

# REPORT

## **Boston Alternative Energy Facility**

### Comments on Examining Authority's First Written Questions

Client: Alternative Use Boston Projects Ltd.

Planning Inspectorate EN010095

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## Glossary of Acronyms

Term	Definition
ACC	Air Cooled Condenser
AUBP	Alternative Use Boston Projects Limited
BAT	Best Available Techniques
BAT-AELs	Best Available Techniques Associated Emission Levels
BREF	Best Available Techniques Reference
CEA	Cumulative Effects Assessment
CEMS	Continuous emissions monitoring system
CO	Carbon monoxide
COT	UK Committee on Toxicity
DCO	Development Consent Order
EA	Environment Agency
EFT	Emissions Factor Toolkit
EIA	Environmental Impact Assessment
ELV	Emission limit values
EP	Environmental Permit
ES	Environmental Statement
ExA	Examining Authority
FPP	Fire Prevention Plan
HCl	Hydrogen chloride
HF	Hydrogen fluoride
HHRA	Human health risk assessment
IAQM	Institute of Air Quality Management
IED	EU Industrial Emissions Directive
LNR	Local Nature Reserve
LWS	Local Wildlife Site
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
NMP	Navigational Management Plan
NO <sub>x</sub>	Nitrogen oxides
OLEMS	Outline Landscape and Ecological Mitigation Strategy
PC	Process contributions
PEC	Predicted environmental concentrations

<b>PEIR</b>	Preliminary Environmental Information Report
<b>PoB</b>	Port of Boston
<b>SOP</b>	Standard Operating Procedure
<b>SO<sub>2</sub></b>	Sulphur dioxide
<b>TDI</b>	Tolerable daily intake
<b>TOC</b>	Total organic carbon
<b>WPD</b>	Western Power Distribution

## 1 Comments on Examining Authority's Written Questions

This 'Comments on Examining Authority's Written Questions' document for the Boston Alternative Energy Facility (the Facility) supports the application for a Development Consent Order (DCO) (the DCO application) that has been made to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the Act) by Alternative Use Boston Projects Limited (AUBP) (the Applicant).

**Table 1-1** set out each of the Examining Authority's (ExA's) Written Questions issued on 14<sup>th</sup> October 2021 (ExQ1) along with the Applicant's response. Only the questions directed the Applicant (in full or part) are answered.

**Table 0-1 Responses to ExA’s First Written Questions**

ExQ1	Question is addressed to	Question	Applicant Response
<b>1. General and Cross-topic questions</b>			
Q1.0.1	The Applicant	The works plans are hard to read; please show size of buildings and limits of deviation on the plans.	<p>Additional drawings have been submitted to show the required information as follows:</p> <ul style="list-style-type: none"> <li>• The Works Plans (document reference 4.3(1)) have been updated to provide more clarity and to include 20m limits of deviation (see sheets 9-15).</li> <li>• The Indicative Generating Station Plans (document reference 4.9, APP-019) show the locations of buildings and the size of buildings has been added onto sheet 10 of 10 of the Indicative Generating Station Plans (document reference 4.9(1)).</li> </ul>
Q1.0.2	The Applicant	Please provide lower resolution plans suitable for use in the virtual environment.	<p>Lower resolution plans have been submitted as follows:</p> <ul style="list-style-type: none"> <li>• Location Plan (document reference 4.1);</li> <li>• Land Plan and Crown Land Plan (document reference 4.2);</li> <li>• Works Plans (document reference 4.3(1));</li> <li>• Illustrative Landscape Plan (document reference 4.4);</li> <li>• Statutory and Non-Statutory Sites or Features of Nature Conservation and Habitats Plan (document reference 4.6);</li> <li>• Water Bodies in a River Basin Management Plan (document reference 4.7);</li> <li>• Heritage Assets (document reference 4.8);</li> <li>• Indicative Generating Station Plan (document</li> </ul>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>reference 4.9(1));</p> <ul style="list-style-type: none"> <li>• Indicative Electrical and Water Connection Plan (document reference 4.10); and</li> <li>• Indicative Wharf Plans (document reference 4.11).</li> </ul> <p>The Access and Rights of Way Plan (document reference 4.5) has not been re-submitted as it was already compressed to the maximum amount.</p>
Q1.0.3	The Applicant and Lincolnshire CC (LCC)	<p>LCC have queried the s42 consultation on the revised technology for the plant.</p> <p>Please detail the differences between the processes; gasification (the original proposal) and thermal treatment; and any mitigation proposed.</p>	<p>Gasification is a process in which a fuel (waste in the case of the Facility) is heated to a high temperature (&gt;700°C) under carefully controlled starved air conditions. This produces an inert carbon “char” and a “syngas” (a mixture of carbon monoxide and hydrogen), which is then combusted to generate heat and electricity via a steam turbine. This was the original technology proposed for the Facility (as set out in the Preliminary Environmental Information Report (PEIR)). It incorporated air pollution abatement equipment downstream of the syngas combustion chamber in order to achieve compliance with the emission limit values (ELV) specified in the EU Best Available Techniques Reference (BREF) Documents.</p> <p>The thermal treatment process now proposed for the Facility is an established step grate conventional combustion process, where the fuel (waste) is burned with an excess of air to achieve as complete combustion as possible in the furnace. The combustion gases then pass into a secondary combustion chamber, where they are heated to at least 850°C for at least 2</p>



ExQ1	Question is addressed to	Question	Applicant Response
			<p>seconds with an adequate supply (6% by volume) of oxygen. The heat evolved from this process is then used to generate steam and electricity through a turbine. The same air pollutant abatement techniques as were proposed for the gasification plant are then applied to assure compliance with the BREF ELVs.</p> <p>The differences between the technology assessed in the PEIR and Environmental Statement (ES) are set out in Table 4-1 of Chapter 4 Site Selection and Alternatives (document reference 6.2.4, APP-042). This table also identifies the chapters which have assessed the implications of the changes in technology. A review has been undertaken to identify any additional or updated mitigation measures required in association with the change in technology, the only chapter which has additional mitigation measures in relation to the change in technology is Chapter 10 Noise and Vibration (document reference 6.2.10, APP-048).</p> <p>The noise and vibration chapter of the PEIR included mitigation in the form of attenuating the noise level at source by approximately 10dBA for the Air Cooled Condensers (ACC).</p> <p>This mitigation was increased to 15dBA for the ACC in the final ES Chapter 10 Noise and Vibration due to a change in the position of the ACC (E1 on Sheet 2 of Figure 5.1 (document reference 6.3.2, APP-068)).</p>

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			<p>Furthermore, ES Chapter 10 includes the following additional mitigation measures which are necessary for the thermal process proposed and would not be required for the original gasification process and so were not included in the PEIR. The reasoning for why those measures are required is explained in the relevant parts of ES Chapter 10 and its figures and summarised below:</p> <ul style="list-style-type: none"> <li>• Reducing 6.5 MW Chiller (F3 on Sheet 1 of Figure 5.1) to a Sound Power Level of 85 dBA; (10 dBA reduction from unmitigated scenario) – this was additional technology for the Environmental Impact Assessment (EIA) stage; and</li> <li>• Reducing 11KV Transformer and Pen (H4 on Sheet 2 Figure 5.1) to a Sound Power Level of 80 dBA; (13dBA reduction from the unmitigated scenario) – this was due to an increase in number of transformers and change in their locations.</li> </ul> <p>The impact assessment in Chapter 18 Navigational Issues (document reference 6.2.18, APP-056) was not undertaken at PEIR stage. The Navigation Impact Assessment was undertaken at the ES stage, and mitigation was identified and will be secured in the Navigational Management Plan for construction and operational vessel movements. Pursuant to Requirement 14 of Schedule 2 of the draft DCO (document reference 2.1(1), APP-003) the Navigational Management Plan must be submitted to and approved</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>by the Marine Management Organisation prior to the commencement of any licenced activities. Note that at the PEIR stage, it was not envisaged that there would be any construction vessel movements.</p>
Q1.0.4	The Applicant	In the Funding Statement please confirm details of the timing and availability of funding.	<p>The Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (September 2013) (DCLG) states at para 18: <i>“The timing of the availability of the funding is also likely to be a relevant factor... . Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.”</i></p> <p>The Applicant seeks compulsory acquisition powers in the draft DCO (document reference, 2.1(1), REP1-003) for a period of 5 years (see article 27). Plot 19, 19b, 21 and 23 are subject to permanent acquisition. Plot 3 is the only plot subject to temporary possession. The owners of these plots are unknown, despite reasonable attempts by the Applicant to identify them. Expert valuation advice has been sought in respect of these interests.</p> <p>As set out in section 5.4 of the Funding Statement (document reference 3.2, APP-009), the value of compulsory acquisition elements of the Project are estimated to be less than £30,000 in total (including an allowance for professional and associated fees). The</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>Applicant will fund these costs through private equity investment (on the same basis it has been funding the Project to date). Article 53 of the draft DCO provides a guarantee in respect of compensation. Powers of compulsory acquisition may not be exercised unless a suitable guarantee for the compensation has been provided by the Applicant and approved in writing by the Secretary of State.</p> <p>Section 5.4.5 of the Funding Statement explains that no blight claims are expected, but any possible claims would be met via the private funding that has funded the Project to date.</p> <p>The Project has to date been funded by private equity investment and this arrangement will continue up to financial close of the major lending arrangements required for construction.</p> <p>As set out in section 5.3 of the Funding Statement, the Applicant intends to raise funds for the capital cost of construction of the Project following the grant of the DCO. As is common of projects of this nature, details of funding are commercially sensitive. However, funding will be sourced from a combination of commercial debt and additional equity.</p>
Q1.0.5	The Applicant	Detail whether the on-site fire prevention plan addresses risks associated with fires that could occur on ships transporting refuse-derived fuel or at berth; and if not included, what additional measures may be needed to reduce fire risk and	A Fire Prevention Plan (FPP) is required to be submitted in an Environmental Permit (EP) application for waste incineration (Schedule 5.1) activities under the Environmental Permitting Regs (2016, as amended). This FPP will only cover the authorised facility covered

ExQ1	Question is addressed to	Question	Applicant Response
		<p>mitigate local impacts in the event of fires on vessels associated with the proposed facility.</p>	<p>by the EP. At this stage the legal boundary of the Facility relating to the EP has not been agreed by the EA. The Applicant will be seeking clarification on the boundary as it is not clear yet if vessels docked against the wharf would lie within the legal boundary or not. In transit the Maritime and Coastguard Agency (MCA) would be the lead agency in relation to fires on vessels under the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998. The Applicant will discuss with the MCA whether a specific fire prevention plan for vessels is needed and provide an update to the Examining Authority at a later deadline.</p> <p>With regard to more practical measures that will be undertaken; on approach the pilot launch staff will measure the external skin temperature of the vessel to check for temperature rises for early warnings of possible fires, even before the vessel approached the wharf. If detected the vessel can be diverted according to Standard Operating Procedure (SOP) for thermal excursions, ideally into the Port of Boston (PoB) wet dock for further investigation using industry developed fire safety procedures including Fire Service attendance. If no raised temperatures are detected the vessel will navigate The Haven upstream to the Facility wharf and berth. When fully berthed the hold sampling pipes will be uncovered and the hold gases analysed for fire gas precursors. The wharf and Facility will have at least two sets of gas analysers for hold safety which are required for safety before any person enters the hold as breathable air may not be present or totally exhausted.</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>If fire pre-cursors gases are not detected it is safe to open the hold covers, prior to unloading the cargo. However, if the vessel's skin is still cool and fire pre-cursor gases are detected, the vessel needs moving to PoB's wet dock where the fire service, the Facility and PoB port management would deal with the fire. The Facility generates liquid CO<sub>2</sub>, therefore, the Facility will send at least one tanker containing liquid, compressed CO<sub>2</sub> to the port to be bled into the vessel hold until the thermal excursion is under control and the fire service, liaising with PoB pilots, can return the vessel to the Facility to be discharged. As part of the SOP, there will be no smoking on the Facility's wharf at all times. Firefighting hydrants will also be provided on the new wharf, along its full length for use by the Lincolnshire Fire and Rescue service if they attend an event or practice at the Facility.</p> <p>Pollution control measures associated with water used to fight fires is set out in paragraphs 4.4.8 and 4.4.9 of the Outline Surface Water Drainage Strategy (document reference 9.4, REP1-017). During an emergency situation, fire water will be managed through penstocks with additional retention through the use of retaining walls to contain the area affected by such water with a substantial area available for such retention. The Applicant receives fire advice from the former deputy fire commissioner for Greater London, who is part of the Applicant's team as well as specialist experienced and appropriate UK &amp; international consultants.</p>

ExQ1	Question is addressed to	Question	Applicant Response
<b>2. Air Quality &amp; Emissions</b>			
Q2.0.1	The Applicant	<p>What dust monitoring is proposed at boundary locations to ensure the dust management controls are being effective and to provide quantifiable evidence in the event of complaints? What measures are proposed to address any concerns?</p>	<p>Dust monitoring and management procedures during the construction period for the Facility will be detailed in the Air Quality and Dust Management Plan, part of the Code of Construction Practice, as secured by Requirement 10(3)(d) of Schedule 2 of the draft DCO (document reference, 2.1(1), REP1-003). No part of the authorised development may commence until a Code of Construction Practice has been approved by the relevant planning authority, following consultation with the EA and the relevant statutory nature conservation body, by virtue of Requirement 10, Schedule 2 of the draft DCO. This will be substantially in accordance with the Outline Code of Construction Practice (document reference, 7.1, APP-120). Typically, the dust monitoring procedures will involve a combination of regular visual checks by construction personnel, automatic monitoring of dust concentrations in the atmosphere at the construction site boundaries and dust deposition monitoring, together with continuous monitoring of meteorological conditions. For the automatic dust concentration monitors, a set of trigger and alarm concentration levels would be programmed into the instruments, which, when exceeded, would send alert signals by text message to nominated construction personnel. This would then, in turn, trigger an investigation of the causes of the elevated dust concentrations and the instigation of remedial dust control measures. The receipt of complaints about dust effects would also trigger an investigation by site</p>

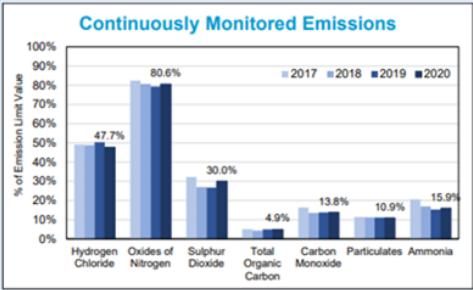
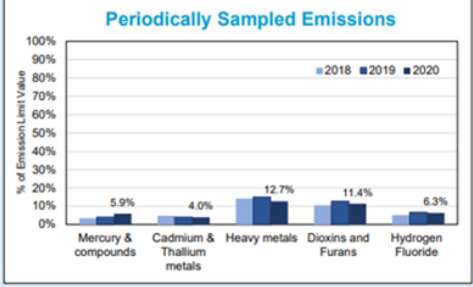
ExQ1	Question is addressed to	Question	Applicant Response
			<p>personnel to identify the causes, impose remedial action, where necessary, and to report back to the complainant. A record of all dust and air quality complaints, and the measures taken, will be kept and will be available to Boston Borough Council.</p>
Q2.0.2	The Applicant	<p>Detail how emissions from the Proposed Development will be stringently regulated to not exceed the required national standards and where possible seek to better those standards.</p>	<p>The Facility would not be able to operate until an Environmental Permit has been granted by the Environment Agency (EA). The Environmental Permit for the Facility, issued and regulated by the EA, will contain a set of emission limit values (ELVs) which the emissions from the Facility must not exceed. If these are exceeded, the EA will be able to take appropriate enforcement action. This is set in Statute through the Environmental Permitting Regulations 2016 (as amended), which transposed the EU Industrial Emissions Directive (IED) into UK law.</p> <p>In addition, in setting the ELVs, the EA will have regard to the Best Available Techniques Associated Emission Levels (BAT-AELs) contained within the EU Best Available Techniques Reference (BREF) document that covers waste incineration. The BAT-AELs are, in general, more stringent than the ELVs in the IED, reflecting improvements in abatement techniques since the IED was published in 2010. Both the IED and BAT Conclusions require that certain air pollutant emissions shall be monitored automatically using a continuous emissions monitoring system (CEMS). These include nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO), particulates, total organic carbon (TOC), hydrogen chloride (HCl) and hydrogen fluoride</p>



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			(HF). Other substances, including heavy metals, dioxins, furans, dioxin-like polychlorinated biphenyls (PCB), polycyclic aromatic hydrocarbons (PAH) and PCBs are monitored periodically, by manual sampling followed by laboratory analysis of the samples.
Q2.0.3	The Applicant	Please provide details of the assessment conclusions of the significance of effects of predicted concentrations of dioxins and furans. Please also provide details of the quantitative assessment of deposition of pollutants (both dioxins and other pollutants, such as metals). In addition please also answer the specific points contained in Public Health England's RR under the heading 'Air Quality' [RR-023].	A detailed human health risk assessment (HHRA) has been conducted for emissions of dioxins, furans, dioxin-like PCB and certain heavy metals from the Facility and has been submitted at Deadline 1 as Appendix 14.5 (document reference 9.9, REP1-022) to the updated ES Air Quality Chapter (document reference 6.2.14(1), REP1-006). The potential uptake of residues of dioxins, furans and dioxin-like PCB by humans through inhalation and the food chain has been assessed and compared with the tolerable daily intake (TDI) levels set by the UK Committee on Toxicity (COT). COT is a specialist independent committee of experts that provides advice to the Food Standards Agency, the Department of Health and Social Care and other Government Departments and Agencies on matters concerning the toxicity of chemicals in food, consumer products and the environment. Potential uptake of heavy metals by humans, in the absence of standards or guidelines, was assessed against the range of current daily intakes in the UK. The conclusion of these worst-case scenario assessments was that, for the maximally exposed individual, exposure to dioxins, furans, dioxin-like PCBs and trace metals is not significant.

