



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Boston Alternative Energy Facility

Appendix D2 to Natural England's Deadline 2 Submission

**Natural England's Comments on the Applicant's Deadline 1 Submissions in Relation
to Air Quality [REP1-007, REP1-021, REP1-028]**

For:

The construction and operation of Boston Alternative Energy Facility (AEF) that would generate approximately 102 MW of renewable energy and is located immediately south of Boston town, Lincolnshire.

Planning Inspectorate Reference: EN010095

11th November 2021

Appendix D2 Natural England's Comments on the Applicant's Deadline 1 Submissions in Relation to Air Quality [REP1-007, REP1-021, REP1-028]

Introduction

This document provides Natural England's response in relation to the following documents:

- 6.2.14: Chapter 14: Air Quality (Tracked) [REP1-007]
- 9.8: Appendix 14.4 - Analysis of SO₂ and O₃ Concentrations to Justify Adoption of the Less Stringent Daily Mean NO_x Critical Level for Protection of Vegetation [REP1-021]
- 9.15: Addendum to Chapter 17 and Appendix 17.1 - Benthic Ecology, Fish and Habitats (paragraphs 4.3.7-4.3.16) [REP1-028]

Summary

The focus of our review was on whether our concerns had been addressed by the Applicant. Unfortunately, many of our concerns remain outstanding. Our detailed advice is as set out below.

Detailed Comments

Natural England has structured our comments in a table with our Relevant Representations so we could easily highlight where are comments have been adequately addressed and where more changes are needed.

Point	Section	RR Comment	RR Recommendations	Deadline 2 update	RAG status
Chapter 14 – Air Quality					
D1.	14.4.26	Whilst dust impacts during construction considered at Havenside LNR; what about on the area of saltmarsh being used for the Habitat Mitigation Area?	Natural England advises that all areas relevant to the proposals are thoroughly considered.	Natural England notes that dust impacts during construction is mentioned in REP1-028 (Marine and Coastal Ecology Appendix 17.1). However, mitigation measures will be secured in the Code of Construction Practice. We will review this	

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				document once it has been submitted into examination.	
D2.	14.4.32	As above, for Critical Loads/ Levels the ecological receptors considered statutory and non-statutory sites – but not Priority Habitats <i>i.e.</i> the saltmarsh adjacent to the site and part of the Habitat Mitigation Area.	As above.	Natural England is content that Table 4-6 of REP1-028 addresses this concern.	
D3.	14.4.49	Natural England is aware that only one other project has been included in the in-combination assessment. We would welcome a further check that this remains the case with other interested parties. We advise that the search consider any present or confirmed future projects which would not be included in the background data and other sources and sectors?	Natural England advises that the assessment should explain the criteria applied to the search. Also, we would welcome confirmation from other interested parties that all sources have been included.	REP1-028 4.3.21 – Natural England notes that no further projects have been identified by stakeholders for consideration within the assessment and that Natural England's SSSI Impact Risk Zone criteria, which were applied to all designated sites considered in the assessment. Therefore, we consider this matter resolved.	
D4.	14.4.53	We note that the consultant has used the higher daily NOx threshold of 200 ug/m3 rather than 75 ug/m3. Whilst this higher threshold is considered in casework, a robust and evidenced argument must be made to show that the criteria are met <i>i.e.</i> SO2 and O3 below their respective CLe. This assessment bases the	Natural England requests that local, finer resolution or monitoring data is used to underpin the justification. And reassurance provided that O3 and SO2 will at no point exceed the CLe locally?	Analysis of SO2 and O3 Concentrations to Justify Adoption of the Less Stringent Daily Mean NOx Critical Level for Protection of Vegetation [REP1-021] – states the Applicant is following an agreed approach regarding consideration of the higher 24-hour CLe for NOx. Natural England agrees the evidence supplied is robust, up to date and from reliable sources therefore we accept the Applicant's justification to adopt 200 ug/m3 for this site. This matter is resolved.	

