- The Roman Bank (also known as 'Sea Bank') embankment running through the site and a public footpath follows the route. There is a gap in it currently and the previous plan was to route pedestrians down across the gap, which be across a road leading from the main gasification plant

No.	Details	Action

to the Lightweight Aggregates Plant and back up the bank (making sure to consider safe passage where this crosses the site road).

Current Scheme Detail:

- Adding another CO_2 capture unit, so two in total.
- Amended red line at the power generation area at the southern end of the site.
- Reduced site footprint with red line which fits the requirements of plant on site.
- Footbridge over the gap in the bank. As this bank has heritage significance the design of the footbridge will be discussed with the Lincolnshire County Council heritage team.

2 Consultation

The current general arrangement of the site now represents the frozen scheme design and we are not anticipating changes of plant within the boundary.

We have had a preliminary discussion with the Planning Inspectorate and with Boston Borough Council and Lincolnshire County Council. They were content that we didn't need to have a formal consultation process, however the Project team identified that there is a need to inform stakeholders.

For regulators and statutory stakeholders we will plan meetings, hold webinars and send information via email.

We will engage with the public but cannot hold public exhibitions.

We are proposing a four week consultation period where we notify members of the public. We propose to undertake a maildrop in the Boston Borough area with a summary of the proposed changes and an opportunity to provide comment with a 28 day consultation window and then a two week period where we will consider those comments.

We will also update the project website, hold webinars/ teleconference opportunities, public phone in sessions and will notify the local press.

As we have already undertaken formal consultation, we are not proposing to update the Statement of Community Consultation (SoCC), as this would significantly increase the timescales needed.

Some of the EIA chapters will not be updated but there will be changes such as for vehicle movements, air quality, landscape and visual impacts etc.

3 Timescales

Aiming for Q4 2020 submission.

No.	Details	Action
	It was noted that we should manage expectations by giving stakeholders an idea of timescales.	
4	**Ornithological Potential Impacts**	
	For the PEIR, bird data was reviewed and habitats assessed for potential bird use. Bird data was collated from BTO (core count data was available) and was included in the initial analysis. Data from the Boston Barrier Scheme was looked at. There was a previous site meeting with the RSPB at Frampton Marshes. Have undertaken surveys for roosting birds and feeding birds. Overwintering bird counts commenced in October 2019 and ran monthly until March 2020. These were undertaken by Anthony Bentley who was recommended by the RSPB. There were two counts each month, one at low tide and one at high tide. These were undertaken for two sites Section A (the wharf area) and Section B, towards the Wash. These surveys have shown the following: • Overall, 49 bird species were recorded across both sections between October 2019 March 2020; • 19 species appear on the amber list and 11 are on the red list. Most birds do not occur in significant numbers. • However, both Redshank and Ruff were shown to occur in locally significant numbers. • Redshank was recorded in all visits, with the peak count for section A being 162 roosting birds, 2.84% of the estimated winter Wash population. • Ruff were recorded on eight visits, with a peak count of six roosting birds, estimated to be 8.1% of The Wash population. • Both counts are significant when the size of the site is taken into consideration and compared to the size of The Wash. At the entrance to the Haven the following bird survey data was found: • Counts were undertaken to establish the actual impact of vessel movement in through the mouth of The Haven • There were high numbers of birds taking flight as larger vessels, or smaller vessels that are moving fast, move past the entrance • Some of the birds fly around and settle again but many fly off to different roost sites • It appears that once a certain number of disturbance episodes have been made, the birds have all moved off to alternative sites. Breeding bird surveys are also ongoing with monthly counts being undertaken by Anthony Bentley covering April to June with two counts per month. These are	

No.	Details	Action

being done following BTO Common Bird Census Instructions. The initial results showed no breeding birds in large quantities. Redshank was not found to be breeding in the area. There has been standard breeding of expected terrestrial species in terrestrial areas.

We are still looking at the data and the peak and average numbers. We will look to see if there is a particular habitat which is specific to this site or if there is a similar habitat adjacent. We will also identify whether these areas are important to Frampton Marshes or whether capacity can increase at Frampton Marshes.

Questions

Q. Will there be a change in feedstock coming from a greater number of sources?
A. The type of feedstock (RDF) is not anticipated to change. This is the residual waste element out of materials recycling facilities.

Q. Will there be an issue with odour from this plant?
A. The sealed bunker will reduce odour as the air will be in a controlled air feed into the thermal process and be treated at 850°C.

Q. Can bales be accessed from the covered conveyor?
A. There will be flap access to lift the cover off if needed.

Q. What is the risk of wind blown debris?
A. Bales will be wrapped and if any are damaged they will be re-wrapped on site. There is also a bale quarantine zone for any damaged bales.

Q. How long will bales be stored in the external storage area?
A. Working on a maximum of five days which will remain. There will be a first in, first out principle.

Q. Could two ships be unloaded at once?
A. Yes this could happen, ships will come in at high tide.

Q. How will you know how long a bale has been baled? Will there be contractual requirements in terms of the quality of bales?
A. Bales will be labelled when they are first baled, so we will know when they were baled and where they came from. Time between transfer will be kept at a minimum. It will be within the contract that bales will only be accepted under a specific amount of time since baling.