ExQ1	Question is addressed to	Question	Applicant Response
			<p>With regard to the specific points raised in Public Health England’s Relevant Representation (RR-023), responses to these questions have been provided at Deadline 1, in Table 1-11 of the Applicant’s Comments on Relevant Representations (document reference 9.2, REP1-035).</p>
Q2.0.5	The Applicant	<p>Can the Applicant clarify whether the effect on receptor R37 would be moderate adverse or minor adverse, given that paragraph 14.8.7 [APP-052] identifies a moderate adverse effect and paragraph 14.13.3 states the overall effects would be minor adverse?</p>	<p>It is confirmed that the effect of annual average nitrogen dioxide concentrations at Receptor R37 during the construction phase for the Facility would indeed be categorised as “moderate adverse” in accordance with the impact descriptors contained in Table 6.3 of the Institute of Air Quality Management (IAQM) 2017 guidance “Land Use Planning and Development Control: Planning for Air Quality” (reproduced in the Environmental Statement Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) as Table 14.6).</p> <p>It is also confirmed that the statement in paragraph 14.13.3 is correct. The IAQM guidance requires that the assessor should make a professional judgement about the overall significance of the effects of any impacts (Section 7 of the IAQM guidance). Taking into account the impacts identified at all 39 individual human receptor locations used in the air quality assessment, these are “negligible” at 37 receptors, “slight” at one receptor and “moderate” at one receptor (R37). Taking these effects in the round, therefore, the professional judgement has been made that the overall impact significance should be described as “minor adverse”.</p>

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Q2.0.6	The Applicant	<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 the Applicant explain what the predicted effect for the Havenside LNR is, given that this would experience an exceedance of the Critical Load?</p>	<p>Nitrogen deposition at the Havenside Local Nature Reserve (LNR) was predicted to be at 101% of the most stringent Critical Load for saltmarsh. The Havenside LNR experiences the largest impact from the Facility due to its proximity, and this area also experiences higher background nitrogen deposition than The Wash, likely due to its location closer to the centre of Boston.</p> <p>However, the assessment was undertaken using a number of conservative approaches in order to provide a worst-case scenario. Five years of meteorological data were used in the model, and the reported results are the maxima of all annual datasets at the point of maximum impact within each site. The reported 24-hour concentrations are reported as 100th percentile (i.e., maximum) concentrations. The emissions from the Facility were also calculated based on NO<sub>x</sub>, SO<sub>2</sub>, hydrogen fluoride and ammonia being emitted at their respective limits, which is considered to be conservative as, during typical operating conditions, emissions can be expected to be lower (see Plate 1).</p>

ExQ1	Question is addressed to	Question	Applicant Response																																																																
			<div data-bbox="1265 347 1736 638">  <table border="1"> <caption>Figure 28: Continuously Monitored Emissions to Air</caption> <thead> <tr> <th>Category</th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Hydrogen Chloride</td> <td>47.7%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Oxides of Nitrogen</td> <td>80.6%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sulphur Dioxide</td> <td>30.0%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Organic Carbon</td> <td>4.9%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Carbon Monoxide</td> <td>13.8%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Particulates</td> <td>10.9%</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Ammonia</td> <td>15.9%</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Figure 28: Continuously Monitored Emissions to Air Source: APR</p> </div> <div data-bbox="1265 678 1736 965">  <table border="1"> <caption>Figure 29: Periodically Monitored Emissions to Air</caption> <thead> <tr> <th>Category</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Mercury &amp; compounds</td> <td>5.9%</td> <td></td> <td></td> </tr> <tr> <td>Cadmium &amp; Thallium metals</td> <td>4.0%</td> <td></td> <td></td> </tr> <tr> <td>Heavy metals</td> <td>12.7%</td> <td></td> <td></td> </tr> <tr> <td>Dioxins and Furans</td> <td>11.4%</td> <td></td> <td></td> </tr> <tr> <td>Hydrogen Fluoride</td> <td>6.3%</td> <td></td> <td></td> </tr> </tbody> </table> <p>Figure 29: Periodically Monitored Emissions to Air Source: APR</p> </div> <p data-bbox="1227 1005 1901 1069"><b>Plate 1. Comparison of monitored emissions with the emission limit values from EfW plants in the UK</b></p> <p data-bbox="1227 1109 1901 1276">Analysis has been undertaken to determine what the impact would be at the Havenside LNR should NOx and NH3 be emitted at the typical percentages of the Emission Limit Value shown in Plate 1 (80.6 for NOx and 15.9% for ammonia), as shown in Table 1.</p>	Category	2017	2018	2019	2020	Hydrogen Chloride	47.7%				Oxides of Nitrogen	80.6%				Sulphur Dioxide	30.0%				Total Organic Carbon	4.9%				Carbon Monoxide	13.8%				Particulates	10.9%				Ammonia	15.9%				Category	2018	2019	2020	Mercury & compounds	5.9%			Cadmium & Thallium metals	4.0%			Heavy metals	12.7%			Dioxins and Furans	11.4%			Hydrogen Fluoride	6.3%		
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			<p><b>Table 1. Comparison of the modelled Emission Limit Values with the Expected Facility Emissions</b></p> <table border="1"> <thead> <tr> <th data-bbox="1236 408 1435 550"></th> <th data-bbox="1435 408 1619 550">At Emission Limit Value (reported in ES)</th> <th data-bbox="1619 408 1897 550">At expected percentage of Emission Limit Value (from Tolvik report)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1236 550 1435 655">Nitrogen deposition from Facility</td> <td data-bbox="1435 550 1619 655">2.76</td> <td data-bbox="1619 550 1897 655">0.78</td> </tr> <tr> <td data-bbox="1236 655 1435 761">In-combination deposition</td> <td data-bbox="1435 655 1619 761">2.94</td> <td data-bbox="1619 655 1897 761">0.96</td> </tr> <tr> <td data-bbox="1236 761 1435 903">Total PEC deposition (including background)</td> <td data-bbox="1435 761 1619 903">20.16</td> <td data-bbox="1619 761 1897 903">18.18</td> </tr> <tr> <td data-bbox="1236 903 1435 978">Total deposition/CL</td> <td data-bbox="1435 903 1619 978">101%</td> <td data-bbox="1619 903 1897 978">91%</td> </tr> </tbody> </table> <p>As shown, the typical emissions of NO<sub>x</sub> and NH<sub>3</sub> from the Facility would result in total deposition below the Critical Load. As such, it is not expected that significant impacts would occur.</p> <p>At the Environmental Permitting stage of the project, the EA will take into consideration impacts on designated habitats in determining the emission limits which the Facility must comply with during operation. These may be more stringent than the Emission Limit Values which were modelled as part of the ES, and would ensure that</p>		At Emission Limit Value (reported in ES)	At expected percentage of Emission Limit Value (from Tolvik report)	Nitrogen deposition from Facility	2.76	0.78	In-combination deposition	2.94	0.96	Total PEC deposition (including background)	20.16	18.18	Total deposition/CL	101%	91%
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			<p>the Critical Load would not be exceeded.</p> <p>The Facility would not be able to operate until an Environmental Permit has been granted by the EA.</p>
Q2.0.8	The Applicant	<p>With regard to the impacts from air quality on saltmarsh; from reading the ES Air Quality chapter it appears that the assessment only considered saltmarsh in designated sites and not the saltmarsh adjacent to the site and in part of the proposed Habitat Mitigation Area. Please provide an assessment which covers all saltmarsh areas impacted by the Proposed Development, including the proposed Habitat Mitigation Area.</p>	<p>The updated ES Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) submitted at Deadline 1 contains from paragraph 14.7.54 an assessment of the air quality effects arising from operation of the Facility upon the Habitat Mitigation Area and areas of saltmarsh on both banks of The Haven, which includes the saltmarsh adjacent to the site. The locations of the Habitat Mitigation Area and the areas of saltmarsh considered in this updated assessment can be found on updated Figure 14.9 (document reference 6.3.22(1), REP1-034). The assessment results can be found in Table 14.34 and Table 14.35 on pages 67 and 68, respectively, of the updated ES Chapter 14 Air Quality.</p> <p>In summary, the results for the Habitat Mitigation Area, the Facility alone and in-combination process contributions (PC) were above 1 % and 10 % of the respective Critical Levels for most pollutants; as such, effects cannot be considered to be insignificant. However, the total predicted environmental concentrations (PEC) did not exceed the lower Critical Loads or Critical Levels for any pollutant. For the areas of saltmarsh in the vicinity of the Facility, the PCs were above 1% and 10% of the Critical Levels and Loads, the PECs were within the Critical Levels and lower range of the Critical Load for deposited nitrogen, as such effects</p>

ExQ1	Question is addressed to	Question	Applicant Response
			are considered not significant.
Q2.0.9	The Applicant	Can the Applicant confirm that there would be significant effects on designated sites due to the potential deposition of nitrogen oxides, sulphur dioxide, nitrogen, acid and ammonia? If so, can the Applicant explain how this would be mitigated?	<p>There would be no significant effects upon the designated sites as a result of emissions from the Facility.</p> <p>The results of the assessments can be found in the ES Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) in Tables 14.22 to 14.25 on pages 52 to 54 for the construction phase impacts. The results for the operational phase assessment are contained in Tables 14.30 to 14.35 on pages 64 to 68.</p> <p>For The Wash, none of the Critical Levels for air pollutants is exceeded. The in-combination nitrogen deposition is forecast to be at a PC of 2.13% of the lower Critical Load and the corresponding PEC is 63% of the lower Critical Load.</p> <p>For Havenside LNR, none of the Critical Levels for air pollutants is exceeded and the in-combination nitrogen deposition PC is forecast to be 14.7% of the lower Critical Load and the PEC is 101% of the lower Critical Load. However, as noted in response to Q2.0.6, it is expected that impacts would be lower and that the Critical Load would therefore not be exceeded. As such, impacts are considered to be not significant.</p> <p>For Slippery Gowt Sea Bank Local Wildlife Site (LWS), none of the Critical Levels for air pollutants is exceeded, there is no applicable nitrogen deposition Critical Load</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>for this habitat type.</p> <p>A similar picture emerges in respect of the Forty Foot Drain LWS, where no Critical Levels for air pollutants are exceeded and there is no applicable nitrogen deposition Critical Load for this habitat type.</p> <p>In all but one case, the Predicted Environmental Concentrations (PECs), the in-combination PC plus the background level – are below the applicable Critical Loads or Critical Levels and, for that reason, these impacts are described as “not significant”. In the case of Havenside LNR in the Facility’s operational phase, the nitrogen deposition PEC are 101% of the Critical Load. IAQM guidance sets out that if the PCs are greater than 1% and the PEC greater than 100%, it is the professional judgement of the ecologist that needs to arrive at a decision on significance. The conclusion of the significance for deposition at designated sites is set out in paragraphs 17.8.148 and 17.8.149 in ES Chapter 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055), where it was concluded that no significant effects would occur to any designated sites.</p> <p>On this basis, it is not considered that any significant impacts would occur at these designated sites and there is no requirement for additional mitigation.</p>
Q2.0.10	The Applicant	Can the Applicant explain what the cumulative air quality impacts on human receptors and ecological receptors are from the facility off Lealand Way?	The facility off Lealand Way is described as a “peaking plant”, which is a collection of stationary spark ignition internal combustion engines fuelled by natural gas and designed to provide additional electricity generation to



ExQ1	Question is addressed to	Question	Applicant Response
			<p>the National Grid in times of peak electricity demand. An air quality assessment was compiled and submitted for this facility (Lealand Way assessment) and included consideration of air quality impacts at 8 human receptor locations and one ecological receptor, Havenside Local Nature Reserve (LNR).</p> <p>The contribution of the peaking plant to annual average NOx effects at the Havenside LNR has already been included in the cumulative effects assessment for both the construction and operational phases of the Facility and can be found in the updated ES Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) in Table 14.23 and Table 14.31 respectively. No other ecological receptors were included in the Lealand Way assessment of the effects from the peaking plant, so the Applicant cannot carry out an assessment of the cumulative effects at other sites from the information contained in the Lealand Way assessment report.</p> <p>Impacts of nitrogen dioxide from the peaking plant emissions at the 8 human receptor locations included in the assessment varied between 0.1 and 1.0 microgrammes per cubic metre (<math>\mu\text{g}/\text{m}^3</math>), representing from 0.3% to 2.6% of the air quality standard. The impacts were described as “negligible”.</p> <p>These increments were considered in the cumulative effects assessment (CEA) within the updated ES Chapter 14 Air Quality in paragraph 14.9.9, where it is concluded, “Given that the assessment predicted</p>

ExQ1	Question is addressed to	Question	Applicant Response
			negligible impacts, and that the NO <sub>2</sub> and CO air quality Objectives were not predicted to be exceeded as a result of the construction or operation of the Facility, significant cumulative effects are not anticipated.”
Q2.0.11	The Applicant	Can the Applicant provide a copy of the Air Quality and Dust Management Plan to the Examination?	An outline version of this document will be issued at Deadline 3.
Q2.0.12	The Applicant	Can the Applicant explain what the ‘other emissions’ are which are highlighted in the draft Code of Construction Practice?	It is noted that this is referred to in paragraph 9.2.1 of the Outline Code of Construction Practice (document reference 7.1, APP-120). In addition to fugitive emissions of dust during construction activities, there may also be other emissions of combustion-related air pollutants (nitrogen oxides, carbon monoxide, fine particulate matter) from vehicles, equipment and plant deployed on the site, together with emissions from construction-related road vehicles and ships. These have all been assessed in paragraphs 14.7.3 to 14.7.20 of the updated ES Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) and Sections A14.2 and A14.3 of updated Appendix 14.2 (document reference 6.4.15(1), REP1-009) would be controlled and managed through the Code of Construction Practice which will also contain an Air Quality and Dust Management Plan, as secured by Requirement 10(3)(d) of Schedule 2 of the draft DCO (document reference 2.1(1), REP1-003). No part of the authorised development may commence until a Code of Construction Practice has been approved by the relevant planning authority, following consultation with the EA and the relevant statutory nature conservation body, by virtue of Requirement 10, Schedule 2 of the