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		justification on national and modelled data.			
D5.	Table 14.22 and 14.30	We note that the construction phase of the assessment does not consider emissions from ammonia. This suggests that ammonia from vehicle and vessel emissions were not considered. We query if the justification for this can be provided and the rationale as to why ammonia would not be a significant contributor? Especially given that nitrogen deposition exceeds the 1% threshold.	Natural England requires more clarity and justification regarding the consideration of ammonia from vessels and vehicles and their contribution to nitrogen deposition. Especially in relation to why. Ammonia is not considered to be a significant contributor.	Natural England notes that Paragraph REP1-028 4.3.19 states that older vessels (constructed before 1 st Jan 2021) would only produce negligible levels of ammonia as they don't use SCR therefore limited effect on designated sites; but over the operation of the project (i.e. 25 years) presumably vessels will be modernised/new so therefore there is likely to be an increase in ammonia from this source over time. Therefore, Natural England advises that the impacts over the lifetime of the project require further consideration.	
D6.	14.4.61 17.8.240	We support the consideration of an assessment on priority saltmarsh habitat. However, are there other sensitive habitats.	Natural England requires the applicant to provide recent survey data or evidence to support this decision to only consider saltmarsh. A footprint map confirming that only saltmarsh is present within the area of impact would be beneficial.	Natural England notes that REP1-028 Table 14-10 shows that relevant habitats within the LNR and LWS have been considered, and that only saltmarsh is listed in APIS and can therefore be assessed. The APIS for Nitrogen deposition on Coastal and Floodplain Grazing Marsh states that no studies have been made of N deposition effects on these habitats, and thus no quantified effects of potential modifiers are available. It also reports that run-off from fertiliser etc is more likely to be important sources of Nitrogen; and flocks of wildfowl may increase local ammonia levels	

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				Therefore, Natural England advises that the use of saltmarsh is an appropriate proxy for the other habitat types present and this matter is resolved.	
D7.	Table 14.38 Table 17.43	The assessment states that the minor adverse impact identified will be dealt with by monitoring. However, Natural England advises that this is not mitigating the adverse impact and does not negate the impact to sensitive features. What will monitoring be looking to identify? If a significant change occurs, what actions will be taken?	Natural England requests that the purpose and outcome of the monitoring be expanded to explain how this will mitigate an adverse impact to the designated features? A minor adverse impact is acknowledged, but no mitigation proposed.	Natural advises that REP1-028 4.3.3 –doesn't answer our questions. Whilst a minor adverse impact is acknowledged, there is no mitigation proposed. Natural England notes that REP1-028 4.3.2 doesn't address our concerns in relation to monitoring. Therefore, this matter remains outstanding.	
D8.		Natural England queries how precautionary are the emissions which have been calculated? Was this based on a worst-case scenario e.g. worst-case MET data for Daily NOx and maximum run-times? This would be useful if made clearer.	Natural England advises that it would be useful if these assumptions could be made clearer as it can influence the approach taken to the minor adverse impact i.e. if it's a highly conservative estimate.	Natural England notes that Section 4.3.8 of REP1-028 explains how emissions were calculated. The Applicant sets out the use of five years of meteorological data, and the reported results are the maxima of all annual datasets at the point of maximum impact within each site. Therefore, this implies this is a Worst Case Scenario (WCS) for emissions in terms of MET data; with the project calculations using the highest levels (noting likely to be below this when operating). However, the final line states the reported results are therefore considered to be conservative. Therefore, further clarity is needed on whether this is a low estimate and therefore not a WCS?	

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D1.	14.7.50 12.7.3 12.7.42	Natural England notes that Table 14-30 presents values during operational phase for The Wash with in-combination contributions of all pollutants above 1% of the relevant annual mean Critical Loads/ Levels. Therefore, we query how impacts will be mitigated for?	Natural England advises that further clarity on how impacts to designated sites will be mitigated and any measures secured.	Natural England notes that further information on the proposed mitigation measures is required before we can provide further nature conservation advice; noting that: - Chapter 12 Terrestrial Ecology and Chapter 17 Marine and Coastal Ecology – hasn't been updated. We don't agree with REP1-028 (4.3.9) that impacts above 1% are not necessarily significant impacts requiring mitigation measures. REP1-007 states mitigation measures will be secured in the Code of Construction Practice, which is yet to be submitted.	
D	14.7.55	Natural England notes that all levels of pollutants exceeded for LNR and LWS. Therefore, we query what the effects of N deposition on the Habitat Mitigation Area will be? If based on similar values to Havenside LNR then PEC predicted to be marginally over the most stringent critical load range (20-30 kg N ha ⁻¹ year ⁻¹).	Natural England advises that all areas relevant to the proposals are thoroughly considered.	Natural England welcomes the inclusion of data for proposed Habitat Mitigation Area (and additional areas of saltmarsh on both banks) in REP1-007 (Chapter 14 – Air Quality) Table 14-35, Therefore, this matter is resolved.	
D	14.8.9	Paragraph states - The Facility was not predicted to lead to any significant effects during its operation which would require mitigation measures. As the Facility would be required to operate under the conditions of its Environmental Permit, this is	Natural England advises that further clarity on how impacts to designated sites will be mitigated and any measures secured.	Natural England notes that REP1-007 states mitigation measures will be secured in the Code of Construction Practice. NE will review this document once it has been submitted into examination. However, we advise that the CoCP will need to consider in-combination phase impacts during	

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		<p>considered to be an adequate mechanism to ensure that significant impacts are not experienced.</p> <p>Natural England queries what mitigation is suggested for designated sites? Only mention monitoring of stacks.</p>		<p>the construction phase as we do not believe these to be insignificant</p>	