Q. Will each individual line have CEMS monitoring?
A. Yes each line will be continually monitored.

Q. Has net gain been considered? Are there any additional thoughts with regards to Freiston Shore?

No.	Details	Action
	A. Once we have all of the data available we will look at the assessment of impacts and consider mitigation. We would look for like to like net gain. If there are any net gain initiatives, opportunities, drivers etc, please can we be advised of these. Q. RSPB is keen to be involved with the discussions around mitigation and compensation – is there a timeline for this? A. This will probably around late summer around August / September time. Q. Will there be any noise bunds or landscaping? A. We will need to re-do the construction and operational noise assessment. Where there is a need for noise reducing structures these will be implemented. Q. Will ports where the ships are coming from be assessed? A. As the main impacts is a local level impact of vessels all coming to the Haven, this is assessed but from the individual ports this is unlikely to be significant.	
4	**AOB**	
	There are some reports which might be useful to our assessments: - SMRU Wash Report – new haul out sites within the Wash for Harbour Seals. - Flyover Report for 2017/18 of Frampton Marsh June/ July time. (the 2019 and 2020 reports are not available). Chris Adnitt to check which reports have been included, if we have not used the SMRU report Amanda Jenkins will send the link.	**CA to check reports and data used.**

[redacted]

Subject: Bird Count data
Date: 07 September 2020 11:46:57
Attachments: PBS_Haven_Boston_Mar2020.pdf
Waterbird behaviour changes due to River Traffic.pdf
BAEF Breeding Bird Report Draft One.pdf
image001.jpg

Dear All

Further to our ongoing discussions with respect to the Boston Alternative Energy Facility project, please find attached copies of the bird count reports for the overwintering and breeding bird numbers to inform the assessment process for the project. These surveys were discussed at the last meeting where we had the results for the overwintering bird data and the behaviour changes at the mouth of the Haven, but not, at the time, the data for the breeding bird surveys. Please note that the breeding bird report is still only a draft so is not for wider circulation but we hope to have a final report soon that we will pass on to you all.

We are currently assessing the implications of the data and will be in touch with you all as soon as possible to either to have individual meetings for specific points or for a wider meeting to discuss the overall results and proposed mitigation.

Please do not hesitate to contact us if you have any questions in the meantime

Kind regards

Chris Adnitt

Christine Adnitt
Technical Director – Renewables and Marine Development
[redacted]
HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** | Rightwell House, Bretton, Peterborough PE3 8DW, United Kingdom
Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844

From: [redacted]

Subject: RE: Impact assessment phase
Date: 30 September 2020 17:32:24
Attachments: BAEF Breeding Bird Report Final.pdf
image006.jpg

Dear All
We just wanted to give an update on where we are with the Boston AEF and the impact assessment phase.

As you are aware we circulated the three bird reports to yourselves earlier but one of those was not finalised at the time. We now have the final version for the breeding bird report from the sub-consultant, which is now attached.

We also have the updated figures for the number of vessels during the construction and operation phases of the proposed facility. During construction the updated figures are 89 vessels visiting the site. This will be over a period of approximately 24 months, with a peak rate of 5 vessels visiting per week. During operation the figure is 580 vessels per year.

We are now investigating the potential impacts based on these figures and any updated information we have since the PEIR. One of the aspects is to look at potential mitigation for the habitat loss and disturbance impacts on birds. We are currently planning to have a meeting with the RSPB in early October to discuss specific opportunities for mitigation of impacts, focussing just on the RSPB reserves and the potential they may provide. We would then like to try and arrange a wider meeting with you all to discuss the potential impacts and the findings of the RSPB meeting together with wider mitigation plans, including the best practice measures that would apply for vessels within the Wash.

If you would be happy to dial into this wider meeting please could you send details for your availability preferably during the second half of October, but also (just in case) for early November?

Many thanks for your patience in this process.

Kind regards
Chris

Christine Adnitt
Technical Director – Renewables and Marine Development
[redacted]
HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** | Rightwell House, Bretton, Peterborough PE3 8DW, United Kingdom
Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844

[redacted]

Subject: RE: Boston AEF Mitigation and Flood Protection
Date: 23 March 2021 17:18:19
Attachments: image002.gif
image003.gif
image005.gif
image006.gif
image007.gif
image008.jpg
image009.jpg
210323 EA comments on Haven Habitat Mitigation proposal.pdf

Dear Abbie,

Please find attached comments provided by our Flood Risk Adviser (Chris Walker 02084 748150) on your habitat proposal.

Kind regards,
Annette

Annette Hewitson | Principal Planning Adviser
Lincolnshire & Northamptonshire Area
Environment Agency | Ceres House, Searby Road, Lincoln LN2 4DW

[redacted]

[redacted]

Subject: Boston AEF Mitigation and Flood Protection

Hi Annette and Mark

The Boston Alterative Energy Facility is currently working towards submission of our DCO application following updates to the Habitats Regulations Assessment. As part of those updates, and through consultation with Natural England and RSPB we are now proposing an area of Habitat Mitigation approximately 170 m south of the Facility as shown on the attached figure and described below.