ExQ1	Question is addressed to	Question	Applicant Response
			draft DCO. This will be substantially in accordance with the outline Code of Construction Practice.
Q2.0.13	The Applicant	Can the Applicant explain how they have taken into account emissions from the vehicles which will not be able to comply with Euro VI and can they confirm if they have assessed the worst case scenario in this instance?	For both the construction and operational phase assessments of road traffic air quality effects (Table 14-20 and Table 14-28 of Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006)), the emission factors used in the modelling were those projected for current (2019) and future (2021 and 2025) years by Defra in the Emissions Factor Toolkit (EFT) version 10.1, published in 2020. This incorporates forecast information on the UK vehicle fleet for future years, including percentages of Euro VI and earlier heavy goods vehicles (HGV). The fleet composition contained in EFT V10.1 was used in both the construction and operation phase road traffic air quality assessments, without modification for the planned use of all-Euro VI HGV by the Facility. Therefore, it is considered that this delivers worst case assessments as it includes a number of pre-Euro VI HGV vehicles within the fleet mix. Reference to this is made in both the ES Chapter 14 Air Quality and in Appendix 14.2 Dispersion Modelling Methodology (document reference 6.2.14(1), REP1-006 and document reference 6.4.15(1), REP1-008).
Q2.0.14	The Applicant	Can the Applicant provide an update on progress with securing an Environmental Permit from the Environment Agency and explain any requirements for ongoing monitoring of air quality?	A Pre-Application meeting with the EA was held on Wednesday 20 <sup>th</sup> October. The Environmental Permit Application will not be lodged for some months to come but discussions are continuing. It was provisionally agreed that detailed air quality assessment results for the Facility would be forwarded to the EA's Air Quality Management and Assessment Unit (AQMAU) for

ExQ1	Question is addressed to	Question	Applicant Response
			<p>technical review. This, it was agreed, would begin the detailed process of impact assessment, evaluation of abatement techniques and identifying required emission limit values (ELVs).</p> <p>With regard to requirements for ongoing monitoring of air quality, the air quality impact assessment identified that there would be no significant air quality impacts arising from construction and operation of the Facility, so it is not considered that any ongoing air quality monitoring should be required. However, this matter would be considered by the EA in its determination of the Environmental Permit and suitable conditions requiring ambient monitoring could be imposed. The Facility would not be able to operate until an Environmental Permit has been granted by the EA and any conditions of the Environmental Permit will need to be adhered to. These will include statutory requirements to monitor the emissions from the facility stacks to demonstrate compliance with emission limits set in the Environmental Permit.</p>
Q2.0.15	The Applicant	Can the Applicant confirm if the Environmental Permit will contain a requirement for monitoring levels of heavy metals?	<p>Please also see the response above to Q2.0.2. Concentrations of heavy metals in the flue gases discharged to atmosphere from the five stacks in the Facility will be required to be monitored regularly as a provision in the Environmental Permit, transposed from requirements stipulated in the EU Industrial Emissions Directive (IED) of 2010. For heavy metals, the specification in the IED is that, “at least two measurements per year of heavy metals and dioxins and furans; one measurement at least every 3 months</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>shall, however, be carried out for the first 12 months of operation". In the 2019 Best Available Techniques Reference document (BREF)) conclusions, BAT 4 states that, "BAT is to monitor channelled emissions to air with at least the frequency given below and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality." For heavy metals, periodic monitoring is to be carried out once every six months.</p> <p>It is certain that these requirements would be incorporated into the Environmental Permit for the Facility. The Facility would not be able to operate until an Environmental Permit has been granted by the EA and any conditions of the Environmental Permit will need to be adhered to.</p>
<b>3. Environmental Statement</b>			
Q3.0.1	The Applicant	Sections 5.5 and 5.6 of the ES contain conflicting statements about whether a new pylon would be constructed on the application site to export power to the grid. Please can the Applicant confirm the position and if one is proposed state whether the assessment includes consideration of its potential effects.	At this stage it is unknown whether a new pylon will definitively be required as part of the power island. As stated in paragraph 1.4.1 of the Electricity Grid Connection Statement (document reference 5.6, APP-035). Whether such a pylon will be necessary will be determined by Western Power Distribution's requirements: "The power export island will then be installed at site and an additional pylon erected if Western Power Distribution (WPD) identify that it is necessary."

ExQ1	Question is addressed to	Question	Applicant Response
			<p>However, whilst the need for an additional pylon cannot be determined at this point, the assessment has been undertaken on a worst-case basis which assumes that an additional pylon will be required. ES Chapter 5 Project Description (document reference 6.2.5, APP-043) includes the pylon in the description of the scheme assessed as part of the impact assessment: “the infrastructure for the power export island would be designed, procured, manufactured and the transformer factory acceptance tested off site before being transferred to the Principal Application Site. The power export island will then be installed and an additional pylon erected” (paragraph 5.5.37, document reference 6.2.5, APP-043).</p> <p>Additionally, ES Chapter 9 Landscape and Visual Impact Assessment (document reference 6.2.9, APP-047) includes the following within the project description assessed: “Power Export Zone to the south of the EfW Plant, that will provide a connection to the National Grid. Comprises of a substation and new pylon.” (paragraph 9.7.1, document reference 6.2.9, APP-047).</p> <p>Given the above we can confirm that a potential new pylon has been included within the assessment, specifically in the Landscape and Visual Impact Assessment (document reference 6.2.9, APP-047) where the most significant impacts would be anticipated.</p>
Q3.0.2	The Applicant	Please can the Applicant explain the status of any discussions with Anglian Water about the	A new route for the diverted high pressure potable water main had been discussed with Anglian Water

ExQ1	Question is addressed to	Question	Applicant Response
		route of the proposed foul drainage mains connection and explain how its construction would fit into the construction programme.	<p>previously. The Applicant’s team have now recommenced these discussions, directly between engineers.</p> <p>The diversion of the high pressure main currently sits within the enabling phase to be undertaken before full construction of the site. The Applicant has asked how much notice Anglian Water require for mobilisation to site, and is awaiting formal response.</p>
Q3.0.3	The Applicant	The maximum height of the stacks is set out in the draft Development Consent Order (dDCO), however the minimum height is not specified, which could have implications for the adequate dispersal of pollutants. Please can the Applicant explain what provision has been made to secure a minimum stack height.	A minimum stack height of 80m will be identified in Requirement 4 of Schedule 2 of the version of the DCO to be submitted at Deadline 3 , noting that this is the same as the maximum stack height. The assessment of stack height and impacts on air quality within the ES are all based on 80m.
Q3.0.4	The Applicant	There are conflicting statements in the ES about whether floating plant would be required to complete the excavation of the berthing pocket towards the edge of the main channel in the Haven due to the distance from the wharf edge. Please can the Applicant confirm the position and explain how this has been considered in the assessments. In addition, the distance from the wharf edge is identified as both 40m and 50m. Please confirm which is correct.	<p>As noted in the Wharf Construction Outline Methodology (document reference 9.17, REP1-030) “areas to be dredged which are further from the wharf will be beyond the reach of excavators and will require the use of floating (marine) plant”. This is in line with Chapter 5 Project Description (document reference 6.2.5, APP-043) (paragraph 5.5.19) and Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054) (paragraph 16.7.9). The assessments therefore consider the above arrangements for dredging.</p> <p>It is noted that there is some discrepancy between the values identified between the quay wall and channel, due to the fact this value is not a constant, it is closer at the downstream end compared to the upstream end.</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054) states correctly in paragraph 16.7.5 that, “The quay wall would be about 50 m from the centre of the channel (40 m from the south west edge of the channel).”</p> <p>With regards to the assessment, it was considered that during the second phase of capital dredging approximately 150,000 m<sup>3</sup> of sediment would require excavation for the berthing area to a final depth of -3.5 mOD (see paragraph 5.5.20 of Chapter 5 Project Description (document reference 6.2.5, APP-043).</p>
Q3.0.5	The Applicant	Please can the Applicant provide examples of the scour protection methods that are likely to be used in order to avoid loss of habitats and disturbance, as stated.	<p>Depending on river currents it may or may not be necessary to provide scour protection to the river embankment at either end of the wharf, therefore this would avoid the loss of habitat and is clearly the preferred solution which would be prioritised under any detailed engineering design. However, if scour protection is absolutely necessary detailed design will include consideration of the following options, with the key design principle being minimisation of habitat loss:</p> <ol style="list-style-type: none"> <li>1. Articulated precast concrete mattress;</li> <li>2. Grout injected fabric mattress; and</li> <li>3. Individual stone/rock armour</li> </ol>
Q3.0.6	The Applicant	Please can the Applicant confirm both the total number of ships and number of movements that would be needed annually to deliver the Refuse Derived Fuel (RDF) and export the manufactured aggregate and also the figure that	Section 5.6.20 of Chapter 5 Project Description (document reference 6.2.5, APP-043) notes there could be 'up to 12 per week' and this is rounded up from the 11.1 ships per week required, which totals approximately



ExQ1	Question is addressed to	Question	Applicant Response
		<p>has been used to inform the assessments. It is stated in ES Chapter 5 (and other ES chapters) that approximately 580 ships/year would be required but also that there would be 10 deliveries/week and two exports/week, which equates to 624 ships/year. Please can the Applicant also confirm whether the figures include the pilot boats that would be required.</p>	<p>580 ships per year required and therefore sets out a worst-case assessment in respect to vessel numbers.</p> <p>The figures on vessel movements do not include pilot cutter movements however further information on pilot movements is provided in the Ornithology addendum to the ES and HRA (document reference 9.13, REP1-026) in paragraph 4.3.16. As a summary the paragraph states the following:</p> <ul style="list-style-type: none"> <li>• One cutter is sufficient for all but the most exceptionally busy high water navigation periods, so one (exceptionally two) cutter trip(s) are undertaken per tide when commercial vessels would utilise The Haven, noting that the tidal window is not long enough for three cutter trips.</li> <li>• The cutters are certified for eight on board – two crew and six pilots.</li> <li>• Due to the tidal constraints, it is likely that Pilots will be transported to the Facility by road to board vessels leaving the wharf.</li> </ul> <p>The paragraph concludes “The Facility is therefore unlikely to increase the number of times the Pilot cutters move up and down The Haven per day but will increase the absolute number per year as more high tides are used.”</p>
Q3.0.7	The Applicant	<p>It is stated in ES paragraph 5.6.75 that the ships that would deliver clay to the wharf could also be used to remove the aggregate. It is not clear whether any additional separate deliveries of clay by ship would be required, in which case the</p>	<p>In paragraph 5.6.19 of Chapter 5 Project Description (document reference 6.2.5, APP-043) it is noted that 100 ships of approximately 3,000 tonne capacity per year would be required for the export of 300,000 tonnes of aggregate. As noted, the ships will be used to bring in</p>

ExQ1	Question is addressed to	Question	Applicant Response
		<p>total required number of ships would be higher than the figure given. In addition, paragraph 5.6.85 explains that the silt used in the manufacture of the Lightweight Aggregate (LWA) would be from dredged material obtained from The Haven from maintenance dredging of the wharf berthing pocket or from other maintenance dredging on The Haven. If additional ships were required to transport material obtained from dredging outwith the site this also could increase the total number of ships required. Please can the Applicant confirm the position and explain how these movements have been considered in the assessments.</p>	<p>clay to the Facility and these same vessels will be used to export aggregate. The aggregate load is the key driver of vessel movements as there will be less clay input compared to aggregate output. It is estimated that of the 100 vessels per year required for the export of the aggregate per year, 62 of these will be required for clay input, including any associated with the import to the Facility of dredged material from maintenance dredging on The Haven outwith the site.</p>
Q3.0.8	The Applicant	<p>ES Chapter 5 paragraph 5.6.28 states that a quarantine area would be provided in the damaged bale store for any detected prohibited waste or bales found to be hot. However, a 'bale quarantine zone' and a 'damaged bale store' are shown in separate locations on ES Figure 5.1 (General Layout Drawing Plan). Please can the Applicant confirm the location of these elements.</p>	<p>Figure 5.1 (document reference 6.3.2, APP-068) is correct in showing the bale quarantine area located separately to the damaged bale store (which is shown as A9 on Figure 5.1). The text in paragraph 5.6.28 (ES Chapter 5 Project Description) is incorrect with regards to the location of the quarantine area and Figure 5.1 should be referred to for the locations. The description for the damaged bale store is within paragraph 5.6.24.</p> <p>For clarity:</p> <ul style="list-style-type: none"> <li>• The bale quarantine area is used to relocate self-heating bales to allow them to cool; and</li> <li>• The damaged bale store (A9) is for any damaged bale which is loaded onto the wharf to be stored before being re-baled at the re-baling facility (A2 on Figure 5.1).</li> </ul>

ExQ1	Question is addressed to	Question	Applicant Response
Q3.0.9	The Applicant	<p>I note that the Environment Agency (EA) state, in their RR, that they are unlikely to be in a position to provide any assurance before the end of the Examination on whether they can grant a permit for the Proposed Development. Please can the Applicant provide an update on progress with each of the Environmental Permit (EP) applications referenced in the ES. Please could it also confirm whether the applications include a bespoke application for the discharge of surface water during construction, as suggested in ES Chapter 5.</p> <p>If the Applicant considers that any of the EPs are not required, please detail what alternative form of protection are proposed to satisfy the EA's concerns.</p>	<p>The Applicant has held a pre-application meeting (20 October 2021) with the EA in relation to the relevant Environmental Permits required, i.e., environmental permits for both the construction and the operation of the Facility.</p> <p>Both the Applicant and the EA are in agreement that a bespoke Integrated Environmental Permit is required for the operation of the Facility. The EA will confirm which Environmental Permits are required for the construction phase. A programme detailing when the Environmental Permit applications will be submitted has yet to be agreed. However, the Applicant has agreed to meet with the EA onsite as part of the pre-application discussions (date to be agreed).</p> <p>Should an Environmental Permit for a surface water discharge activity be required, either during construction or the operational phases, then the Applicant will apply for the appropriate Environmental Permit, providing the relevant details of the activity the application documents.</p>
Q3.0.10	The Applicant	<p>Please can the Applicant provide a photomontage that depicts the visible plumes that would be produced by the five stacks that form part of the Proposed Development.</p>	<p>The Applicant has updated the photomontages submitted within the application to depict visible plumes. These figures have been submitted at Deadline 2 as follows:</p> <ul style="list-style-type: none"> <li>• Chapter 9 Figure 9.15 (document reference 6.3.7(1)); and;</li> <li>• Chapter 9 Figure 9.17 (document reference 6.3.9(1)).</li> </ul>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>The two views selected illustrate plume effects in a distant view (View 3) and in a close range view (View 8). In both cases the angle of the view is broadly perpendicular to the plume direction of travel and as such illustrates a ‘worst case’, full extent of plume dispersal.</p>
Q3.0.11	The Applicant	<p>ES paragraph 5.6.73 anticipates that the thermal process would produce residual material of approximately 200,000 tonnes of ash and just under 17,000 tonnes of Air Pollution Control Residues (APCr), which would then be processed in the LWA facility onsite to produce aggregate that would be exported offsite by ship. However, paragraph 5.6.19 refers to just over 200,000 tonnes of ash and just under 100,000 tonnes of APCr, which is consistent with Work No. 2 in the dDCO that refers to up to 300,000 tonnes of aggregate in total. Please can the Applicant confirm which are the correct figures and which have informed the assessments in the ES.</p>	<p>Paragraph 5.6.19 of Chapter 5 Project Description (document reference 6.2.5, APP-043) is referring to the amount of aggregate produced (consistent with Work No. 2). It notes that “just over 200,000 tonnes (design point = 201,890 tonnes) of LWA would be produced from bottom ash residues, and just less than 100,000 tonnes (design point = 97,531 tonnes) from APC residues.”</p> <p>Paragraph 5.6.73 is referring to the amount of ash and APCr which will be removed from the combustion plant to be transferred to the lightweight aggregate plant for processing. This paragraph notes “It is anticipated that approximately 200,000 tonnes (198,242 tonnes) of ash and just less than 17,000 tonnes (16,667 tonnes) of APCr will become residual material to be removed from the combustion plant.”. Further information on the process is provided below.</p> <p>The three energy from waste lines are effectively part of a main process which will normally operate continuously and from up to 1.2 million tonnes of fuel input produce circa 200,000 Tonnes of bottom ash plus 17,000 Tonnes of APCr ash – continuously but averaged out</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>over the year.</p> <p>After recovery of the ash stream continuously, ash storage acts as a break in the continuous process, and the second stage acts as its on sub-system, with at least the capacity to process all the ash produced from the first stage. There are normally two lines which produces Bottom ash-based product, with the third line producing APCr ash normally, however all four lines are identical and can based on the feed mix fed to them produce the relevant outputs, with the feed material selection automatically diverting to the relevant output compartments based on the ash type selected. Each LWA system has its own Continuous Emission Monitoring System (CEMS) so full compliance is measured across the LWA process whatever mix is fed to each line.</p> <p>Therefore, when the third LWA is put into 'catchup operation' following a breakdown of the process, the normally standby line can process exactly 50% of the Bottom ash line or 95,000 Te/yr for the hours it runs to empty the buffer stores for the bottom ash which is the highest produced ash types, therefore 190,000 +95,000 is approx. 300,000 e /annum for a short period of a few hours or days.</p> <p>As a discontinuous process, both sets of numbers are correct for different aspects considered in the ES, but for their annualised maximum capacity and also for maximum instantaneous rates when applied to</p>

