



**Alternative Use Boston Projects
Boston Alternative Energy Facility Order**

Planning Inspectorate Reference: EN010095

**Deadline 2 Representations by
the Environment Agency
Unique Reference Number: 20028344**

11 November 2021

Submitted on behalf of the
Environment Agency by:
Jake Newby, MSc
Planning Specialist
Ceres House
Searby Road
Lincoln
LN2 4DW

1. Scope of these representations

- 1.1. Further to our Written Representations, we wished to clarify the Environment Agency's position in relation to some of the issues we have raised.
- 1.2. Unless otherwise stated the objections, comments and requests made in our Written and Relevant Representations remain in place.

2. Disapplication of Legislation

- 2.1. The applicants have begun discussions with the Environment Agency to develop a suitable legal agreement which would allow us to agree to the removal of the requirement to obtain a flood risk activity permit under the Environmental Permit Regulations 2016 (EPR 2016), as required under s150(1) of the Planning Act 2008. We have also commenced discussions about amended wording for the Protective Provisions set out in Schedule 8 Part 4 of the draft Development Consent Order (dDCO).
- 2.2. At this time, however, we are unable to agree to the disapplication of EPR 2016 as we have not been assured that the works will be carried out in a manner acceptable to the Environment Agency.
- 2.3. We also note that article 41(1(c)) of the dDCO now proposes the disapplication of parts of the Water Resources Act 1991. We are currently reviewing which local byelaws this may relate to and will provide further advice to the ExA once we have considered whether any further Protective Provisions are required should they be disapplied by the DCO.

3. Flood Risk Assessment

- 3.1. The issues raised in our Written Representations remain and have not been addressed by the further information submitted by the applicant.

4. Impacts on Geomorphology

- 4.1. Further to our Written Representations, we do not consider that the applicant has fully addressed our concerns regarding local impacts on geomorphology. We accept that the expert assessment used to determine the increase in wave action in the Haven is reasonable, and that the overall increase in energy into the system will be 0.22%. We accept that although this represents an increase of approximately 145%

in terms of ship wash, this is a relatively low amount in terms of the overall system.

4.2. However, although the overall system effects on The Wash EMS and Havenside LNR receptors have been assessed to be of no or negligible effect (APP-054, 6.2.16 Environmental Statement Chapter 16 - Estuarine Processes, Section 16.12), the localised impacts of ship wash and dredging on erosion of the shoreline do not appear to have been fully assessed. We therefore remain concerned at the lack of assessment of potential localised damage to flood defences, saltmarsh and morphology due to the combination of changes to be made in the area around the proposed wharf and in particular on the bank immediately opposite.

4.3. We consider that the development includes three significant changes to the dynamics of the system which may lead to an increase in erosion as a result of ship wash:

- The introduction of harder surfaces through the creation of the wharf (both from the wharf itself and moored ships);
- The speed, frequency and nature of ship movements around the wharf area; and
- The effect of capital and maintenance dredging on the movement of sediment.

Harder Surfaces

4.4. The introduction of harder surfaces from the hulls of moored vessels and the wharf structure will alter the dynamics of wave movements and may lead to more energy being exerted on the bank opposite the proposed wharf. This could lead to more rapid erosion of the bank opposite, which could affect the integrity of the defences and destroy any existing or nascent salt marsh and mudflat habitats.

4.5. We ask that the applicant provides a more detailed assessment of the impact on wave action in the area immediately opposite to ensure that the proposals do not increase the risk of flood defences failing or destroy habitats important to maintaining/improving the ecological quality of the waterbody.

Speed, frequency and nature of ship movements

4.6. The assessments of ship wash in APP-054 (6.2.16 Environmental Statement Chapter 16 - Estuarine Processes) do not appear to take into account the variations in ship wash from the speed and size of the

different ships expected due to the development. We note that this assessment has been done in APP-055 (6.2.17 Environmental Statement Chapter 17 – Marine and Coastal Ecology). Ship wash will vary depending on the size and speed of the vessel. Smaller craft, travelling at greater speeds, will produce a larger and more energetic bow wave and stern/propeller wash, although for a shorter duration.

- 4.7. Ship wash may also be more severe when vessels designed for higher speeds are restricted to lower speeds, such as pilot boats restricted to 4 knots as proposed for vessels passing ships moored at the proposed wharf. We also note that the REP1-027 (Deadline 1 Submission - 9.14: Addendum to Environmental Statement Chapter 17 and Appendix 17.1 - Marine Mammals) identifies that ships will be limited to 6 knots rather than 4, and we question what impact if any this will have on the effect of ship wash.
- 4.8. We therefore ask that the detailed assessment of ship wash requested above takes into account the variation of ship types and speeds expected in the location of the proposed wharf.

Capital and Operational Dredging

- 4.9. We are concerned that the localised effects from ship wash and the proposed capital and maintenance dredging at the wharf location have not been assessed in combination. We understand that dredging is not currently carried out in the location of the proposed dredging. This suggests that very little sediment is currently deposited within the shipping channel.
- 4.10. If sediment is currently being deposited on the banks/mudflats/saltmarshes in this location, rather than the main channel, there is the possibility that dredging of the berth pocket may upset this process. The dredging may provide extra accommodation space, potentially leading to a reduction in the deposition of sediment on the channel edges. This may lead to increased erosion of the mudflats/saltmarsh opposite the proposed development site.
- 4.11. Mudflats and saltmarshes act as wave attenuation features and protect flood banks/sea walls from direct wave attack. We are concerned that the loss of these features, through erosion or dredging, may impact on the integrity of the flood defences.
- 4.12. We therefore consider that the detailed assessment of ship wash requested above should also consider the impact of dredging on the

movement of sediment in the Haven. In particular the assessment should identify whether, as a result of dredging, there would be any increase in the rate of erosion on any part of the Haven that could affect the integrity of flood defences or destroy habitats important to maintaining/improving the ecological quality of the waterbody.

5. Attendance at Hearings

- 5.1. For clarification I will be attending the hearings on 23rd-25th November on behalf of the Environment Agency, but I do not propose to speak other than to assist the ExA if asked. Once we have seen the detailed agenda for the meetings I may be accompanied by legal and technical officers as necessary.