Habitat Mitigation Area
1.1.1 The Habitat Mitigation area is provided in order to mitigate the loss of the roosting and foraging habitats for waders, notably redshank (see Chapter 17 Marine and Coastal Ecology, and Appendix 17.1 Habitats Regulations Assessment). Works will be carried out to enhance the habitat within this area to improve roosting and foraging habitat. This will involve the creation of four shallow pools (10-15cm deep) in the existing marshy habitat; re-profiling the edges of existing pools and banks; and, increasing the volume of 'roosting' rocks in the upper intertidal area by translocating rocks to this area that would otherwise be lost due to the development of the wharf. Construction of

these features are relatively minor and will take place outside of the overwintering season for birds in advance of the wharf construction. Plant and equipment will be highly limited and is likely to consist of a long reach excavator which may be brought to site on a floating barge (to avoid impacts on the saltmarsh or effects on Public Rights of Way) and a small workforce using hand tools. The works is unlikely to take longer than a week (weather and tide dependant).

The works will be greater than 10m from the toe of the Primary Flood Defence along The Haven, but we wanted to double check you had no issues with these works in relation to the flood defence infrastructure (or other issues) in The Haven. It should be noted that an existing sediment bank is proposed to be lowered to improve the area for redshank (see attached figure). Our reviews of the area do not identify this as having any flood protection or flood alleviation purpose and confirmation from yourselves if this is the case would be appreciated.

If a call would be useful for us to explain the proposals and to discuss the work please let me know and we can arrange something quickly.

Kind regards

Abbie

Abbie Garry MSci (Hons)
Environmental Consultant
Environment Group
Industry & Buildings - Europe

[redacted]

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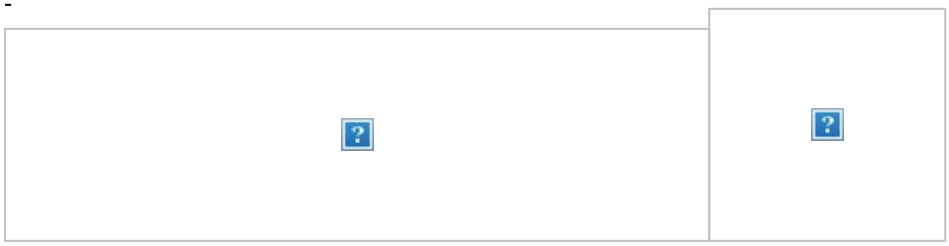

Royal HaskoningDHV is the only engineering consultancy with ETHIC Intelligence anti-corruption certificate since 2010

Please consider the environment before printing this e-mail

Ms Abbie Garry
Environmental Consultant
Haskoning UK Ltd
Rightwell House (Bretton Centre)
Rightwell
Bretton
Peterborough
PE3 8DW

Our ref: AN/2021/131609/01-L01
Your ref: EN010097-000002

Date: 23 March 2021

Dear Abbie

Boston Alternative Energy Facility
Riverside Industrial Estate, Haven Banks, Boston

Thank you for your email of 15 March 2021 regarding proposed habitat mitigation area in the Haven.

The section where the habitat creation is proposed does form part of the Witham Haven channel therefore under the Environmental Permitting Regulations, schedule 25, Part 3(a-k) a flood risk permit is required for the works proposed in, under or over the Main River. Furthermore the site is located close to a designated Local Nature Reserve and Local Wildlife Site so no exemptions will be available.

For a permit application we would require the following;

- Part A – About You
- Part B10
- Part F3 – Charges and Declaration (signed off by a competent officer named on companies house)
- Detailed Methodology with emergency work procedures
- Site Specific Risk Assessments
- Detailed drawing including a cross sectional drawing
- Ecology Report

All forms for the permit application can be found here. As the works are for Environmental Enhancement the cost for the application is £170.00.

We would require detailed information on how the lowering of the bund will not cause any significant impacts to the defence if water is likely to spread across the berm on a frequent basis.

Please could you confirm if these works are likely to form part of a Marine Licence (either separately or one to be deemed within the Development Consent Order) as

[redacted]

works will potentially be below Mean High Water Springs?

If you would like to discuss the proposal in more detail we can offer this under our permitting pre-application advice process. Please contact [redacted] for more information.

I can advise that the Haven Banks scheme is due for completion in September 2021. However, there will be a year-long transition into 2022 for handover of the asset with landowners.

Yours sincerely

Annette Hewitson
Principal Planning Adviser

[redacted]

End

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Paul Salmon (PS), Abbie Garry (AG), Elspeth Harris (EH), David Brew (DB), Ian Dennis (ID), Iain Johnson (IJ) (all Royal HaskoningDHV (RHDHV)); Richard Woosnam (RW) (client's engineer, Fairport engineering); Sam Williams (SW) (Alternative Use Boston Projects Ltd) Sophie Reese (SR) (BDB Pitmans); Jake Newby (JN), Emma Benfield (EB), Jeremy Pile (JP), Kevin Burton (KB) (all Environment Agency (EA)).
Apologies:	
From:	Abbie Garry
Date:	30 June 2021
Location:	Teams
Copy:	
Our reference:	PB6934-RHD-ZZ-XX-MI-Z-1075
Classification:	Project related
Enclosures:	

Subject: **Boston Alternative Energy Facility Environment Agency (EA) Meeting 30.06.21**

Number	Details	Action
1	**Waste exceptions and permitting** *Key experts: Emma Benfield Senior Environmental Officer; Elspeth Harris Senior Land Quality Consultant.* JN noted that it was requested that in the draft DCO the EA is listed as a consultee for the Code of Construction Practice (CoCP). EB requested more information on the type of material which will be imported into the site. RW noted that 500mm of spoil will be excavated across the site which will be stored and re-used using a soil mixing plant, to surcharge the area to approximately +800mm to improve the flood defence. Dredgings will be contained in sheeted ponds or in interceptors to re-use in the lightweight aggregate plant. EB mentioned whether we would be able to fit the D1 waste exception (exemption) for dewatering. Which depends on meeting the tonnage, and other criteria and if not a permit would need to be considered. RW noted we would confirm the tonnages and whether we would fit into the D1 waste exception (exemption). EH noted we might not have the detail at this stage for confirming waste exceptions (exemptions).	