ExQ1	Question is addressed to	Question	Applicant Response
			maximum flows.
Q3.0.12	The Applicant	The turbine building is identified as 53m long in the ES but up to 55m long in the dDCO. Please can the Applicant confirm which is correct and which figure has been used to inform the assessments in the ES.	The turbine building is 53m long. The draft DCO will be updated in the version submitted at Deadline 3 to reflect this.
Q3.0.13	The Applicant	Chapter 7 Table 7-3 states that if the Applicant and LCC can agree that waste currently being received at the Slippery Gowt transfer station can be received by the Proposed Development it would then take this material. It is explained that the waste quantity is approximately 50,000 tonnes, which is less than 5% of the intended input received by ship, and that therefore this would not affect the ability of the Proposed Development to manage RDF “delivered in this manner”. It is not explained how the waste would be delivered, and the information contained in the ES, including the Traffic and Transport chapter, does not appear to include any estimates of transport movements associated with the delivery of such waste. Please can the Applicant explain how this has been addressed in the ES.	<p>Table 7.3 of Chapter 7 Consultation (document reference 6.2.7, APP-045) sets out the Section 42 consultation responses received up to August 2019.</p> <p>No negotiations have taken place since this date to confirm that any waste from Slippery Gowt Transfer Station will be taken into the Proposed Development. The EIA (as reported in the ES) does not include any waste originating from Slippery Gowt (or any other route using road traffic) and therefore no impacts associated with any such transfer of waste is required to be assessed.</p> <p>As stated in the draft Statement of Common Ground (SoCG) with Boston Borough Council (document reference 8.7, REP1-040) in Table 3-1 (item 5.1 Household Waste) the Applicant, “is happy to discuss the potential for future use of local waste as part of the Facility’s feedstock if it meets the required specification and the requirements of the DCO subject to contracts and timing.” This matter is being considered with Boston Borough Council and Lincolnshire County Council as part of the s.106 discussions.</p>
Q3.0.14	The Applicant	In relation to light spillage across the estuary	Lighting impacts on European smelt larvae have not

ExQ1	Question is addressed to	Question	Applicant Response
		<p>during the hours of darkness and potential impacts on the photo-tactic behaviour of any European smelt larvae present, it is stated that effects of lighting on ecological receptors have been considered within Chapter 12. However, Chapter 12 makes no reference to European smelt and although Chapter 17 considers impacts on smelt this is not in relation to lighting. Please can the Applicant identify the location in the application documents of such an assessment or provide one.</p>	<p>been specifically covered within the ES although the Outline Lighting Strategy (document reference 7.5, APP-124) states that lighting will be designed to minimise spillage to The Haven to avoid attracting fish. The lighting to be used will be highly directional and targeted only where needed.</p> <p>If there were to be any light spillage at all, it is acknowledged that many species of fish larvae are visual predators and so feeding behaviour is affected by the levels of light, with improved feeding occurring with higher intensities of light (when alga levels were also high) as discussed in a recent paper investigating Delta smelt larvae (Baskerville-Bridges, B. Lindberg, J.C. and Doroshov, S.I. (2004) The effect of light intensity, alga concentration and prey density on the feeding behaviour of Delta Smelt Larvae).</p>
Q3.0.15	The Applicant	<p>The EA, in their RR, note that the application site is located within 250m of a landfill site that is potentially producing landfill gas and that the application does not currently include measures to investigate or mitigate this risk. Please can the Applicant explain how they have addressed this in the assessments or how they intend to consider this matter.</p>	<p>The migration of ground gas onto the site from the adjacent landfills may pose a risk to receptors at the site (human health, temporary and permanent buildings etc). ES Chapter 11 Contaminated Land, Land Use and Hydrogeology of the ES (document ref 6.2.11, APP-049) identifies ground gas and vapour risk associated with the off-site landfills as a potential contaminant of concern with respect to both the construction and operational phase of the proposed development.</p> <p>As set out in Requirement 9 of the draft DCO (document reference 2.1, APP-005), pre-commencement ground investigation is required. Requirement 9 has been amended in the version of the</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>draft DCO submitted at Deadline 1 (document reference 2.1(1), REP1-003) to specifically include ground gases, and require that the risk assessment required under sub-paragraph (2) must adopt the source-pathway-receptor principle and take into account potential migration of off-site ground gases.</p> <p>The draft DCO also states the scheme must include a risk assessment, supported by site investigation data, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose. In order to consider this matter, the Applicant will plan and design intrusive ground investigation and subsequent monitoring to adequately investigate this potential contamination pathway.</p> <p>As part of the ground investigation design, consultation and a request for further information pertaining to the off-site landfills has been made to the current landfill operator, the EA and the Local Authority (Environmental Protection Teams at Lincolnshire County Council and Boston Borough Council).</p> <p>Post investigation mitigation measures may be required which would be set out in the scheme submitted under Requirement 9 . Mitigation measures could include a combination of methods to interrupt the ground gas pathway into the proposed development and, if necessary, the contractors compound. Mitigation proposed would be agreed with the Local Authority Environmental Protection Team / Contaminated Land</p>



ExQ1	Question is addressed to	Question	Applicant Response
			Officer ahead of breaking ground activities related to construction and erection of the contractors' compound (if required).
Q3.0.16	The Applicant	<p>It is assumed in ES Chapter 13 and the Flood Risk Assessment (FRA) that the Haven Banks Project (Phase 5 of the Boston Combined Strategy) will have been completed before the Proposed Development would be constructed, and it is stated that the Haven Banks Project was scheduled to be completed in Winter 2020. However, no confirmation is provided that the works have been completed. Please can the Applicant confirm the position. If the works are yet to be completed and there is a possibility that they could overlap with the construction of the Proposed Development in the event that the Development Consent Order (DCO) is granted please provide an assessment of potential cumulative effects.</p>	<p>The Applicant notes that the EA are undertaking the improvement works to the flood defences, as part of the Haven Banks Project. Engagement with the EA is ongoing and letter correspondence from the EA to the Applicant, dated 23<sup>rd</sup> March 2021, confirmed that:</p> <p><i>“...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.”</i></p> <p>The Applicant sought confirmation from the EA, via email on 21st October 2021, on the progress of the works in accordance with the above dates. A clarification email was received from the EA, dated 1st November 2021, which stated that:</p> <p><i>“I can confirm that the Haven Banks scheme is being finalised and works are expected to be completed by the end of November 2021, followed by a year-long transition into 2022 for handover of the asset with landowners.”</i></p> <p>In the Indicative Construction Programme (document reference 9.18, REP1-031) submitted at Deadline 1, the Applicant provided an indicative programme for the construction works with the earliest works on site, comprising the Pre-Construction Enabling Works,</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>scheduled to commence in November 2022. Further to this, the construction works for the Wharf, of direct relevance to the flood defences and interaction with the Haven Banks Project, are scheduled for commencement in June 2023.</p> <p>On the basis of the above timescales, the Applicant does not consider there will be an overlap between the construction of the Haven Banks Project and the Proposed Development. Therefore, an assessment of potential cumulative effects is not required.</p>
Q3.0.17	The Applicant	Please can the Applicant include an amendment to Requirement 8 in the next iteration of the dDCO so that all of the references therein to the strategy include 'foul water' in its title.	Requirement 8 of the draft DCO has been amended in the latest version of the draft DCO (document reference 2.1(1), REP1-003) to refer to an "Outline Surface Water Drainage Strategy". The Outline Surface Water Drainage Strategy has been submitted at Deadline 1 (document reference 9.4, REP1-017).
Q3.0.18	The Applicant	It is stated that a surface and foul water drainage strategy for the operational phase would be prepared based on the information in the FRA, however an outline version was not provided with the application documents. Please can the Applicant provide an outline version to the Examination.	The Applicant is in discussions with Anglian Water as to the management of foul water and following those discussions will consider if any amendment to the requirements or Outline Surface Water Drainage Strategy is required. The anticipated pathway for foul discharges is to sewer with no discharge to the environment (i.e. The Haven of any local watercourses or groundwaters) and therefore no environmental effects are predicted.
<b>3.1 Biodiversity, Ecology &amp; Natural Environment (including Habitats Regulations Assessment (HRA))</b>			
Q3.1.1	The Applicant	Net gain is only sought in connection with the saltmarsh and mudflats habitats and the bird	The Applicant has undertaken a baseline and post development calculation of Biodiversity Net Gain (BNG)

ExQ1	Question is addressed to	Question	Applicant Response
		<p>species that use them. The National Planning Policy Framework and South East Lincolnshire Plan seek to secure overall net gain. What net gain is proposed in relation to the terrestrial habitats and the marine environment?</p>	<p>which is presented in the Outline Landscape and Ecology Mitigation Strategy (OLEMS) (document reference 7.4, APP-123).</p> <p>BNG opportunities have been identified (and captured within the calculations to date) for onshore terrestrial receptors such as but not limited to hedgerow improvements, creation of new hedgerows, landscape planting etc.</p> <p>As presented in the OLEMS, the proposed terrestrial habitat and biodiversity measures demonstrate a -36.80% total net unit change for habitats units (primarily associated with the loss of arable land) and a +57.27% net change for the hedgerows. The Applicant is continuing to explore other off-site BNG opportunities with Boston Borough Council (BC) and an update of the OLEMS will be submitted to the Examination if suitable opportunities are identified.</p> <p>With regard to the marine environment net gain measures are being pursued which include assisting the restoration of saltmarshes through debris clearance and creation of wetland habitats where possible. These are detailed in the updated OLEMS submitted at Deadline 3.</p>
Q3.1.2	The Applicant	<p>The HRA does not include a description of the Proposed Development. Please can the Applicant confirm whether the assessment set out in the HRA is based on the Proposed Development as described in ES Chapter 5 and</p>	<p>The HRA is based on the proposed development as described in ES Chapter 5 Project Description (document reference 6.2.5, APP-043) and the draft DCO (document reference 2.1, APP-005).</p>

ExQ1	Question is addressed to	Question	Applicant Response
		the dDCO.	
Q3.1.3	The Applicant	Please can the Applicant update the HRA to include specific references to where the information to support its conclusions, such as species and habitats surveys, can be found in other application documents.	The Applicant confirms that the additional submission 'Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13, REP1-026) includes specific cross-referencing to the data underlying its conclusions. As a key purpose of the Addendum document was to report from the final, larger datasets produced following a period of additional baseline surveys and data collection (and acquisition of WeBS data from the British Trust for Ornithology (BTO)), these datasets constitute the bulk of the information underlying conclusions, and they are enclosed within the document itself in the form of Tables 3-3, 3-4, 6-2, 6-3 and 6-4 in the main body and Appendices A1 to A3. Where information is found in other application documents, cross-referencing including hyperlinks is made to these documents, typically in the footnotes, for example on page 1 of the Ornithology Addendum .
Q3.1.4	The Applicant	Please can the Applicant provide an update on the additional bird surveys due to be undertaken between March and June 2021, as stated in ES Chapter 5 paragraph 17.4.3, and indicate when they will be made available to the Examination. Please confirm when the assessments in the HRA and the ES will be updated to take account of the results.	The Applicant confirms that the details and results of the additional bird surveys undertaken between March and June 2021 (namely, 1. project-specific surveys of wintering birds at The Haven adjacent to the Application Site, 2. project-specific Breeding Bird Surveys at the Application Site and the same adjacent section of The Haven, and 3. project-specific Changes In Behaviour observation sessions at the mouth of The Haven and at the same section of The Haven adjacent to the Application Site), are available to the Examination as of

ExQ1	Question is addressed to	Question	Applicant Response
			<p>Examination Deadline 1 (19 October 2021) within the document 'Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13, REP1-026). This document also contains updates to the relevant assessments in these additional surveys. The surveys are discussed in sections 3.4 and 3.5 of the Ornithology Addendum . The survey data for the above surveys is enclosed within Appendices A2 and A3 of the Ornithology Addendum. Results and reports from additional surveys covering autumn wader migration season of 2021 will be submitted at Deadline 3.</p>
Q3.1.5	The Applicant	<p>Please can the Applicant respond to NE's comments regarding the appropriateness of the 250m monitoring zone used to assess disturbance effects on Ruff and Redshank.</p>	<p>The Applicant confirms it has responded to Natural England's comment B4 made in Relevant Representation RR-021 Appendix B Offshore Ecology, and follow-up comments on the matter. This response is provided in 'Comments on Relevant Representations' Table 1-13, Row 20 (document reference 9.2, REP1-035). Buffer zones for works to avoid and minimise disturbance to species are taken from Cutts et al. (2008) (Cutts, N., Phelps, A. &amp; Burdon, D., 2008. Construction and Waterfowl: Defining Sensitivity Response, Impacts and Guidance. Report to Humber INCA., s.l.: Institute of Estuarine and Coastal Studies, University of Hull.) which provides peer reviewed data on disturbance distances for waders. Cutts et al. (2008) is used as a data source to provide generic information. Site specific surveys are also used to provide site specific information on actual disturbance levels. These surveys focused on changes in behaviour specifically</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>resulting from vessel movements. As recorded in Appendix A3 of 'Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13), redshank and ruff adjacent to the Application Site exhibited flight response to passing commercial vessels including fishing boat, cargo boat and pilot boat. In half of disturbance events where the species are listed as responding, a subset of birds present demonstrated no response. The width of The Haven at this location (70-80 m, per Paragraph 3.5.2) places all vessels in closer proximity to roosting birds than 250 m. In summary, at less than 80 m redshank and ruff are liable to disturbance as species, but even at this short distance some individuals do not demonstrate disturbance behaviour. A 250 m distance of works from birds in the roosting or foraging assemblage is therefore considered appropriate, based on field-based peer-reviewed data and site-specific data.</p> <p>The buffer for monitoring has also been set following monitoring undertaken by the EA for Groundwork Investigations. The Environment Agency (EA) originally monitored birds within an areas of 500m to determine if a threshold was reached to stop noisy activities. The EA recommendation was that 250m would be a more appropriate buffer. The threshold values have not yet been agreed with Natural England.</p>
Q3.1.6	The Applicant	The HRA refers to both 2017 and 2018 data in relation to potential effects on seals. A number of the conclusions of the assessment appear to	Since submission of the ES and HRA (Chapter 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055) and Appendix 17.1 Habitats

ExQ1	Question is addressed to	Question	Applicant Response
		be based on the 2017 data, although it is stated in paragraph A17.6.95 that the 2018 data was used. Please can the Applicant clarify which data was used to inform the assessment, and where the 2017 data was used justify why the more recent data was not used.	Regulations Assessment (document reference 6.4.18, APP-111)), updates to the harbour seal abundance and population were made available (SCOS, 2020) <sup>1</sup> . All assessments within both the ES and HRA have therefore been updated with the most recent information. See Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Marine Mammals Addendum (document reference 9.14, REP1-027) for the updated baseline information, and the updated assessments.
Q3.1.7	The Applicant	Please can the Applicant confirm if the list of plans and projects to be considered in the in-combination assessment was agreed with key consultees, e.g. NE, Marine Management Organisation (MMO), the local authority.	Agreement was made with Boston Borough Council on the cumulative plans and projects to be included in the EIA, which were subsequently also used for the in-combination assessment as part of the HRA. The list of plans and projects was not agreed with other consultees such as NE or the MMO.
Q3.1.8	The Applicant	Please can the Applicant update the HRA screening and integrity matrices to include habitat loss and include Evidence Notes (ENs) that identify the location of the supporting information.	The Applicant confirms that the HRA screening and integrity matrices make reference to the locations of supporting information, in their form as updated in 'Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13, REP1-026). Supporting information includes the project specific data enclosed in Appendices A2-A3, the WeBS data outlined in Appendix A1 (document reference 9.13, REP1-026), and in-text citations of research articles and consultancy reports. As a key purpose of the Ornithology Addendum document was to report from the final, larger

