

Date: 11 November 2021
Our ref: Case: 14030 Consultation: 373312
Your ref: EN010095



National Infrastructure Planning
The Planning Inspectorate
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BY EMAIL ONLY

Dear Max Wiltshire,

Boston Alternative Energy Facility (BAEF)

The following constitutes Natural England's formal statutory response for Examination Deadline 2.

1. Natural England Deadline 2 Submissions

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 1. We would like to highlight to the Examining Authority that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. Natural England is submitting the following documents within the following thematic appendices:

- Appendix B2 – Natural England's Comments on Ornithology Addendum [REP1-026]
- Appendix C2 – Natural England's Comments on Benthic Ecology, Fish and Habitats [REP1-028]
- Appendix C3 – Natural England's Comments on Marine Mammal Documents [REP1-025, REP1-027]
- Appendix D2 – Natural England's Comments on Air Quality Documents [REP1-007, REP1-021, REP1-028]
- Appendix E2 – Natural England's Advice on the England Coast Path
- Appendix F2 – Natural England's Comments on dDCO [REP1-002] and Schedule of Changes [REP1-033]
- Appendix H2 – Natural England's Risk and Issues Log Deadline 2

2. Attendance at Issue Specific Hearings

At present, Natural England advises that there has been no meaningful progression on key risks and issues raised in Natural England's relevant and written representations. Therefore, we have no further update to provide the Examining Panel than what is already provided in our Written Representations. It is unlikely, given the fundamental concerns in several thematic areas, that progression will be made between now and the proposed ISHs scheduled on 24th and 26th November for Environmental Matters.

Natural England therefore requests consideration be given to a further set of detailed questions presented through written Examiners Questions at this time rather than an ISH.

However, our position on attending ISHs will be kept under review once an agenda with times, themes, areas of discussions and specific questions are provided by the Planning Inspectorate. Please note that, from our experience with other NSIPs, without a clearly defined agenda and specific questions we will not be able to appropriately prepare for the hearing; give due consideration to any issues both internally and externally with the Applicant beforehand; and provide robust evidence-based advice to the ExA during the ISH.

Natural England will continue to engage with the Applicant and other interested parties throughout the Examination to ensure issues are progressed and wherever possible resolved.

Our non-attendance at hearings should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage. As detailed above we are committed to proactively engaging with parties on this project and to gaining the best possible outcome.

3. Statement of Common Ground

Natural England have received a draft SoCG sent by the Applicant on 22nd October. We have reviewed this document and acknowledge that it sets out a summary of the engagement that has taken place between the Applicant and Natural England to date. We note that the document comprises of the Applicant's comments on Natural England's Relevant and Written Representations in which we raise risks and issues i.e. uncommon ground issues only. Therefore, the current status of all issues has been marked as being 'under discussion'. It is Natural England's understanding that the purpose of the SoCG is to set out where there is agreement, under the Environmental Impact Assessment legislation and Habitat Regulations, to enable the Examining Authority to have certainty in the applicant's assessments of impacts and focus their attention on known areas of uncommon ground.

We have advised the Applicant that Natural England has been involved in finalising SoCGs relating to two recent public examinations and these examples (East Anglia ONE NORTH and East Anglia TWO Offshore Windfarm SoCGs) may be useful in developing templates for future drafts of the SoCG for this project. We understand that the Applicant is currently reviewing if those SoCGs could be used as a template for a further SoCG for this project.

4. Natural England's Responses to the Examiner's First Round of Written Questions

ExQ1	Question:	NE Response
Q2.0.1	<p>Environmental Statement (ES) Chapter 14: Air Quality [APP-052] paragraph 14.4.61 states the nitrogen deposition was quantified at all habitats in locally designated sites within the study area (Table 14.10), "however, only the deposition at the Havenside Local Nature Reserve (LNR) was compared to a Critical Load value. Similar to The Wash, the saltmarsh was only considered in relation to nitrogen deposition, as the habitat is not sensitive to acid deposition." Can NE confirm that they agree with the statement by the Applicant that the saltmarsh at The Wash is not sensitive to acid deposition?</p>	<p>Natural England advises that the saltmarsh where the deposition is likely to occur is outside of the designated sites boundaries. However, saltmarsh is a priority habitat and afforded protection under Section 40 of the NERC Act 2006. Therefore all impacts should be avoided, reduced and mitigated to this habitat. Natural England advises that this is not agreed as many of our outstanding concerns remain under discussion and further information/evidence is required from the Applicant.</p>
Q2.0.4	<p>ES Chapter 17: Marine and Coastal Ecology [APP-055] paragraphs 17.8.240 – 17.8.246 provide a dialogue on the effects of deposition on saltmarsh habitats and concludes that the overall effect is minor adverse. Can NE confirm if it is satisfied with the conclusion regarding deposition on designated sites?</p>	<p>Please see answer to Q2.0.1. Currently Natural England is unable to support the Applicant's 'minor adverse' conclusion.</p>

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Lydia Tabrizi
Norfolk and Suffolk Area Team