Number	Details	Action
	EB noted that it is 50m^3 per 1 metre length of land to be deposited on, and it depends on what is intended for the spoil. If it is not going for recovery a permit may be required. EB mentioned there should be waste classifications on dredgings to ensure there wasn't any contaminants. EH asked if the U1 waste exemption would be necessary in addition to the D1 waste exemption. EB noted the U1 waste exemption may be an option and it offers a bit more flexibility. PS asked whether this would be factored into the permit discussions or if anything further was needed at the DCO stage. EB noted that it should be factored into conversations – should just consider where the thresholds are for permits vs exemptions. EB noted silt from the channel to the land would be 'importation of silt'. RW stated that silt will be used as infill behind the wharf after being stored in sheeted areas in the lower wharf. Leachate will be stored within bunded ponds which will be tanked off site if it can't be used within the soil mixing plant. EB confirmed that using lined ponds was reassuring considering containment of contaminants. **Landfill Gas** JN noted proximity to the landfill and the potential for landfill gas intrusion. EH confirmed we are anticipating ground investigation ahead of construction, combined with geotechnical ground investigation. This would allow the incorporation of necessary design (such as membranes or vent layers) with regards to ground gases. PS noted we will confirm this commitment. *Post meeting note: Ground conditions and ground stability is covered in Requirement 9 of the draft DCO.* JN asked if we would agree in principle to the requested amendments to the draft DCO to have EA as a named consultee and also to add about landfill gas instruction as part of the CoCP. SR noted we would be happy to include the EA as a named consultee with regards to the CoCP in the draft DCO. We will consider the wording for landfill gas.	SR to add the EA as a named consultee for the CoCP. Consider wording for landfill gas.

Number	Details	Action
	EH suggested could share the GI scope of the works with the EA ahead of visiting site. EB confirmed this would go to the contaminated land team at the EA for approval.	EH to contact the EA with GI scope in advance of mobilising to site.
	EH mentioned there was infrastructure for managing gas from the landfall therefore we wouldn't anticipate much landfill gas migration offsite. Therefore we wouldn't want to disturb any of this infrastructure.	
	JN to send contact details of contaminated land team at EA.	JN to send PS contact details.
	RW confirmed that there is no additional import of materials apart from the general raising of land.	
2	**Geomorphology**	
	Key experts: Jeremy Pile Geomorphology Technical Officer; David Brew Principal Coastal Geomorphologist.	
	JP noted concern that there were some recommendations by the EA which hadn't been carried out including: • Consideration of critical sheer stress; • In-combination effects (including numerical data); • Expert assessment hasn't been provided as part of supporting information; and • Use of upstream tidal velocities but not downstream (could be relevant during storm surges), especially with the tidal barrier in operation.	
	DB asked what the data gaps where in the pre-existing data.	
	DB confirmed the expert geomorphological assessment was integral to the assessment of impacts and not provided as a separate document.	
	DB noted surge is covered within the consideration of flood risk but not estuarine processes.	
	DB noted comments on ship wash were received (previously at PEIR stage) and the ES chapter was compiled based on the comments. Bed sheer stress wasn't used as the chapter stated there will be an increase in erosion due to ship wash. As it was stated that erosion will increase bed sheer stress, it doesn't need to be quantified. The assessment defined whether the increase in erosion was significant compared to the baseline.	
	DB stated that in the current (baseline) situation 0.15% of waves that impact on the saltmarsh are from ship wash. Following the	

Number	Details	Action
	development, only 0.37% of the waves that impact on the saltmarsh will be from ship wash (an increase of 0.22% overall), compared to wind waves, therefore this would not be a significant effect. DB noted that with regards to tidal currents there was data upstream of the site but no equivalent data downstream, so the EIA assessment used the change in tidal prism as a proxy to tidal currents. Change in tidal prism due to capital dredge would be a very small percentage change (0.02 m per second) and the potential for change in tidal currents likely to be within natural variation. DB mentioned in terms of variation in sediment types the worst case scenario for the capital dredge assumed all of the sediment was fine sediment released into the water column and broken down into constituent particles. PS confirmed we would send a response in writing. JN noted the impact of dredging during construction and how that would be managed. PS noted the CoCP covers pollution prevention. *Post meeting note: dredging will be managed in accordance with the deemed marine licence and in accordance with the mitigation measures set out in the ES.* RW outlined the approach to dredging. JN asked us to signpost to information such as the outline code of construction practice. PS noted details will be sent to the EA with signposting. JP mentioned that with regards to contamination there is the potential for contaminants to be absorbed onto the fine sediments which could be released. JP noted that bed sheer stress is possibly not needed. JN asked about investigation into contaminants in sediment. PS noted contaminants in the sediments have been covered in the ES compared to CEFAS action levels.	RHDHV to provide response in writing to points raised.