<sup>1</sup> SCOS, 2020. *Scientific Advice on Matters Related to the Management of Seal Populations: 2020*. Available from: <http://www.smru.st-andrews.ac.uk/files/2021/06/SCOS-2020.pdf>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>datasets produced following a period of additional baseline surveys and data collection, these datasets constitute the bulk of the supporting information and they are enclosed within the document itself. However, for clarity the screening and integrity matrices will be updated with cross referencing and submitted for Deadline 3.</p> <p>No habitat loss is expected to take place within designated site boundaries and the level of impact of wharf construction habitat loss on waterbird foraging and roosting at the Application Site, once the Habitat Mitigation Area is implemented, is considered to be low (Ornithology Addendum paragraphs 4.3.4-4.3.10), therefore habitat loss is not included in the HRA screening and integrity matrices.</p>
Q3.1.9	The Applicant	If it is confirmed, in response to ExQ 3.0.6, that the number of vessels required annually during operation is 624 please can the Applicant explain if this has any implications for the conclusions of the HRA, which appear to have been based on 580 vessels/year.	Please see response to Q 3.0.6.
Q3.1.11	The Applicant	Please can the Applicant provide further justification for the conclusion that effects on harbour seal due to vessel disturbance from presence and noise during operation would be the same as during the construction phase, despite stating that the numbers of vessels and movements would be much higher during operation than during construction.	The assessments of disturbance to harbour seal due to vessel presence as provided in the ES (Chapter 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055)) and the HRA (Appendix 17.1 Habitats Regulations Assessment (document reference 6.4.18, APP-111)), , are based on the area the vessels will use, as a precautionary approach, rather than being based on the number of vessels that would be within



ExQ1	Question is addressed to	Question	Applicant Response
			<p>that area. The assessments therefore assume that all seals within the shipping channel and anchorage area would be disturbed, and would subsequently be displaced from those areas, regardless of the number of vessels within those specific areas to be used by vessels (i.e. seals would be disturbed from the whole of the areas assessed, whether there was one or more vessel present at any one time). This is considered a precautionary and worst-case approach, as it is more likely that individuals would only be disturbance from a localised area around each vessel as it transits, rather than being disturbed from the entire area as assessed. As vessels would use the same area through both construction and operation, the impact of disturbance to harbour seal would be the same in operation as assessed for construction.</p>
Q3.1.12	The Applicant	<p>It is unclear from the explanation provided in HRA paragraph A17.6.141 why it is considered that the potential for increased risk of collision from vessels during the operational phase would be the same as for the construction phase. In addition, it is unclear whether it is concluded that 5% or up to 10% of the number of individuals that could be present in the shipping channel and anchorage location could be at risk. Please can the Applicant explain the approach and confirm the conclusion.</p>	<p>The assessments of collision to harbour seal as provided in the ES (Chapter 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055)) and the HRA (Appendix 17.1 Habitats Regulations Assessment (document reference 6.4.18, APP-111)), due to vessel presence, is based on the area the vessels will use, as a precautionary approach, rather than being based on the number of vessels that would be within that area. The assessments therefore assume that all seals within the shipping channel and anchorage area have the potential to be at an increased collision risk, regardless of the number of vessels within those specific areas to be used by vessels (i.e. seals would be at increased risk from the whole of the areas assessed, whether there was one or more vessel present at any</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>one time). this is considered a precautionary and worst-case approach, as it is much more likely that individuals would only be at increased risk of collision from a localised area around each vessel as it transits, rather than within the entire area as assessed. As vessels would use the same area through both construction and operation, the potential for an increase in collision risk for harbour seal would be the same in operation as assessed for construction.</p> <p>The assessments are based on precautionary approach of up to 5% of seals in the area having the potential for increased risk of collision, as stated in paragraph A17.6.130 of the HRA (Appendix 17.1 Habitats Regulations Assessment (document reference 6.4.18, APP-111)) and 17.8.144 of the ES (Chapter 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055)).</p>
Q3.1.13	The Applicant	The HRA does not identify the conservation status of the European designated sites carried forward to Stage 2 of the assessment, nor does it indicate whether any of the qualifying features are in an unfavourable condition. Please can the Applicant provide an updated version of the HRA that identifies the conservation status of the European sites and explains how the Proposed Development could affect the conditions of the features.	The Applicant acknowledges that the condition and conservation status of each designated site as a whole is not explicitly stated within the HRA (document reference 6.4.18, APP-111) or the Ornithology Addendum (document reference 9.13, REP1-026). However the conservation status of feature and assemblage bird species including presence or absence of evidence for site-specific pressures/factors is assessed in the Ornithology Addendum section 3.2, predominantly via examination of BTO WeBS Alerts for the Wash SPA species.
Q3.1.14	The Applicant	HRA para A17.6.26 (and ES Chapter 5 para 5.5.42) refers to the creation of four	The number of scrapes has not been confirmed as yet. An update will be provided in the updated Outline

ExQ1	Question is addressed to	Question	Applicant Response
		pools/scrapes in the Habitat Mitigation Area (whereas Outline Landscape and Ecological Mitigation Strategy (OLEMS) paragraph A1.2.1 refers to three, as shown on OLEMS Plate A1-3). Please can the Applicant confirm the proposed number of pools/scrapes.	Landscape and Ecology Mitigation Strategy to be submitted for Deadline 3.
Q3.1.15	The Applicant	Please could the Applicant update the HRA to include an assessment of the potential effects on the features of the European sites of the construction and operational existence of the Habitat Mitigation Area. This should include consideration of potential effects on Redshank using the proposed Habitat Mitigation Area resulting from visual disturbance arising from users of the English Coast Path.	The Applicant confirms that these issues will be included in the updated Outline Landscape and Ecology Mitigation Strategy . The Habitat Mitigation Area will not be constructed within the boundaries of any designated sites. Visual disturbance from users of the England Coast Path has been considered. The footpath is not moving any closer to the habitat areas that are currently used by redshank. Impact of construction and operation of the Habitat Mitigation Area therefore does not require consideration in further depth within the HRA.
Q3.1.16	The Applicant	It is proposed in para HRA A17.6.51 that control of speed restrictions in The Haven / approach to the Haven for vessels serving the Proposed Development “could” be used to mitigate disturbances caused by ship wash. No reference is made to where this is secured and it does not appear to be included in the dDCO. Please could the Applicant confirm how this measure is secured.	The Applicant amended the draft DCO (document reference 2.1(1), REP1-003) at Deadline 1 to include reference in Condition 14 (Navigation Management Plan) of the Deemed Marine Licence to refer to a Marine Mammal Mitigation Protocol and the addition of a new Condition 17 which requires the MMO to approve the final Marine Mammal Mitigation Protocol, which must be in accordance with the Outline Marine Mammal Mitigation Protocol. The Outline Marine Mammal Mitigation Protocol (document reference 9.12, REP1-025) submitted at Deadline 1 sets out that “subject to safety considerations, and directions from the Port of Boston Pilot and / or the vessel Master, vessels travelling to and from the Facility, would be required to

ExQ1	Question is addressed to	Question	Applicant Response
			follow a strict speed limit of 6 knots or less when within "The Wash or The Haven" and sets out further best practice measures relating to speed and direction.
Q3.1.17	The Applicant	HRA paras A17.6.115 and A17.6.35 state that best practice measures put in place to minimise disturbance to marine mammals from the presence of and noise from vessel traffic serving the Proposed Development during construction and operation are secured by dDCO R14, which requires that a NMP must be approved prior to construction which must include measures for managing potential risks to marine mammals. Please can the Applicant provide an outline version of the NMP.	The measures to manage impacts to marine mammals are included in the Outline Marine Mammal Mitigation Plan (MMMP) (document reference 9.12, REP1-025), secured under Condition 17 of the deemed marine licence in the draft DCO (document reference 2.1(1), REP1-003) .
Q3.1.18	The Applicant	In addition to the 18 out of 22 features of The Wash Special Protection Area for which a Likely Significant Effect (LSE) was identified at screening stage, Common Tern and the Little Tern are included in the integrity matrices, in relation to disturbance effects and changes to noise levels, although no LSE was identified at screening stage. A LSE is identified on the waterbird assemblage in the screening matrix for both disturbance and changes to noise levels during both construction and operation, however only operational effects are considered in the integrity matrix and the EN states that a LSE was excluded at screening stage for the construction phase. Please can the Applicant provide updated matrices and ENs to address these apparent errors.	The Applicant directs the Examining Authority to section 5 of 'Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13, REP1-026). The update to the HRA processes common tern and little tern through the Screening Exercise and Likely Significant Effect (LSE) (Ornithology Addendum paragraphs 5.3.4-5.3.5), and full justification is given for screening both species out for Appropriate Assessment. The non-breeding waterbird assemblage is screened in for Appropriate Assessment based on impacts (disturbance from vessels) during both the construction and operation phases (Ornithology Addendum paragraphs 5.3.2-5.3.3).

ExQ1	Question is addressed to	Question	Applicant Response
Q3.1.19	The Applicant	In combination effects on harbour seal during construction and operation are greyed out (i.e., indicating that a specified effect is not relevant to a particular feature) in The Wash and North Norfolk Coast integrity matrix (A17.1.2.2), although a relevant EN (e) is provided for both; however, in combination operational effects on seal were not identified in the screening matrix (A17.1.1.2). Please can the Applicant provide corrected matrices.	Updated matrices will be provided at Deadline 3.
Q3.1.20	The Applicant	Please can the Applicant provide revised ENs to the screening and integrity matrices that include explicit cross-references to the location of the supporting information, including in relation to proposed mitigation measures, which are not currently described in the ENs.	The Applicant confirms that the HRA screening and integrity matrices make reference to the locations of supporting information, within Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment - Ornithology Addendum' (document reference 9.13, REP1-026). As a key purpose of the Ornithology Addendum document was to report from the final, larger datasets produced following a period of additional baseline surveys and data collection, these datasets constitute the bulk of the supporting information. The screening and integrity matrices will be updated with cross referencing and submitted for Deadline 3.

ExQ1	Question is addressed to	Question	Applicant Response
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>			
Q4.0.1	The Applicant	Please provide an update on the status of negotiations regarding each plot of land.	<p><b>Alchemy Farms Limited (AFL) (Plots 1-18a inclusive):</b> No compulsory acquisition powers are sought against this party. The Applicant and AFL are currently engaged in commercial discussions regarding a lease arrangement. A draft agreement for lease has been shared between the parties and the terms are currently being reviewed. The Applicant expects to conclude these discussions prior to the close of examination.</p> <p><b>Crown Estate (Plots 19a, 20, 22, 24, 25):</b> No compulsory acquisition powers are sought against this party. The Applicant has instructed agents to negotiate heads of terms for the Crown interests within the Order limits. These discussions are ongoing and the Applicant expects to conclude these prior to the close of examination.</p>

ExQ1	Question is addressed to	Question	Applicant Response
<b>5. Draft Development Consent Order (dDCO)</b>			
Q5.0.1	The Applicant	<p>Article (Art)13 Temporary closure, alteration, diversion and restriction of use of streets and private means of access.</p> <p>The Applicant is invited to edit the wording of draft Art13 to remove all reference to “private means of access”.</p> <p>The period specified in draft Art13, paragraph (8) of the Order, being 28 days, is shorter than those in other precedents.</p>	<p>The Applicant can confirm Article 13 of the draft DCO does not contain any references to “Private means of access”. Such references were removed from the draft DCO prior to submission of the Application.</p> <p>The Applicant considers that the period of 28 days, specified in Article 13(8) of the draft DCO is a reasonable time period and its inclusion is necessary to ensure there are no unnecessary delays to the delivery of this nationally significant infrastructure. As set out in paragraph 5.52 of the Explanatory Memorandum (document reference 2.2, APP-006), the purpose of Article13(8) is necessary to remove the possibility for delay and provide certainty that the authorised development can be delivered by the Applicant in a timely manner.</p> <p>This provision is well precedented, in addition to the Development Consent Orders noted in paragraph 5.52 of the Explanatory Memorandum (document reference 2.2, APP-006), this provision is also included in Article 15(7) of the A1 Birtley to Coal House Development Consent Order 2021, Article 15(6) of the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 and Article 15(6) of The A30 Chiverton to Carland Cross Development Consent Order 2020.</p>
Q5.0.2	The Applicant	Please provide a schedule of Protective Provisions contained in the dDCO, including details of:	Please see Response to Examiner’s First Written Questions (Q5.0.2) regarding Protective Provisions (document reference 9.33).

ExQ1	Question is addressed to	Question	Applicant Response
		<ul style="list-style-type: none"> <li>• Body Protective Provision concerns;</li> <li>• Brief title summarising Protective Provision;</li> <li>• Progress status; and</li> <li>• Outstanding issues.</li> </ul>	
Q5.0.3	The Applicant	Please can the Applicant provide an update on consultation with the EA regarding protective provisions and legal agreement in relation to the disapplication of the requirement to obtain a flood risk activity permit.	<p>The Applicant and the EA are in discussions regarding the Protective Provisions. The EA agreed at a meeting on 23 September 2021 to provide a tracked change version of the protective provisions. The Applicant is yet to receive the tracked change protective provisions from the EA.</p> <p>The Applicant provided a draft agreement to the EA on 27 October 2021 for the EA to review and provide comment. The EA has yet to provide any comments on the draft agreement.</p> <p>The Applicant will update the Examining Authority once the parties have concluded their discussions on these matters.</p>
Q5.0.4	The Applicant	Please can the Applicant include an amendment to Schedule 10 in the next iteration of the dDCO to correct the reference to the FRA to Document 6.4.13, as on the document itself, rather than Document 6.4.11.	This correction has been made in the updated draft DCO (document reference 2.1(1), REP1-003) submitted at Deadline 1.
<b>6. Contaminated Land and Waste</b>			
Q6.0.1	The Applicant	Please provide details of the measures to ensure that the Proposed Development (and its	The Applicant is fully aware of the potential for litter to result from operations. Once the Refuse Derived Fuel



ExQ1	Question is addressed to	Question	Applicant Response
		<p>loading, unloading, holding etc) does not result in waste entering the local environment around the site including the river. How are these commitments secured in the dDCO?</p>	<p>(RDF) has been unloaded from the delivery vessels the bales containing the RDF will be under cover whilst on site, being transported to the bale shredding plant by covered conveyor. The highest risk for litter release relates to the unloading of the RDF bales from the vessels at the wharf. All bales would be inspected in situ on the vessel prior being unloaded, and any damaged bales would not be accepted into the Facility. This non-acceptance will be managed through contractual conditions with the vessel operators/owners and by Operational Procedures. In addition three levels of physical litter barriers will be provided:</p> <ol style="list-style-type: none"> <li>1) Any RDF that escapes from bales that split whilst being removed by crane from the vessel will be captured by underslung sheeting designed to slope either back into the vessel or to the wharf (depending on tidal state). Additionally, any RDF on the wharf will be subject to an operational procedure to immediately clear the area.</li> <li>2) Nets will be provided on the down-wind side of vessels to catch any airborne litter.</li> <li>3) Local floating flexible barriers will be provided in the water in case of any litter floating on the river surface. These can be temporarily removed should a vessel be departing or arriving.</li> </ol> <p>In order to ensure appropriate measures are secured, the draft DCO will be updated in the version submitted</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>at Deadline 3 to include the management of litter from vessels or land derived sources as part of the Marine Pollution Contingency Plan approved under Condition 16 of the draft DML.</p> <p>Additionally, although the EA is yet to provide confirmation, the Applicant expects litter reduction and management will also be covered by the Environmental Permit.</p>
<b>7. Health</b>			
Q7.0.1	The Applicant	PHE's scoping response recommended that the EIA consider the public health implications of Electromagnetic Fields exposures arising from the development in relation to the International Commission on Non-Ionizing Radiation Protection exposure guidelines (for the full recommendation, refer to PHE's Scoping Response). Please provide details of this consideration.	The public health implications of Electromagnetic Fields (EMF) were discussed with an EMF expert from Public Health England on 7 and 8 September 2021, following the receipt of Public Health England's Relevant Representation (RR-023). During these discussions it was agreed that the Applicant would produce a Technical Note (document reference 9.11, REP1-024) 'Response to Relevant Representation submitted by Public Health England in respect of electromagnetic fields', this was submitted to the Examination at Deadline 1. This Technical Note was shared with Public Health England on 29 <sup>th</sup> September 2021. Based on the discussions with Public Health England's EMF expert and the content and conclusions of the Technical Note (document reference 9.11, REP1-024), Public Health England agreed, on 6 <sup>th</sup> October 2021, that this is no longer a concern and this item could be closed-out.
<b>8. Historic Environment</b>			
Q8.0.1	The Applicant	The ES acknowledges minor adverse impacts across a number of heritage assets, please	The high-level mitigation strategy set out in the Outline Written Scheme of Investigation (Outline WSI)

