



**Attendance at Issue Specific Hearings
for the
Royal Society for the Protection of Birds**

**Submitted for Deadline 1
19 October 2021**

Planning Act 2008 (as amended)

In the matter of:

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

**Planning Inspectorate Ref: EN010095
Registration Identification Ref: 20028367**

The RSPB notes that the following Issue Specific Hearings are scheduled:

Item	Matters	Date
10	Issue Specific Hearing on the draft Development Consent Order	Tuesday 23 November 2021
11	Issue Specific Hearing on environmental matters (part 1)	Wednesday 24 November 2021
12	Issue Specific Hearing on environmental matters (part 2 – if required)	Thursday 25 November 2021
20	Dates reserved for Issue Specific Hearings: Accompanied Site Inspection Open Floor Hearing Issue Specific Hearings Issue Specific Hearing on navigation and fishing matters Compulsory Acquisition Hearings	Monday 28 February to Friday 4 March 2022

We reserve the right to attend the Issues Specific Hearing on the draft Development Consent Order on 23 November 2021.

We will attend the Issue Specific Hearings on environmental Matters on 24 November 2021 and, if needed, 25 November 2021.

We reserve the right to attend any additional Issue Specific Hearings relating to environmental matters in the week commencing 28 February 2022, specifically matters relating to the ecological impact of the Application on features of The Wash Special Protection Area, The Wash Ramsar, or The Wash Site of Special Scientific Interest that use The Haven and its approaches.

Our primary concerns that we would discuss at the ISHs, are the impacts arising from the Application on foraging and roosting birds on The Haven that are functional linked to The Wash SPA/Ramsar/SSSI. Of particular concern is the:

- Inappropriate baseline data
- Habitat loss from the site
- Construction and operational noise
- Visual disturbance
- Water quality and quantity will not be affected, especially that which supplies RSPB Frampton Marsh
- Limited cumulative and in combination assessment, this includes a more full assessment of the Port of Boston's plans for vessels and more detail on the possibility of the fishing fleet needing to relocate downstream of the Facility
- Failure to fully consider alternative options to demonstrate that there are no less environmentally damaging options
- Failure to set out appropriate and viable mitigation and compensation that can be demonstrated to be secured
- Lack of a full derogation case
- Lack of monitoring plan
- Reliance on plans that are either not provided in outline or which are proposed to be completed post-consent.

We consider these issues are of direct relevance to the Habitats Regulations process. We do not, based on the currently available evidence, consider that it is possible to conclude no adverse effect on

integrity of The Wash SPA/Ramsar/SSSI can from the Application alone or in-combination with other projects (activities) or plans.

The topics we may wish to discuss may change, subject to any new information provided by the Applicant.