Number	Details	Action
3	**Saltmarsh**	
	Key expert: Ian Dennis Principal Consultant	
	JN – saltmarsh can be dealt with as a separate stream.	ID to provide a response on WFD compliance.
	ID stated we can come back with information on saltmarsh and WFD compliance.	
4	**Environmental Permitting**	
	Key experts: Kevin Burton Technical Specialist in Installations Team; Iain Johnson Senior Environmental Consultant in Industrial Permitting.	
	KB noted that on other projects there is usually a parallel approach with the permit alongside the planning aspects. This allows for all studies and assessments to be completed as required. KB stated that this project has novel aspects such as the APC residue use, the additional gasification plant adjacent, the proximity to the town centre and other sensitive receptors.	
	PS noted that considering the position we are in currently, what are the ideal timescales? IJ suggested a formal pre-application request, or could do informal discussions. KB suggested it would be a formal process therefore a formal pre-application process would be appropriate.	
	SW confirmed that although we have been concentrating on the DCO application the intention is to start moving forward with the permitting process now in parallel.	IJ (RHDHV) to begin formal pre-application permitting process.
	KB noted that a lot of work has already been undertaken with regards to noise and air quality.	
	KB noted that following the air quality study there will need to be a detailed assessment from the EA to give assurance as the anticipated impact is at the upper end of what would be expected in the area.	

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Paul Salmon (PS), Abbie Garry (AG), Helena Wicks (HW), Steve Hinton (SH) (all Royal HaskoningDHV (RHDHV)); Sophie Reese (SR) (BDB Pitmans); Jake Newby (JN), Emily Baxendale (EB), Chris Walker (CW), Joanne Biott (JB) (all Environment Agency (EA)).
Apologies:	
From:	Abbie Garry
Date:	13 July 2021
Location:	Teams
Copy:	Alternative Use Boston Ltd.
Our reference:	PB6934-RHD-ZZ-XX-MI-Z-1077
Classification:	Project related
Enclosures:	

Subject: **Boston Alternative Energy Facility Environment Agency (EA) Meeting – Flood Risk 13.07.21**

No.	Details	Action
1	**Introduction**	
	PS noted the EA's relevant representation objects to the flood risk aspect with regards to flood risk infrastructure and the potential increase in flood risk to others, and require further evidence. JN outlined the key issues: - Concerns on the Flood Risk Assessment (FRA) itself - Works proposed around the wharf and how they will be managed - Operation and risks and impacts on flood infrastructure on both sides of the Haven - DCO wording	
2	**Flood Risk**	
	CW noted there was mention of [Habitat Mitigation Area] works being 17 m from the riverward side of the EA flood defences, anything riverward of the defence is still classed as the channel which would fall under the permitting regulations. *Post meeting note: This was clarified previously in a letter from the EA prior to submission. If consent is not given by the EA to disapply regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity then a flood risk activity permit would need to be obtained* CW noted they would like to see some timings for the project so they are aware of what is needed to be permitted when, and to ensure conditions in	RHDHV to supply

No.	Details	Action
	the permit are added for reviews every few months, methodologies and drawings are up to date.	programme from AUBP.
	CW noted a legal agreement may be needed to address ongoing access and maintenance.	
	CW noted that as the site has flooded in the past there would need to be suitable mitigation such as flood warning and evacuation plans, and emergency procedures to ensure materials kept on the wharf wouldn't be swept into the Haven. Noted it would be good to have a discussion on what the flood warning and evacuation plan would look like.	
	HW asked if it is suitable for the flood risk emergency plan to be conditioned within the DCO?	
	EB confirmed that all teams will have to be consulted and signed off in advance of the DCO to ensure flood risk wouldn't increase. Evidence will be needed beforehand to ensure there will be no adverse effect across the site and on other users for an agreement by the EA.	
	EB noted another concern is the earth embankment at the other side of the river and requested evidence to ensure there would not be a risk to others.	
	EB noted a site visit might be useful to discuss the wharf design. EB requested further information on the methodology of wharf construction.	AG to arrange a site visit and RHDHV to submit clarifications on the wharf construction
	HW mentioned the Haven Banks scheme is lifting both sides of the banks and questioned which phase of lifting the project was at.	
	EB confirmed that she would confirm the stage of the Haven Banks Scheme.	
	HW asked about what the type of improvement would be.	EB to confirm stage of Haven Banks Scheme
	EB confirmed that various different sections would have different works undertaken. At the site it is a two stage embankment which will not be piled.	
	EB noted that Chapter 16 outlines a negligible effect on ship wash but would like to see the evidence.	RHDHV to supply information on wharf construction.
	EB would like more clarity on how the wharf will tie in and the processes involved, whether works will be from the land or the channel.	
	PS noted we don't currently have detailed design and wouldn't be able to provide those drawings. We can provide outline designs within the DCO.	