ExQ1	Question is addressed to	Question	Applicant Response
		provide details of how they will be mitigated?	<p>(document reference 7.3, REP1-012) comprises a phased approach to evaluation and mitigation comprising:</p> <p>Phase 1 - Geoarchaeological Assessment            Phase 2 - Trial Trench Evaluation            Phase 3 - Archaeological Monitoring and Excavation</p> <p>As each phase will inform the next, the specific approach to mitigation, which may include set-piece excavation, archaeological investigation of the Roman Bank, or watching briefs during construction, for example, will not be known until Phase 2 and 3 have been completed. The approach to each archaeological work package will be developed in consultation with Heritage Lincolnshire, the Lincolnshire County Council Historic Environment Team and Historic England (the cultural heritage stakeholders).</p> <p>A Protocol for Archaeological Discoveries will also be implemented during construction to address unexpected discoveries that may be encountered during works when an archaeologist is not on site.</p> <p>Minor adverse impacts to heritage assets as a result of changes to their setting will be mitigated through the provision of heritage interpretation to inform and educate the public about the history of the local area. The scope of the heritage interpretation (i.e. public information boards, or digital solutions) will be determined in consultation with cultural heritage</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>stakeholders in conjunction with finalisation of the project design. The draft section 106 agreement with Boston Borough Council includes a commitment from the Applicant to provide facilities to aid understanding of the local heritage, the details of such are subject to ongoing discussion between the parties.</p> <p>These mitigation measures are secured via Requirement 6, Schedule 2 of the draft DCO (document reference 2.1(1), REP1-003) which ensures that the relevant works may only commence when a relevant written scheme of investigation, reflecting the outline written scheme of investigation is approved by the relevant planning authority, following consultation with Historic England. The Applicant hopes that this provides assurance to the Examining Authority and Interested Parties that any minor adverse impacts to heritage would be sufficiently mitigated.</p>
Q8.0.2	The Applicant	Further to the submitted Outline Written Scheme of Investigation, what further archaeological work is planned, and what further mitigation measures are proposed in response to Historic England's representation [RR-027].	The Outline WSI (document reference 7.3, REP1-012) has been updated to take account of Historic England's representation (RR-027) and was submitted at Deadline 1. This included provision for the acquisition of geoarchaeological boreholes (completed 18th to the 20th October 2021) in order to further inform understanding of the sub-surface deposits and the archaeological potential within the Application Site. The results of this programme of work will be discussed with Historic England and will inform the ongoing strategy for archaeological evaluation and mitigation. The updated Outline WSI also includes provision for a Protocol for Archaeological Discoveries to address unexpected

ExQ1	Question is addressed to	Question	Applicant Response
			<p>discoveries during inadvertently found by developers or their contractors during the course of planned works. The Applicant is committed to ensuring that Historic England remain involved in the protection of the Historic Environment in relation to the Facility. Discussions between the Applicant and Historic England and any further updates will continue to be reflected in the SoCG (document reference 8.3, REP1-042). The draft DCO (document reference 2.1(1), REP1-003) ensures via Requirement 6, Schedule 2 that Historic England will be consulted before written schemes of investigation are finalised.</p>
Q8.0.3	The Applicant	What measures are proposed to limit the impacts of piling on the archaeological remains?	<p>The updated Outline WSI (document reference 7.3, REP1-012) submitted at Deadline 1 also now includes specific reference to piling. In finalising the design, account has been taken of the Historic England guidance Piling and Archaeology: Guidance and Good Practice alongside the results of the planned evaluation (geoarchaeological assessment and trial trenching) in order to minimise impacts to buried archaeology. As required by the WSI, when the design of the facility is progressed post-consent, a detailed methodology for piling and enabling works, and associated archaeological requirements, including on site monitoring if appropriate, will be set out in a method statement to be prepared in consultation with Heritage Lincolnshire, the Lincolnshire County Council Historic Environment Team and Historic England, who are referred to as the cultural heritage stakeholders in the Outline WSI.</p>

ExQ1	Question is addressed to	Question	Applicant Response
<b>9. Landscape and Visual</b>			
Q9.0.1	The Applicant	<p>ES; Chapter 9 Figures 9.6 - 9.14 contain views of St Botolph's Church (Boston Stump) taken from a considerable distance. Can the Applicant confirm the methodology for assessing the impact of the Proposed Development on this heritage asset.</p>	<p>Figures 9.6 to 9.14 of the Landscape and Visual Impact Assessment (LVIA) (document reference 6.3.6, APP-072) are used to illustrate the general baseline description. The locations of the viewpoints (eighteen in total) are illustrated in Figure 9.2, <i>Aerial Photograph of Study Area &amp; Photograph Locations</i> (document reference 6.3.5, APP-071). St Botolph's Church, and the Boston UK No.3 stack, are annotated as reference features within these photographic views to aid the reader in understating the orientation and direction of the view.</p> <p>Of the viewpoints illustrated, fifteen were selected for use as 'representative viewpoints'. The representative viewpoints are specific to the LVIA methodology (document reference 6.2.9, APP-047, paragraph 9.4.8) and form the basis for describing and assessing the predicted landscape and visual effects of the Facility. Representative viewpoint locations were agreed with Lincolnshire County Council (document reference 6.2.9, APP-047, Table 9.1, rows 1 &amp; 2).</p> <p>The LVIA does not address the impact of the proposed Facility on heritage assets. Effects on heritage assets are addressed in the Cultural Heritage chapter (document reference 6.2.8, APP-046), and in particular the setting of St Botolph's Church is discussed in Section 8.8 and Section 8.9. The cultural heritage assessment concludes that, while the setting of St</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>Botolph's Church is a major contributor to its significance, the Facility would have a minor adverse impact on this significance due to the distance between assets, with the Facility appearing as a small feature only within the broader view from the top of 'the Stump', and within an area of existing industrial use.</p>
<p><b>10. Navigation/fishing issues</b></p>			
<p>Q10.0.1</p>	<p>The Applicant</p>	<p>I note the intention to submit the Navigation Risk Assessment (NRA) at Deadline 2; please provide an update on its progress. Should the agreement of an NRA be secured as a requirement in the dDCO? Should the NRA be cross-referenced in any of the Articles?</p>	<p>The Applicant has submitted the Navigation Risk Assessment (NRA) at Deadline 2. The NRA focusses on the potential operational and construction impacts to navigational safety arising from the increase in the number of commercial vessels transiting the Haven as a result of the proposed scheme (detailed in paragraph 5.6.20 and paragraphs 18.7.58 to 18.7.131 in ES Chapter 18 Navigational issues (document reference 6.2.18, APP-056) and presents recommendations for the management of vessel movements on The Haven which will ensure the safety of all users.</p> <p>The NRA will be used to inform the Navigation Management Plan (NMP) secured by Condition 14 of the Deemed Marine Licence (DML) in Article 9 to the draft DCO (document reference 2.1(1), REP1-003) and the Applicant considers that an amendment to that condition to refer to the NRA is appropriate. The Applicant will amend Condition 14 of the draft DML contained in the draft DCO in the version to be submitted at Deadline 3 as follows:</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p><i>Navigation management plan</i></p> <p>14. —(1) The undertaker must submit a navigation management plan to the MMO for approval in accordance with the procedure in Part 5, following consultation with the harbour authority and the EA to the extent that it relates to matters relevant to its functions, at least 13 weeks prior to the commencement of any licenced activity.</p> <p><u>(2) The navigation management plan submitted for approval under sub-paragraph (1) must be informed by the assessment of risks to navigational safety in the navigational risk assessment and be substantially in accordance with the recommendations as to the management of vessel movements on the Haven as set out in the navigation risk assessment.</u></p> <p>...</p> <p>The Applicant does not consider the NRA needs to be cross referenced to any Articles of the draft DCO as it is the NMP, which will contain the approved management measures.</p>
Q10.0.2	The Applicant	<p>With regard to the Navigational Management Plan (NMP):</p> <p>Should dDCO Schedule 2 Requirement 14 expressly refer to interruption or disturbance to other navigation users and their consequence (as well as "potential risks to navigation" and "impacts on the safety of navigation" in general)?</p>	<p>The Applicant agrees that it would be useful to include reference to delay or interference in Condition 14 of the DML and will amend it in the version to be submitted at Deadline 3 as follows:</p> <p>(3) The navigation management plan must include details of—</p> <p>...</p>



ExQ1	Question is addressed to	Question	Applicant Response
			(f) how each stage of the construction process and the operation of the authorised development will be managed to ensure a minimal impact on the safety of navigation in The Haven <u>and ensure that any delay or interference that may be caused to vessels which may be using Haven is minimised as far as reasonably practicable.</u>
		Should Requirement 14 incorporate the agreement of the harbour-master to the NMP?	With regards to incorporating the agreement of the harbour-master to the NMP, Condition 14 of the DML requires consultation with the Harbour Authority and approval by the MMO. The Applicant has entered into a separate legal agreement with the Port of Boston that requires the NMP to be prepared in conjunction with and with the approval of the Port (as statutory Harbour Authority) and the Port of Boston acknowledges that separate approval of the NMP by the MMO is also required under the DML as set out in the draft SoCG ground (document reference 8.4, REP1-037) submitted at Deadline 1.
		Should the NMP be cross-referenced in any of the Articles?	The NMP is secured via the DML, at Schedule 9 to the DCO. The DML is already secured by, and cross referenced by article 47 of the DCO. The Applicant is prepared to consider any additional cross reference suggested by the Examining Authority, if the Examining Authority believes that such a cross reference is necessary.
Q10.0.4	The Applicant	Has a five-day time period for issue of Notice to Mariners been agreed with the Port Authority? Please signpost where this is recorded.	A five-day time period for the issue of Notice to Mariners (NtM) has been agreed with the Port Authority. This is captured within the updated SoCG with the Port

ExQ1	Question is addressed to	Question	Applicant Response
			<p>of Boston (document reference 8.4 (1)) The requirement for the promulgation of NtM during the construction stages of the Facility is noted throughout the assessment of construction as a requirement to ensure navigational safety (document reference 6.2.18, APP-056).</p> <p>The Applicant commits to providing the required information for NtMs to the Port of Boston at least five days before the activity commences and this is secured by Condition 10 of the deemed marine licence in Schedule 9 to the draft DCO (document reference 2.1(1), REP1-003).</p>
Q10.0.5	The Applicant	Please signpost stakeholder agreement of the assessments of significance of likely effects reported in ES Chapter 18 Executive Summary page v.	<p><u>The Port of Boston</u></p> <p>A meeting was held between the Applicant and the Port of Boston on the 17<sup>th</sup> July 2019 in which the potential impacts arising from the scheme, and the sensitivity and magnitude of those impacts to the Port of Boston were discussed and agreed with representatives from the Port of Boston. Minutes of this meeting are provided in the SoCG with the Port submitted at Deadline 2 (document reference 8.4(1)). The assessment of potential effects on the Port of Boston, arising from the Facility, presented in ES Chapter 18 Navigational Issues (document reference 6.2.18, APP-056) is based on this meeting.</p> <p>Since the 17<sup>th</sup> July 2019 meeting the Port have stated in the SoCG the following: “<i>The Port notes that the Facility operations have the potential to impact the safety of navigation to current and future river users, but that the</i></p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p><i>development of a Navigation Management Plan (prepared by the Applicant and approved by the Harbour Authority), that is supported by a Navigational Risk Assessment (NRA), will ensure that the safety of navigation can be maintained for all Haven stakeholders.”</i></p> <p><u>Boston and Fosdyke Fishing Society (BFFS)</u>            Agreement on the assessments of the significance of likely effects presented in the Executive Summary of the Navigational Issues ES Chapter (document reference 6.2.18, APP-056) with the BFFS has not been reached at this time. Their concerns centre on the increase in vessel movements on the Haven, as a result of the operation of the Facility, and the potential for causing delays to outgoing and ingoing fishing vessels, and the increased risk to navigational safety. The Applicant continues to liaise with BFFS on this matter.</p> <p><u>Other Navigation Stakeholders</u>            Relevant representations were received from the Maritime and Coastguard Agency (MCA) (document reference RR-015), the Inland Water Association (IWA) (document reference RR-020) and the Royal Yachting Association (RYA) (document reference RR-025).</p> <p>These stakeholders have also requested that the safety of navigation on the Haven is maintained for users. No specific agreements or disagreements on the impact assessment were noted by either the MCA or RYA. The IWA noted that, “We will need to convinced that the</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>significant increase in shipping in the Wash and the Haven can be accommodated within maritime safety codes given the small tidal windows in the Wash and the Haven.” The Applicant is working closely with the Port of Boston who (as the competent harbour authority) are the duty holder for the Port Marine Safety Code within The Haven.</p>
Q10.0.6	The MMO The Applicant	Is the MMO satisfied that the Proposed Development complies with the provisions and requirements of the UK Marine Policy Statement and East Marine Plan with regard to impacts of increase in shipping activity due to the Proposed Development, in particular East Marine Plan Policy PS3?	<p>When considering any potential increase in shipping activity, the UK Marine Policy Statement (MPS) states (in Paragraph 3.4.10) that:  <i>“marine plan authorities and decision makers should ensure that the social and economic benefits and environmental impacts are taken into account and that impacts are considered in line with sustainable development principles”.</i></p> <p>An assessment of the social and economic benefits of the Proposed Development is provided in the Socio-economics ES chapter (document reference 6.2.20, APP-058) and an assessment of the environmental impacts is provided within the ES, Chapters 8 to 25 (document references 6.2.8, APP-046 to 6.2.25, APP-063). The Applicant considers this requirement is therefore met.</p> <p>The MPS also states (in Paragraph 3.4.7) that marine plan authorities (in England, the Marine Management Organisation (MMO)) and decision makers should:  <i>“take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and</i></p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p><i>navigational safety and ensure that their decisions are in compliance with international maritime law”.</i></p> <p>A checklist to demonstrate the Proposed Development’s compliance with the East Marine Plan was provided at Deadline 1 (document reference 9.19, REP1-032). Policy PS3 of the East Marine Plan states:  <i>“Proposals should demonstrate, in order of preference:</i>  <i>a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours.</i>  <i>b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this.</i>  <i>c) how, if the interference cannot be minimised, it will be mitigated.</i>  <i>d) the case for proceeding if it is not possible to minimise or mitigate the interference.”</i></p> <p>The Navigational Issues chapter within the ES (document reference 6.2.18, APP-056) recognised that a NMP, supported by the findings of a NRA would be required to ensure the navigational safety of all users on the Haven during the construction and operation of the Facility. It is agreed with the Port of Boston which is responsible for safety of navigation and management of vessel movements within The Haven that the NMP will ensure navigational safety on The Haven is maintained for all users, current and future (SoCG with the Port of Boston – document reference 8.4, REP1-037). Therefore, the Applicant considers that the Proposed Development complies with the provisions and</p>

