



**Summary of the Relevant Representations
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**

2.1 The Wash is home to an array of internationally important wildlife and an important stop off point for passage birds travelling along the East Atlantic flyway. The proposed Facility could impact on The Wash, and two RSPB reserves (Figure 1).

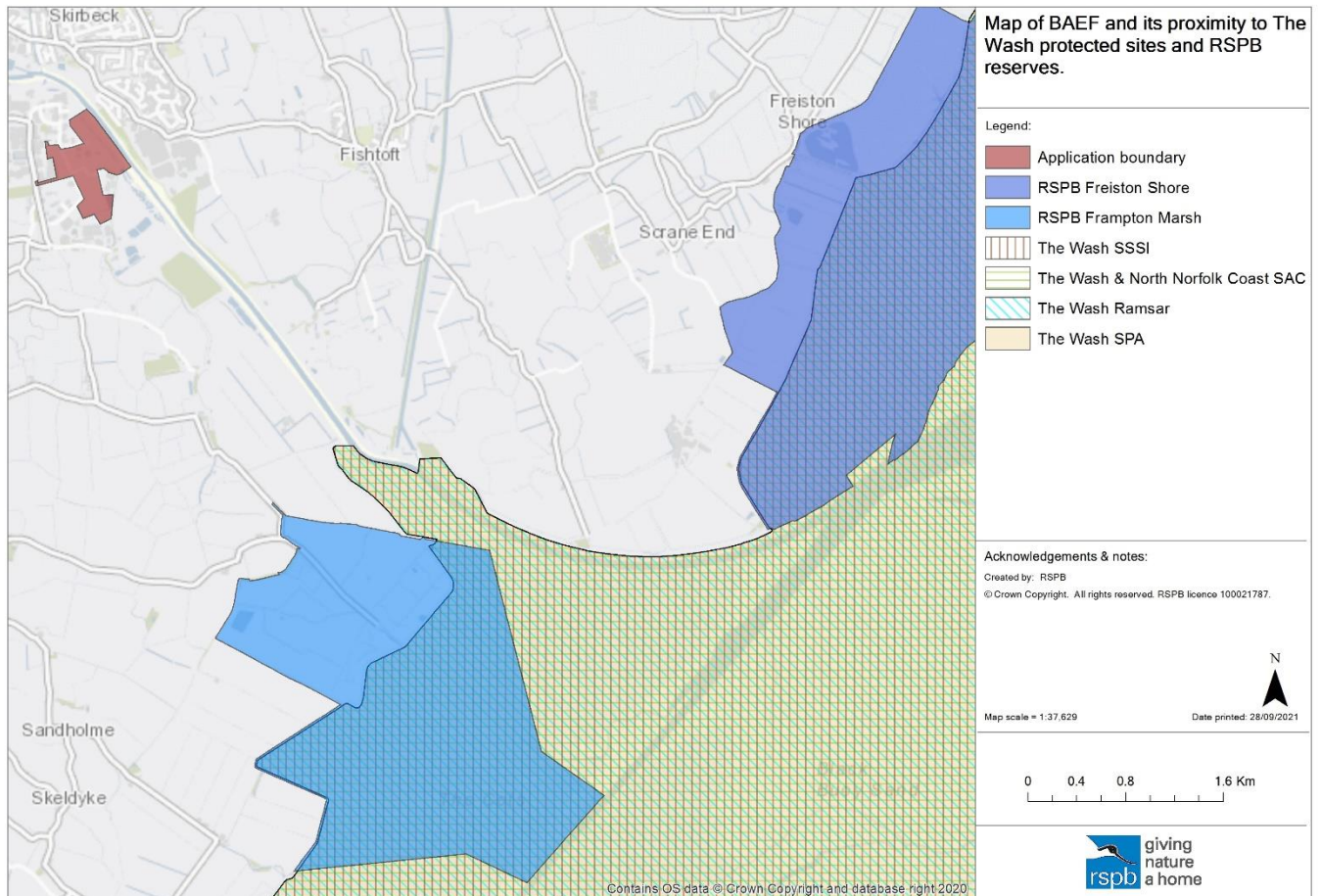


Figure 1: Map showing the application site and its proximity to The Wash protected areas and RSPB reserves.

2.2 The RSPB considers that qualifying features of the protected sites could be adversely affected. The Application documents must, therefore, assess impacts arising from the Facility against the full suite of conservation objectives **and** associated conservation advice for The Wash. Importantly, the Applicant must demonstrate that any restoration targets will not be compromised. Anything that impacts overwintering survival, as well as breeding success and recruitment into the population, could therefore compromise the ability to restore the feature. For this reason, it is important to understand even apparently small effects that when considered in-combination with additional factors affecting a site or feature could significantly affect the ability to achieve the site’s conservation objectives.

2.3 Having reviewed the Application documents, we continue to have the following concerns with the Application:

- The failure to properly assess impacts e.g. no evidence presented for the whole of The Haven.
- The loss of the redshank roost and impact on foraging birds at the application site and the lack of detail to demonstrate that alternative roost proposals would be appropriate.

- The impact on birds roosting and foraging at the mouth of The Haven is significant yet no details on compensation measures to address adverse impacts (which cannot be mitigated) have been provided.
- The noise and visual disturbance related to the construction and operation of the Facility needs to be assessed in more detail, especially as no assessment has been made at night and insufficient lighting details have been provided.
- The failure to provide an in-principle derogation case, which is essential to demonstrate that the tests set out in the Habitats Regulations will be met.
- The significant reliance on developing plans to address impacts post-consent, which will not enable proper scrutiny by the Examining Authority and interested parties during the examination process.
- More evidence is needed to demonstrate that impacts on water quality, with appropriate measures in place to avoid pollution from the Facility and vessels.
- Lack of certainty regarding changes to the frequency of capital/maintenance dredge activity along The Haven and the implications for saltmarsh, mudflats and birds.
- The limited cumulative and in-combination impact assessment, with recreational pressure, other projects and plans.

2.4 Based on the currently available information, we do not consider sufficient evidence has been presented to demonstrate that there will not be, beyond reasonable scientific doubt, an adverse effect on integrity of The Wash SPA/Ramsar/SSSI. This position has not changed throughout our communications with the Applicant and the Planning Inspectorate.

2.5 We consider that the range of information currently outstanding and not provided in the Application is significant. We consider that the outstanding issues are fundamental to the DCO determination process, as they relate to:

- the scale of impact of the proposed facility; and
- the scale and type of mitigation and, if required, compensation measures to ensure that The Wash's conservation objectives will not be undermined and its overall integrity will be maintained.

2.6 Consequently, the RSPB requests that consideration be given to pausing the start of the examination process to enable a realistic stakeholder engagement plan to be put in place and implemented and which provides sufficient time to review evidence that is still outstanding, meaningfully discuss outstanding concerns and develop appropriate detail for an in-principle derogation case that includes realistic and potentially viable compensation measures with the Applicant. This would enable the examination itself to proceed on a more sound and fully informed basis.