No.	Details	Action
	PS mentioned in terms of emergency procedures we would do an outline plan for the EA to sign off on, which the final plan would be based on. EB noted that this could go into the legal agreement.	
	PS noted previous EA call with our geomorphologist highlighted the wave increase from ship wake from the scheme's vessels – we can provide this to the flood risk team. PS noted we could exchange information requirements to come back on individual points and how we could supply information. Could be that we provide further details now or as part of a legal agreement. HW noted she was keen to understand whether there is concern for onsite risk or just offsite risk for demonstrating the exception test. EB noted a question on land raising and land levels across the site. EB noted Section 13.1.20 outlines the finished floor levels but there were some conflicting information on internal floor levels. It would be good to have a drawing to show internal and external flood levels and whether any infrastructure is being lifted. Critical infrastructure lifting would be required to ensure safety. HW noted we could look at the details and what would need to be lifted.	RHDHV to provide information on individual points
	EB noted storage of waste was commented on. AG noted although the majority of bales will be directly loaded onto the conveyor and taken to a bale shredder and stored within an internal bunker. When the bunker reaches full capacity the RDF bales will be transferred to a temporary storage area and stacked in stockpiles. This is designed to accommodate approximately two days' worth of feedstock (see full project description here). The location of the bale storage area is shown on here (sheet 1 of 10)). PS noted there will procedures in place for litter such as a net to catch any litter during offloading of bales from the vessels. EB questioned the number of times the Haven would require dredging and noted the distance from the wharf edge and would appreciate a site visit with the drawings. EB noted silt movement during dredging, upstream and downstream.	RHDHV – supply information on managing litter.

No.	Details	Action
	PS noted this was discussed at a previous meeting regarding estuarine processes, we will provide information on this.	
	PS mentioned we would set up this site visit with Richard Woosnam (client's engineer) and Steve Hinton (RHDHV wharf engineer).	RHDHV to confirm PoB dredging
	EB noted maintenance dredging would require permitting or legal agreement.	
	PS mentioned we may engage the Port of Boston to undertake the maintenance dredging as part of their maintenance dredging regime. We will confirm that that will be the case.	
3	**Work on flood defences and wharf operation**	
	JN noted they would come back with the information they need.	JN to provide information to RHDHV
	JN asked if we would want to use disapplication of legislation or permitting for the works done on the flood defence, as they do not have a strong view either way.	
	SR noted the draft DCO currently proposes seeking EA's consent to disapply the requirement to obtain an environmental permit for flood risk, as this is the approach taken in a number of other DCOs. SR noted protective provisions have been included for the benefit of the EA based on the standard wording, however we are happy to engage on any bespoke drafting required as well as any legal agreements for ongoing maintenance.	
	SR noted there is already a requirement for a flood risk plan and if an outline plan was prepared, the requirement wording could be updated to refer to this.	
	SR noted that if we can't come to an agreement on the disapplication of the environmental permitting regulations in relation to flood risk then we would seek a permit.	
	JN noted the information required is similar regardless of the route chosen (disapplication of legislation or permitting).	
	JB noted she does not have a strong view either way (disapplication of legislation or permitting) but before a legal agreement or agreeing requirements in the DCO there needs to be a list of everything that needs to be achieved, then can see the best legal way forward – which will be agreed with JB and SR.	

No.	Details	Action
	JN noted collaboration between technical experts on agreeing information to be provided.	
4	**Wharf** SH noted that there will be a new flood defence sheet piled wall. This wall will run around the rear of the wharf, and behind the current flood defence. Only on completion of this new flood defence wall will the existing flood defence be removed. This will ensure the flood protection is maintained. PS noted we can provide signposting for further information.	RHDHV to provide signposting for information relating to the wharf in the ES.
5	**AOB** PS noted the preliminary meeting is currently estimated for the 28th September. Examination will run for 6 months from October. PS noted we would want to resolve as many issues as possible in advance of examination to enable only the key outstanding topics to be discussed during examination. JN noted we would need sufficient level of detail to reach an agreement. HW noted we could pull together the information we currently have so that any key gaps can be revealed for further information to be supplied.	HW to pull together an information and signposting package for issue to the EA.

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Paul Salmon (PS), Abbie Garry (AG), Alun McIntyre (AM), Charlotte Goodman (CG) (Royal HaskoningDHV), Aranya Tharumakunarajah (AT) (BDB Pitmans), Sam Williams (SW), Richard Woosnam (RW) (Alternative Use Boston Project (AUBP) Ltd.), Mike Gildersleeves (MG), Nick Davis (ND) (Boston Borough Council (BBC)), Jake Newby (JN), Kevin Burton (KB), Helen Dale (HD) (Environment Agency (EA)), James Stewart-Evans (JSE).
Apologies:	
From:	Abbie Garry
Date:	7th September 2021
Location:	Teams
Copy:	
Our reference:	PB6934-RHD-ZZ-XX-MI-Z-1087
Classification:	Project related
Enclosures:	

Subject: **Boston Alternative Energy Facility Air Quality Topic Meeting 07.09.21**

Number	Details	Action
1	PS gave an introduction to the project. KB asked if there is a plant with step grate in the UK, of a similar design to that proposed. SW noted that they are still in discussions with technology providers but there are plants in the UK and EU with this technology.	
2	**Boston Borough Council Relevant Representation (RR)** ND noted the main issues were related to dust and particulates, particularly as there is a sensitive operator close to the site producing ink cartridges. ND mentioned active dust monitoring would be required particularly during construction. AM noted that continuous dust monitoring would be covered in the Code of Construction Practice. AM noted we could also have some engagement with the company. AM also mentioned there would be a permit for the concrete batching plant. RW noted they were going to be part of the Considerate Constructors Scheme which includes dust monitoring during construction and operation.	AM to consider engagement with ink cartridge company
3	**Environment Agency** KB noted that the EA don't use air quality experts to review an application until the permitting stage.	