ExQ1	Question is addressed to	Question	Applicant Response
			requirements of Paragraph 3.4.7 of the UK MPS and Policy PS3 of the East Marine Plan (as stated on page 15 of document reference 9.19, REP1-032).
Q10.0.7	The Applicant; The Port of Boston; The Boston and Fosdyke Fishing Society	Are the stakeholders consulted now in agreement with the updated description of the timings of fishing and recreational vessel movements and baseline information including anticipated traffic volumes and vessel type following consultation with the Port of Boston and the Boston and Fosdyke Fishing Society (see ES Section 18.6)?	<p>The Applicant has undertaken consultation with the Port of Boston and the BFFS with regards to commercial vessel movements on the Haven and the timings of fishing and recreational movements. Agreement with the Port of Boston on the baseline traffic and vessel type was reached prior to the submission of the ES during meetings held with the Port (minutes are provided in the updated SoCG, document reference 8.4 (1)).</p> <p>There is currently no agreement with the BFFS on the timings of fishing vessel movements within the Haven. A post-submission meeting with the fishermen has been held to inform the NRA (document reference 9.27) which will provide an evidential approach to this matter.</p>
Q10.0.8	The Applicant	Please provide a figure indicating the location and extent of South Quay, London Road Quay and the Quay by St Ann's Lane (wharf) and the Swing Bridge and Black Sluice.	A figure illustrating notable features within The Haven at Boston (London Road Quay, South Quay, St Anne's Wharf Quay, Swing Bridge, Black Sluice and Grand Sluice), in relation to the Proposed Development is provided with this submission (document reference 9.26).
Q10.0.9	The Applicant	How would the NMP address the concerns expressed by the fishing stakeholders of adverse effects to operation and safety specifically in relation to their time constraints of navigating the tidal waterway and in relation to the anticipated operational timings of the Boston Barrier and Black Sluice lock and swinging of	The NMP will set out a range of management measures, standard vessel and port procedures and Vessel Traffic Monitoring which will be implemented in full consultation and agreement with the Port of Boston, to minimise or prevent delays to river users. Such measures will be based on the findings of the Navigation Risk Assessment (document reference

ExQ1	Question is addressed to	Question	Applicant Response
		vessels within the river?	<p>9.27), and a (post-consent) risk workshop and such measures may include:</p> <ul style="list-style-type: none"> <li>• A commitment that the Port of Boston will turn 50% of the Facility vessels in the Wet Dock</li> <li>• Communication methods, such as; <ul style="list-style-type: none"> <li>○ How the Applicant will promulgate planned vessel movements to the Port of Boston and how the Port of Boston will pass this information on to other port users; and</li> <li>○ digital information boards and flashing lights either side of the turning circle, to ensure that all river users are aware of the number of vessel movements on the tide, their approximate timings and how many vessels will be turned in-river and the timings of these manoeuvres.</li> </ul> </li> <li>• Promotion of regular communication between the Port of Boston, as the body responsible for the safety of navigation on the Haven, and the fishermen to ensure vessel movements on the Haven are coordinated effectively so that delays to any party are not caused, potentially assisted by AIS transmission from fishing vessels.</li> </ul> <p>The measures provided within the NMP will be consulted on with the fishermen, to ensure the measures are appropriate for addressing their concerns as far as practicable. The NMP will be finalised and agreed with the Port of Boston and the MMO, as the competent authorities under Condition 14 of the DML (Schedule 9 to the draft DCO (document reference 2.1(1), REP1-003).</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p><b><u>Black Sluice</u></b></p> <p>Black Sluice lock operates upstream of the Port of Boston and the Facility. The fishers do not need to pass through this lock to reach their berths at London Road Quay, South Quay and St Anne’s Wharf (please refer to the figure provided in response to Q10.0.8, document reference 9.26). The operation of this lock is therefore for recreational traffic only and does not affect the movement of commercial or fishing vessels. The lock can sometimes be used to discharge flood water from the South Forty Foot Drain. Black Sluice release freshwater water from the lock when the tidal water levels in The Haven are too low for the movement of commercial vessels. As such, the operation of Black Sluice will not need to be included in the NMP.</p> <p><b><u>Grand Sluice</u></b></p> <p>Grand Sluice Lock is further upstream from the fishing wharves ( please refer to the figure provided in response to Q10.0.8, document reference 9.26) and also releases freshwater into the Haven during flood events. Generally Grand Sluice only releases water on small neap tides which does not affect the movement or safety of vessels on the Haven however, very rarely this can result in water speeds in excess of 6 knots travelling downstream which can affect commercial and fishing vessel movements.</p>



ExQ1	Question is addressed to	Question	Applicant Response
			<p>The operational timings of Grand Sluice cannot be anticipated however should Grand Sluice open to release flood water, and the water speeds are deemed unsafe for navigation it would be the responsibility of the Port of Boston, as the Competent Harbour Authority, to determine whether it is safe for any river users to navigate on the Haven, potentially causing delays to both commercial and fishing vessels. This would be done through the promulgation of a Notice to Mariners.</p> <p><b><u>Boston Barrier</u></b></p> <p>The Boston Barrier is located upstream of the Port of Boston but downstream from the fishing berths (please refer to the figure provided in response to Q10.0.8, document reference 9.26). The EA are required to provide at least 24 hours' notice of the closure of the Barrier, allowing the Port of Boston to prepare and the fishermen time to return to their wharves. Should the Boston Barrier close, in response to a tidal flood warning, this would prevent the fishing vessels leaving their berths. Therefore, although the operational timings of the Barrier cannot be anticipated, should it close there would be no interaction between the commercial and fishing vessels as the fishing vessels would not be able to move downstream past the Boston Barrier. When the Barrier closes the Port of Boston have advised that the Wet Dock would also be required to close and that they would not undertake the movement of any commercial vessels. Therefore, the closure of the Boston Barrier would close the Haven to</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>all vessel traffic.</p> <p>The Applicant therefore considers that additional measures associated with the Boston Barrier and Grand Sluice are not required within the NMP as the operation of either the Boston Barrier or Grand Sluice would preclude the requirement for any measures relating to the swinging of vessels in the Haven.</p>
Q10.0.10	The Applicant	How would the NMP address the concerns expressed by the fishing stakeholders of adverse effects to operation and safety specifically in relation to vessels arriving at the Proposed Development crossing opposing traffic if not turned before arrival?	<p>The International Regulations for Preventing Collisions at Sea (COLREGS) (IMO, 1972/77) prescribes to all vessel's responsibilities with regards to safe navigation. Rule 9 details navigation within Narrow Channels including keeping to starboard as well as navigation with regards to crossing other vessels, overtaking and navigating around a bend (including necessary sound signals if deemed appropriate (9f)).</p> <p>All vessels on the Haven are required by the Port of Boston Standing Notice to Mariners to listen on VHF Channel 12 and any crossing, passing or overtaking (alongside regulations and requirements) would be (as normal procedure within narrow channels) discussed between the two vessels to prevent the risk of collision and interaction.</p> <p>Crossing of traffic is a standard procedure within port limits and would be for the Pilots on board (including the Masters of the vessels ) to decide crossing procedures. Vessels cross the path of oncoming traffic when entering or exiting the Wet Dock. The procedures for</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>managing this process will therefore continue to apply to any vessels serving the Facility and any manoeuvres would be undertaken only when all vessels present on the Haven are aware and have agreed.</p> <p>The NMP will set out the standard vessel procedures, how the Facility will promulgate planned vessel movements to the Port of Boston and how the Port of Boston will pass this information on to other users of the Haven. Additional measures to ensure all users of the Haven are aware of the movements of vessels associated with the Facility will include:</p> <ul style="list-style-type: none"> <li>• Use of digital information boards either side of the turning circle to promulgate planned Facility vessel movements to other vessels.</li> <li>• Provision of AIS transmission from fishing vessels</li> </ul> <p>This will ensure that the movement of all vessels on the Haven will be managed safely will prevent delays being incurred.</p>
Q10.0.11	The Applicant	Are the stakeholders consulted now in agreement with the assessment of the relevant baselines, impacts and receptors with regard to any impacts on local fisheries?	<p>There is currently no agreement with the BFFS on the relevant baselines and impacts with regards to the local fighting fleet. We are not aware of any disagreement in the receptor definition which constitutes the approximate 26 fishing vessels which utilise Boston as a home port.</p> <p>A post-DCO submission meeting with the fishermen was held on the 29<sup>th</sup> September 2021 to inform the NRA which will provide an evidential approach to this matter. The draft minutes of this meeting have been provided in</p>

ExQ1	Question is addressed to	Question	Applicant Response
			the SoCG with BFFS (submitted to the Examination at deadline 2 - document reference 8.9).
Q10.0.12	The Applicant	Please provide responses to the points raised regarding working fishermen in RR-010.	The Applicant's response to the points raised in the Relevant Representation from the BFFS were provided in the Applicant's Comments on Relevant Representations submitted at Deadline 1 (Table 1-14 of document reference 9.2, REP1-035). This is also captured within the SoCG with BFFS (which has been submitted to the Examination at Deadline 2 - document reference 8.9).
Q10.0.13	The Applicant	Please provide details of stakeholders' agreement with the terms of Art42 in the dDCO including the time period for response to notification.	No stakeholders have raised any concerns as to the terms of Article 42 including the time period for response. This approach to local legislation including the time period for response to notification in paragraph (3) is consistent with that included in Article 50 of the M42 Junction 6 Development Consent Order 2020.
Q10.0.14	The Applicant	This development, because of its scale and form, will result in significant landscape and visual changes. What consideration has been given to forms of mitigation other than those identified in the ES?	<p>The Applicant is proposing remedial and enhancement measures to existing footpaths that will provide an attractive, safe and accessible path corridor from the south into Boston.</p> <p>Proposed measures will complement existing landscape and ecological mitigation identified in the ES but will also introduce wider, additional benefits for recreational opportunity and the interpretation and understanding of the historic importance of the area and The Haven. The Applicant is consulting on these plans with Boston Borough Council and Lincolnshire County Council and will submit details at Deadline 3 of the Examination.</p>

ExQ1	Question is addressed to	Question	Applicant Response
<b>11. Noise and Vibration</b>			
Q11.0.1	The Applicant	<p>Please provide details of the Construction Phase Noise and Vibration Monitoring and Management Plan that will form part of the CoCP.</p> <p>Please reference the Construction Phase Noise and Vibration Monitoring and Management Plan in dDCO R10.</p>	<p>Requirement 10 was amended in the updated draft DCO (document reference 2.1(1), REP1-003) submitted at Deadline 1 to refer to the “Construction Noise and Vibration Monitoring and Management Plan” rather than “Construction Noise and Vibration Monitoring and Management Measures”.</p> <p>Details of the Outline Construction Noise and Vibration Monitoring and Management Plan are detailed in Section 8 of the Outline Code of Construction Practice (OCoCP) (document reference 7.1, APP-120).</p>
<b>12. Planning Policy</b>			
Q12.0.1	The Applicant	<p>Please detail the need for the proposed additional incineration capacity in light of Government policies such as the December 2018 Resources and Waste Strategy, and local plans such as: the 2016 Minerals and Waste Local Plan; and the latest Lincolnshire Waste Needs Assessment (June 2021).</p>	<p>The Applicant is providing the incineration capacity to meet a UK need, and will provide recovery capacity for residual waste in line with the 2018 Waste Strategy for England. The Applicant has confirmed the need for the proposed Facility to divert residual waste from landfill, as detailed in the Fuel Availability and Waste Hierarchy Assessment (Document reference 5.8, APP-037) and the Addendum to Fuel Availability and Waste Hierarchy Assessment (Document reference 9.5, REP1-018).</p> <p>The Applicant notes that there is currently limited need for the proposed Facility for municipal waste arising in Lincolnshire as identified in the recently published Lincolnshire Waste Needs Assessment. However, the proposed Facility is meeting a UK need and is providing a solution based on marine transport of RDF from a network of ports throughout the UK, as detailed in</p>

ExQ1	Question is addressed to	Question	Applicant Response
			Section 5.6 of Chapter 5, Project Description of the ES (document reference 6.2.5, APP-043).
Q12.0.2	The Applicant	Please explain how the how the proposed additional incineration capacity supports the achievement of government recycling targets in light of its competition for feedstock with recycling, composting and anaerobic digestion.	The Applicant recognises the importance of maximising the recycling and recovery of materials from waste streams to meet government recycling targets and keeping the materials within the circular economy. The proposed Facility will only target sourcing feedstocks from residual wastes that have already had the recyclables removed and are destined for landfill disposal or export overseas, as detailed in Fuel Availability and Waste Hierarchy Assessment (document reference 5.8, APP-037) and the Addendum to Fuel Availability and Waste Hierarchy Assessment (document reference 9.5, REP1-018). The Applicant will not be competing for feedstocks suitable for composting or anaerobic digestion as the proposed Facility will be fuelled with RDF. This is secured by Requirement 18 in Schedule 2 to the draft DCO (document reference 2.1(1), REP1-003) which requires the undertaker to submit to “the relevant planning authority for approval a scheme, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development.” Further details of the waste hierarchy assessment are detailed in Section 3.2 of the Fuel Availability and Waste Hierarchy Assessment (document reference 5.8, APP-037).
Q12.0.3	The Applicant	Please provide details of how the proposed incinerator would not exacerbate climate change	Chapter 21 Climate Change of the ES (document reference 6.2.21, APP-059) provides an assessment of

ExQ1	Question is addressed to	Question	Applicant Response
		<p>by giving rise to unacceptable levels of greenhouse gas emissions.</p>	<p>greenhouse gas emissions for the Facility. The assessment considered greenhouse gas emissions from existing waste treatment scenarios (i.e. the baseline situation), including landfill and Energy from Waste facilities (EfW) in Europe, as well as the use of the waste in the Facility. The outcomes of the assessment are presented in Table 21-25 of Chapter 21 of the ES. The implementation of the Facility was not predicted to increase greenhouse gas emissions compared to the other waste management options considered in the assessment, as discussed in paragraphs 21.6.14 – 21.6.19. In addition, paragraph 21.6.19 of Chapter 21 of the ES shows that the emission contribution from the operation of the Facility was not considered to be a significant increase in terms of national emissions.</p> <p>The greenhouse gas assessment in the ES is supported by further analysis which has been undertaken since submission, which is detailed in document 'Further Greenhouse Gas Emissions Analysis and Consideration of Waste Composition Scenarios', (document reference 9.6, REP1-019), submitted at Deadline 1 of the examination. This further analysis explored alternative methodologies for calculating greenhouse gas emissions from both landfill and EfW waste treatment options, and the influence of changing waste compositions in terms of carbon and fossil content of the waste stream. Section 2.5 of document 9.6 details the outcomes of the assessment, which supports the conclusions of the ES (paragraph 21.9.1), whereby</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>greenhouse gas emissions are lower when waste is processed in the Facility when compared to the landfill option.</p> <p>The Applicant has also committed to deliver the Refuse Derived Fuel (RDF) to the Facility via vessel rather than road transport. Greenhouse gas emission savings from this commitment were calculated and detailed in document 'Comparative Analysis of Greenhouse Gas Emissions from Road and Marine Vessel Transport Options to the Site' (document reference 9.7, REP1-020), submitted as part of Deadline 1 of the Examination. Section 2.1 of document 9.7 shows that transporting the RDF waste to the Facility by vessel releases 50% less greenhouse gas emissions, assuming the waste is supplied equally from 12 ports situated around the UK. The emission benefits as highlighted in Section 4 of document 9.7 are greater from ports relatively close to the site and on the east coast of the UK, which is likely to be the main sources of RDF waste to the Facility.</p>
Q12.0.4	The Applicant	Please provide details of the anticipated carbon capture process from the proposed development during the construction and operational phases; including addressing the specific points relating to carbon capture in Council's RR [RR-019].	Two carbon dioxide (CO <sub>2</sub> ) recovery plants will be implemented as part of the Facility. These plants will recover CO <sub>2</sub> (to food-grade) for off-site uses in various industries. Some of the CO <sub>2</sub> will also be retained on site for fire prevention. The two CO <sub>2</sub> plants will be fully automatic systems, designed for constant operation and will recover 5,000 kg CO <sub>2</sub> per hour, which equates to 80,000 tonnes per year. Each recovery plant captures 25% of the CO <sub>2</sub> emissions to the stack. Incorporation of this level of carbon capture is based on available



ExQ1	Question is addressed to	Question	Applicant Response
			<p>technology, interest from the market, and spatial limitations. Additional carbon recovery units can be added in future and an Improvement Plan will be required as part of the Environmental Permit, so as technologies advance and should further offtakes come forward and contracts agreed and signed further carbon recovery will be incorporated. Thus, the ES is conservative regarding carbon capture, in line with reasonable worst case which should be adopted in the EIA. Further details of the CO<sub>2</sub> recovery plants are available in paragraphs 5.6.99 and 5.6.100 of Chapter 5 Project Description (document reference 6.2.5, APP-043) and paragraph 214.34 of Chapter 21 Climate Change (document reference 6.2.21, APP-059).</p> <p>The assessment quantified emissions from sources arising from the construction and operational phases of the Facility where data were available at the time of assessment. This did not include the calculation of embodied carbon emissions from materials to be used during construction. Although embodied greenhouse gas emissions in materials could be a large contributor to the overall greenhouse gas footprint during construction, they are considered to be an unavoidable one-off emission source over a time limited period, and therefore will not materially affect the outcome of the greenhouse gas assessment. Although the volume and type of materials to be used during construction remains unknown, the Applicant will seek to ensure that materials with a low greenhouse gas footprint will be adopted where practical.</p>

ExQ1	Question is addressed to	Question	Applicant Response
Q12.0.5	The Applicant	What consideration is being given to the use of localised residual waste as part of the feedstock?	<p>The Applicant recognises the proximity of potential, locally available feedstock for the Facility. As stated in the draft Statement of Common Ground (SoCG) with Boston Borough Council (document reference 8.7, REP1-040) in Table 3-1 (item 5.1 Household Waste) the Applicant, “is happy to discuss the potential for future use of local waste as part of the Facility’s feedstock if it meets the required specification and the requirements of the DCO subject to contracts and timing.” This matter is being considered with Boston Borough Council and Lincolnshire County Council as part of the s.106 discussions.</p> <p>This issue of utilising road transport would need to be overcome for any local feedstock with any impacts being within those set out by the ES.</p>
Q12.0.6	The Applicant	Please provide detailed assessment of the proposals for permanently closing Public Rights of Way and the mitigation proposed, paying particular note to the detailed points raised in Boston BC’s RR [RR-019].	<p>The Applicant is proposing remedial and enhancement measures to existing footpaths that will provide an attractive, safe and accessible path corridor and vital southern gateway to Boston.</p> <p>The Applicant is consulting on these plans with Boston Borough Council, Lincolnshire County Council and Natural England and will submit details at Deadline 3 of the Examination.</p>
Q12.0.7	The Applicant	<p>Following publication of the following:</p> <ul style="list-style-type: none"> <li>• the National Infrastructure Strategy (November 2020);</li> <li>• the Energy White Paper (December 2020); and</li> <li>• the Sixth Carbon Budget (December 2020)</li> </ul> <p>the Government is currently undertaking a</p>	<p>Many of the proposed changes to the NPSs are designed to build more flexibility into the policy framework to reflect the fact that the future energy generation mix will be more complex with energy coming from a wider range of sources (for example renewables, low carbon, hydrogen, with residual use of unabated natural gas and crude oil fuels for heat, electricity, transport and industrial applications) and these will all play a role in the transition to net zero.</p>

ExQ1	Question is addressed to	Question	Applicant Response
		<p>review of the existing energy National Policy Statements (NPSs). Drafts for consultation were published on 6 September 2021. Any emerging draft NPSs are potentially capable of being important and relevant considerations in the decision-making process. Identify any aspects of the proposed development which could be affected by wording in the draft energy NPSs, which are currently at consultation stage, by comparison to the currently designated energy NPSs.</p>	<p>The NPSs must therefore be flexible enough to support and accommodate the infrastructure requirements of the emerging and future energy network.</p> <p>With the exception of the need for new coal and large-scale oil-fired electricity generation which is removed, the need and urgency for new largescale energy infrastructure to meet government objectives is strengthened by the revisions to draft NPS EN-1 and EN-3.</p> <p>There is more detail on environmental principles, biodiversity net gain (with technology specific guidance on suitable types of biodiversity net gain schemes) and on good design.</p> <p>Overall, the draft ENPS's are not in force yet and as such compliance is not mandatory but strengthen the case for the proposed development as they are reflective of the government's position and attitude to new energy infrastructure.</p> <p>A full review of the policies is provided in the Review of Draft Overarching National Policy Statements (document reference 9.25) submitted at Deadline 2 of the Examination.</p>
<b>13. Socio-economic Effects</b>			
Q13.0.1	The Applicant	Detail the consideration which has been given to the promotion of renewable energy use locally.	A Combined Heat and Power (CHP) Assessment has been submitted with the DCO application (document reference 5.7, APP-036). Whilst no immediate

ExQ1	Question is addressed to	Question	Applicant Response
			opportunities for off-site use of heat have been identified a detailed CHP-Ready Guidance assessment of the Facility will be carried out as part of the Environmental Permit application. This will include the establishment of any opportunities to supply heat. Paragraph 21 of Schedule 2 of the draft DCO (document reference 2.1(1), REP1-003) sets out the requirement to submit to the relevant planning authority for its approval a report (“the CHP review”) updating the combined heat and power assessment within 12 months of final commissioning.
Q13.0.2	The Applicant	Provide details of the local connection to the local grid, and how it will improve local capacity issues.	The local grid connection will be rated at up to 102 MW but normally supply exports at 80 MW electrical, this is via a Western Power Distribution/ National Grid connection and will strengthen the local grid. National Grid’s responsibilities include distribution and resilience both locally and nationally and any questions on capacity locally should be directed to National Grid. However, the connection from the Proposed Development will allow Boston Borough Council to attract further investment from other industries knowing that there is now additional local generation available, and discussions have commenced with the local authority over this power provision aspect.
Q13.0.3	The Applicant	Provide details of how the Proposed Development will utilise the opportunities for socio- economic benefits presented by the scheme, including addressing the specific points raised in Boston BC's RR [RR-019].	The Proposed Development will create a number of opportunities for the local area to capture the socio-economic benefits likely to be generated. These are summarised below.  Boston Borough Council identifies in its Relevant Representation (RR-019) that the local area is

ExQ1	Question is addressed to	Question	Applicant Response
			<p>characterised by low-wage, relatively low-skilled employment. The Proposed Development can help to address this by creating new, high-skilled, jobs in the renewable energy sector. As set out in Chapter 20 of the ES (Socio-Economics) (document reference 6.2.20, APP-058) the Proposed Development, once operational, is expected to create 108 direct Full Time Equivalent (FTE) job opportunities (paragraph 20.7.45, document reference 6.2.20, APP-058). It is estimated that between approximately 81 to 131 of the 250 to 300 direct construction jobs will be filled by local residents (paragraph 20.7.10, document reference 6.2.20, APP-058). Further review by the Applicant identifies that approximately 74% of the 108 direct FTE jobs will be held by workers qualified to NVQ level 3 or level 4+ (following the delivery of 'on the job' training and Further Education courses). The ONS Annual Population Survey (January 2020 to December 2020) indicates that 44.3% of Boston Borough's working age residents are currently qualified to NVQ level 3 or level 4+. As such, the Proposed Development will create a disproportionately high level of highly skilled workers/residents relative to the current local labour market.</p> <p>The Applicant is committed to maximising opportunities for local residents to access these employment opportunities. It is estimated that 47 of the 108 FTE jobs will be filled locally when the Proposed Development initially becomes operational (paragraph 20.7.51, document reference 6.2.20, APP-058). The remaining</p>

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			<p>61 FTE jobs may need to be filled by recruiting or relocating staff from beyond the area of impact (to provide specialist skills that cannot be sourced locally) (paragraph 20.7.57, document reference 6.2.20, APP-058). This is likely to be necessary to ensure that the requisite skills are in place to allow the effective operation of the facility. Over time, the Applicant's aspiration is to increase the proportion of workers sourced locally, once the necessary training capability has been embedded within the site's workforce and operating model (paragraph 20.7.2, document reference 6.2.20, APP-058). It should also be noted that the Applicant remains in discussion with Boston College regarding the possibility of delivering bespoke apprenticeship schemes as part of the College's engineering offer, which will help to maximise the potential to recruit labour from the local area.</p> <p>Local businesses will also benefit from the Proposed Development as a result of increased supply chain expenditure and trade connections, established during both the construction and operational phases (paragraphs 20.7.15-16 and 20.7.54, document reference 6.2.20, APP-058). This will support indirect employment opportunities in the local economy, across a variety of sectors. It is difficult, in advance of contracts being agreed, to accurately quantify the scale of any such benefits at the local level. However, paragraphs 20.7.17 and 20.7.55 of the ES (document reference 6.2.20, APP-058) apply industry multiplier figures to estimate the scale of any such benefits, for the</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>construction and operational phases respectively. The draft section 106 agreement with Boston Borough Council includes provision for a local employment agreement between Boston Borough Council and the Applicant or its contractors. Such an agreement would likely include reasonable endeavours to use local labour and local supply chain, where possible and appropriate.</p> <p>Activity linked to the Proposed Development will also create opportunities for local businesses in the retail and hospitality industries. In part, this will be supported by the wage spending (in shops, bars, restaurants etc.) of those filling the direct and indirect employment opportunities created by the Proposed Development. ES Chapter 20 (document reference 6.2.20, APP-058) provides an estimate of the number of <i>induced</i> (and indirect) jobs to be supported during the operational stage (see paragraph 20.7.55, document reference 6.2.20, APP-058). It does not quantify the induced jobs to be supported during construction, as the construction industry multiplier applied relates to indirect effects only (see paragraphs 20.7.16 and 20.7.17, document reference 6.2.20, APP-058).</p> <p>The uplift in demand for visitor accommodation and tourism attractions is also considered in ES Chapter 20 (document reference 6.2.20, APP-058), in particular at paragraphs 20.7.27, 20.7.43, 20.7.59 and 20.7.76. This analysis estimates that the uplift in demand from construction workers is unlikely to equate to more than 72 bedspaces at any point in time (paragraph 20.7.27 of</p>

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			<p>document reference 6.2.20, APP-058). The uplift during operation is expected to be considerably lower. Recent analysis (verified through consultation with Boston Borough Council’s Museum, Events and Venue Officer on 13th July 202 indicates that there are 7 hotels offering a total of 276 bedrooms in Boston, with a further 33 bedroom hotel benefitting from planning consent at Waterfall Plaza. This gives a total potential supply of 309 rooms, excluding guesthouses and B&amp;Bs. STEAM data provided to the Applicant by Boston Borough Council indicates that the supply of ‘serviced accommodation’ in Boston (i.e. including guesthouses and B&amp;Bs) is in the order of 539 bedrooms, across 25 establishments.</p> <p>This would suggest that the uplift in demand (a maximum of 72 bedrooms) would correspond to 23% of the potential stock of hotel bedrooms, or 13% of the supply of ‘serviced accommodation’ bedrooms. Given that monthly average occupancy rates in serviced accommodation at the UK level have not exceeded 63% over the period from June 2017 (data is not available for Boston) it seems likely that the local supply will be capable of accommodating this demand and could benefit from increased occupancy rates as a result.</p>
<b>14. Transportation and Traffic</b>			
Q14.0.1	The Applicant	Where is there a firm commitment that the RDF can only be brought to site by ship?	The Applicant has added a requirement (Requirement 17, Schedule 2) to the revised draft DCO (document reference 2.1(1), REP1-003) that: “Waste must not be



ExQ1	Question is addressed to	Question	Applicant Response
			<p>delivered by road to Work No. 1A save in the event of a wharf outage or in circumstances where, following consultation by the undertaker with the relevant highway authority, the relevant planning authority is satisfied that such delivery of waste by road would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.”</p>
Q14.0.2	The Applicant	<p>What measures are proposed to ensure that indirect impacts do not arise on the highways in the construction and operational phases?</p>	<p>ES Chapter 19 - Traffic and Transport (document reference 6.2.19, APP-057) contains an assessment in conformance with recognised environmental guidelines and in accordance with relevant national, regional and local policy to inform the significance of potential effects.</p> <p>The Facility’s traffic demand has been calculated using material and personnel information supplied by industry expertise.</p> <p>The highway network within the study area has been divided up into discrete lengths (links) reflecting the highway/spatial character. The sensitive receptors within the study area have been assigned to the nearest highway link, and the relationship with the highway environment has been examined to understand the sensitivity of those receptors to change.</p> <p>As part of the project design, several embedded mitigation measures have been incorporated to reduce potential effects on traffic and transport as detailed in ES - Chapter 19 - Traffic and Transport (document reference 6.2.19, APP-057), Table 19-15.</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>For the construction phase of the Facility, the assessment concludes predicted residual effects of:</p> <ul style="list-style-type: none"> <li>- <b>negligible to minor adverse</b> for the effects of pedestrian severance and pedestrian amenity; and</li> <li>- <b>minor adverse</b> for effects of road safety and driver delay.</li> </ul> <p>The Outline Construction Traffic Management Plan (document reference 7.2, APP-121) contains the general principles and control measures to be adopted during construction of the Facility (including embedded mitigation) to manage and mitigate the effects of construction traffic to those assessed.</p> <p>The operational traffic demand was also determined and assessed with input from industry expertise. The operational phase assessment concludes a predicted residual effect of <b>negligible to minor adverse</b> for the effects of pedestrian severance, pedestrian amenity, road safety and driver delay.</p>
<b>15. Water Environment</b>			
Q15.0.1	The Applicant	The Proposed Development will make use of the existing flood defences. Please provide details of the current condition of these assets, and proposals for maintaining them in the future.	Paragraph 13.1.20 of the Flood Risk Assessment (Appendix 13.2, document reference 6.4.13, APP-106) notes that the Proposed Development benefits from the presence of existing tidal flood defences. Paragraph 13.1.32 further confirms that the Principal Application Site is located within the frontage that will be subject to

ExQ1	Question is addressed to	Question	Applicant Response
			<p>improvement and upgrade works as part of the Haven Banks Project.</p> <p>Paragraphs 13.1.113 - 13.1.115 state that:</p> <p>“The Facility incorporates both primary and secondary flood defence lines. The primary flood defence line would be formed by the proposed wharf and would replace the existing EA flood defences at the Principal Application Site.</p> <p>The proposed primary defence line, comprising the proposed wharf, would tie in with the improved flood defences provided as part of the EA’s Haven Banks Project. The design of the wharf carried out in communication with the Landowner and EA has set the crest height for the wharf at 7.2 mAOD.”</p> <p>Therefore, the Applicant notes that as part of the Proposed Development there will be no reliance on the existing flood defences and the construction of the new wharf and sheet pile wall will form the flood defence in front of the Proposed Development, which will tie into the EA defences to the north and south of the site.</p> <p>With regards to maintenance of the defence line, paragraph 13.1.117 notes that:</p> <p>“...it is understood that the Site Operator will take on the responsibility for maintenance along the length of the wharf and flood defence line that is within the Principal</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>Application Site boundary. EA access to these flood defences would not be restricted.”</p> <p>The ongoing maintenance of the flood defences will be subject to an agreement with the EA. The Applicant is currently liaising with the EA as to the terms of this agreement.</p>
Q15.0.2	The Applicant/The MMO	Please provide details of proposals for dredging and maintaining the berthing pocket that forms part of the Proposed Development including sampling of the dredged product.	<p>Paragraph 5.5.20 of ES Chapter 5 (Project Description) (document reference 6.2.5, APP-043) provides details of the capital dredge and states, "There will be two phases of dredging for the construction of the wharf and the berthing pocket.". Further detail on wharf construction has also been provided in Wharf Construction Outline Methodology (document reference 9.17, REP1-030) submitted at Deadline 1 of the Examination.</p> <p>The maintenance dredging will be undertaken via land-based equipment and the material will be used in the Lightweight Aggregate Plant with no disposal to sea. It is anticipated that maintenance dredging will be required yearly or every two years based on the sedimentation rate predicted in ES Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054) of 50cm/year.</p> <p>Under condition 12 of the Deemed Marine Licence (DML) included in Schedule 9 to the draft DCO (document reference 2.1(1), REP1-003) the Applicant must submit details of the detailed dredging methodology to be employed by the undertaker to the</p>

ExQ1	Question is addressed to	Question	Applicant Response
			<p>MMO's for approval in the form of a method statement at least 13 weeks before commencement of the licenced activity.</p> <p>The Applicant is currently liaising with the MMO as to the requirements for sampling and the wording of a condition relating to sampling to be included in the DML.</p>
Q15.0.3	The Applicant	With reference to the EA's representation [RR-013]. Please provide an update on the PPs sought to ensure that harm to flood management infrastructure does not arise as a result of the proposed development.	Please see response to Q5.0.3.
Q15.0.4	The Applicant	Please provide details of how any mitigation discussed in the ES is secured through conditions in the Deemed Marine Licence, taking account of the MMO's points raised in their RR [RR-008].	All mitigation set out in the ES relevant to the licensable marine area has been conditioned in the DML, with the exception of conditions relating to bathymetric monitoring surveys and sediment sampling, the wording for which is still under discussion between the MMO and the Applicant. Please refer to the Register of Environmental Actions and Commitments (document reference 7.6, REP1-014) for details of where mitigation set out in the ES relevant to the licensable marine area is secured.