Number	Details	Action
	KB noted that the 94% headroom stands out.	
	CG noted that the receptor at which the maximum impact was predicted to occur, as a result of emissions from operation of the facility (R35) was located just across The Haven from the Facility. The contribution from the Facility was 10% of the air quality objective, but the background concentrations at R35 are well below the air quality objective and the combined impact plus background is well below the air quality objective. At receptor R28, within the Boston AQMA, background concentrations are close to the air quality objective but the contribution by the facility at this location is much smaller, so it is the background in the AQMA, principally, which accounts for the Predicted Environmental Concentration (PEC) of 94% of the air quality objective.	CG to send table of data to JN and KB.
	AM noted the detailed schedule of nitrogen dioxide concentrations should have been included in an appendix. This will be submitted as part of an updated appendix. AM noted we could send it through first to the EA in advance of the formal submission.	PS to confirm the EA officer working on the EA permit
	HD asked when the applicant will be submitting a request for an enhanced pre application meeting.	
	AM confirmed a colleague Iain Johnson has submitted the pre-application request.	
	PS noted we would confirm who this request went to.	
	JN noted that at the Preliminary Meeting the EA are going to raise that the 6 month timetable may not be sufficient to resolve all environmental permit issues. JN noted it may take 12 months to finalise the permit process.	
	Stack height	
	AM noted the stack height is proposed to be 80m above ground level, this limit is due to the height of St Botolph's Church but we have not seen a specific planning requirement related to this.	
	MG noted that Policy 29 notes the dominance of the church in the landscape and there is importance in terms of tourism and from a historic point of view. MG noted increasing the height would lead to more dominance and competition with the landscape views.	
	AM confirmed there was five stacks all together including two related to the lightweight aggregate facility and three associated with the Energy from Waste lines.	

Number	Details	Action
	AM noted in the assessment NO_X emissions would be at the maximum of the range of the BAT AELs. AM noted if selective non- catalytic reduction for NO_x control was implemented then the emissions could be reduced. KB noted contour maps were requested. AM confirmed the contour maps are within Figure 14.6 – 14.15 (doc ref: 6.3.22, APP-088). *Gas fired peaking plant* AM noted EA's comment on the gas fired peaking plant at Lealand Way. AM confirmed this was taken account of. KB noted the comment was because the long term impacts were covered rather than the short term. But confirmed the short term impact would be insignificant. *Defra background mapping* AM noted EA's point on whether the Defra background mapping included shipping. AM confirmed that shipping emissions (for particulates) was included within the grid square, with data from 2018 maps. KB questioned if there would be a difference in NO_x from a square over the Haven compared to rural land. AM noted that they could have a look at that comparison and could include in the information. *LWA Kilns* AM noted the EA's comment that the EP would need to limit operation to three kilns of the LWA at any one time. RW confirmed that one line is standby for maintenance, there are two lines which will take the ash and one which will use the APC residues. AM asked about vaporisation of metals from the APC residues. RW confirmed they would be contained within the vitrified ceramic rather than at a higher temperature. RW confirmed it was a lower temperature than WID requirements, there would not be vaporisation. AM asked if we should provide a note on this. KB noted this will be asked either now or as part of the permitting process.	AM/CG to compare NO_x levels on Haven vs rural land. AM to consider note on vaporisation of metals

Number	Details	Action
	Visible Plumes CG noted further analysis has been done on visible plumes based on the number of plumes in daylight hours. This will be submitted as part of the application. With regards to photomontages PS noted this should be considered whether it is necessary based on the data. CG mentioned a photomontage may give the impression the plume is there all of the time. AM noted that in the ES 925 m is the maximum length of the plume, however this has been revised. AM noted the methodology in the SEPA guidance document included a framework was used for assessing the plume and was assessed as being of between small and medium significance. AM noted this report could be shared early. CG noted they have worked out the plume in the daylight hours and considered whether the plume extends beyond the boundary of the facility site. *Odour* AM noted the EA's comment on odour in terms of bale splitting. RW confirmed this was all under cover in a building and the splitting and bunker are under negative pressure. HD asked about damaged RDF bales. RW noted that if the bales are identified as split whilst within the vessel they won't be taken off the vessel. If they are damaged during handling they will be re-baled. PS noted there will also be a large catch net which will catch any debris which might fall out of any split bales. PS noted the drainage on the wharf area would go into an internal drainage system on site. KB noted that for other application the EA have issued a draft permit in advance of a decision being made by PINS to give confidence that the operation is permittable.	AT to check dDCO for EA as CoCP consultee

Number	Details	Action
	KB also noted concerns in terms of noise impacts and would like to have further conversations which would usually be part of the permitting process. PS noted the noise expert was not part of this call. But to provide any questions to us. JN also mentioned adding the EA as a consultee for the CoCP. AT noted she will check the draft DCO. **Public Health England** AM noted PHE's comment on the dioxins and furans emitted and stated that a detailed updated assessment of dioxins and polychlorinated biphenyls (PCBs) has been commissioned, which will be submitted at Deadline 1. AM noted deposition on farmland, horticultural land and uptake into the food chain is being considered, including uptake by shellfish. JSE noted that PHE would need to see if metal deposition and uptake has been screened and addressed. JSE noted that the Food Standards Agency (FSA) would consider whether deposition would lead to food chain problems. AM requested contact details. JSE to email over contact details. *Euro 6 Vehicles* JSE noted that for ship emissions a similar standard as Euro 6 should be considered. JSE noted ship idling at berth. RW noted there would be 'cold ironing' so the vessels can switch off their engines and rely on shore power. CG noted this was factored into the assessment. *Health Impacts* AM mentioned pre-existing health conditions and noted we will follow up with that information.	JSE to provide FSA contact details

Number	Details	Action
	JSE mentioned exposure reduction considering different populations and vulnerabilities including where they are.	
	Accidents/ Fire	
	JSE noted that with regards to fire prevention plans it should be confirmed how far the permit would go including whether this will include materials on ships.	
	RW noted the exterior temperature of the hold can be measured and a mobile tank of CO_2 can be injected to it cool down. This could be moved to another dock or to the Port of Boston.	

Minutes

HaskoningDHV UK Ltd.
Industry & Buildings

Present:	Abbie Garry (AG) (Royal HaskoningDHV), Sophie Reese (SR), Richard Marsh (RM) (BDB Pitmans), Joanne Biott (JB) and Annette Hewitson (AH) (Environment Agency (EA))
Apologies:	
From:	Abbie Garry
Date:	23rd September 2021
Location:	Teams
Copy:	
Our reference:	PB6934-RHD-ZZ-XX-MI-Z-1088
Classification:	Project related
Enclosures:	

Subject: **Boston Alternative Energy Facility Environment Agency (EA) Legal Meeting 23.09.21**

Number	Details	Action
1	AG summarised an update on the work on flood risk, including that information on responses to Relevant Representations (RR) and wharf methodology is being collated and is scheduled to be provided next week. AG also noted the site visit on 7th September where the wharf construction and design was explained. JB ran through the comments on the draft DCO in relation to flood risk. JB requested that with regards to RR Paragraph 3.12 relating to Article 7(1)(c) that an example or illustrative example would be useful to show the works plan deviation 20 m either side. JB requested that with regards to RR Paragraph 3.14 that Article 22 should not apply to flood defence structures. JB noted that the legal agreement would cover the flood defences therefore Article 22 should be excluded as it would be within the agreement. SR requested an example of a previous DCO where this has been done before. JB noted she will look for an example to provide. JB mentioned RR paragraph 3.15 and has acknowledged the error. JB noted that there no issue in principle but needs to check with consultees. JB noticed that the protective provisions were largely fine but weren't the standard ones which the EA use. JB mentioned for example "deemed approval after 2 months" would be "deemed refusal".	SR to provide illustrative example JB to look to provide a precedent from another DCO where flood defences have been excluded from Article 22 JB to check with consultees on disapplication of byelaws.

Number	Details	Action
	SR requested a marked-up version of the protective provisions (PPs).	JB to provide a marked-up version of the PPs.
	RM mentioned these PPs were from the M25 junction 10 DCO, however JB suggested there were some things done differently for these and therefore they were not happy to use them as a precedent.	
	JB mentioned with regards to RR paragraph 3.17 that the use of "substantially in accordance with" should be changed as the outline plan should specify what is flexible and what isn't flexible rather than the final plan. JB noted she would respond in writing on this point.	JB to respond in writing on "substantially in accordance with point"
	JB mentioned requirement 22 and restated that the EA's preference is for a legal agreement instead to ensure appropriate maintenance of the flood defences.	
	Changes to draft DCO	
	SR mentioned some additional changes to the draft DCO: • An Outline Surface Water Drainage Strategy is being prepared and the requirement will be updated; and • At the request of the MMO, requirement 14 is being moved into the deemed Marine Licence.	
	SR also mentioned with regards to the Habitat Mitigation Area (ecological mitigation measures), as a flood risk activities permit would be required, we would also be seeking to disapply this requirement.	
2	**Next Steps**	
	Legal agreement	
	SR noted in terms of drafting a legal agreement they had been considering using Able Marine Energy Park as a basis.	
	JB confirmed the EA were also looking at the Able legal agreement as there are very few other examples which include flood defence structures.	JB, SR and RM to liaise in order to provide amendments to Able legal agreement
	SR confirmed agreement this could be used as a base and tailored.	
	JB suggested they could work with SR and RM to provide amendments to the Able agreement. JB noted the EA need sufficient information on the proposal for the works to the flood defences to be able to do that.	

Number	Details	Action
	Upcoming meetings	
	AH mentioned the EA would be seeking a delayed part 2 of the Preliminary Meeting. JB noted she would be on leave for two weeks from 11 October. SR suggested a follow up meeting during the **first week of November.**	SR to arrange next meeting

Appendix B Glossary

Term	Abbreviation	Explanation
Alternative Use Boston Projects Limited	AUBP	The Applicant.
Development Consent Order	DCO	The means for obtaining permission for developments of Nationally Significant Infrastructure Projects (NSIP)
Habitat Mitigation Area	-	A 1.5 ha located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven where habitat mitigation works will be provided.
Habitats Regulations Assessment	HRA	A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.
Lightweight Aggregate	LWA	Plant for the manufacture of lightweight aggregate used to produce lightweight concrete products such as concrete block, structural concrete and pavement.
National Site Network	-	Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea, including both the inshore and

Term	Abbreviation	Explanation
		offshore marine areas in the UK.
Principal Application Site	-	A 25.3 hectare site where the industrial infrastructure will be constructed and operated. It is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven.
Refuse Derived Fuel	RDF	The fuel produced from various types of waste, such as paper, plastics and wood from the municipal or commercial waste stream.
Statement of Common Ground	SoCG	This document.