



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

Boston Alternative Energy Facility

Appendix I1 to Natural England's Deadline 3 Submission

Natural England's Response to ISH 2 (Environmental Matters) Questions

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

Planning Inspectorate Reference: EN010095

20th November 2021

Natural England's Response to ISH 2 (Environmental Matters) Questions

Please accept this submission as Natural England's answers to all the targeted questions for Issue Specific Hearing 2 (Environmental Matters). Natural England will only attend in person for Section 5a of ISH 2. Therefore, we will not be offering oral representations on every agenda item.

Agenda Items

1. The overarching Environmental Statement (ES)

- a. ***[3.0.5]. To the Applicant: It is noted that scour protection may or may not be required and that there would be habitat loss in the event that it was needed. Have the assessments and habitat loss calculations assumed a worst-case scenario of scour protection being required?***

Please could Natural England (NE) set out any outstanding concerns about potential effects of scouring.

We advise that there is no change to the advice provided by Natural England's written representations RR-021 and REP2-046. Until a more detailed project design and assessment in relation to the worst-case scenario for scour protection and vessel movements is submitted we are unable to advise with certainty on the location, extent and significance of any scouring.

However, from evidence in other aquatic systems, any disruption to water and sediment transportation from the presence of hard infrastructure and any protrusions into the channel of the Haven (including presence of moored vessels) is highly likely to result in scouring of the surrounding sediment, river banks and further indirect loss of saltmarsh habitats.

3. Air Quality

- b. ***[2.0.7 & 2.0.8]. Can NE outline measures which the Applicant could undertake to reduce risk of adverse effects from deposition on saltmarsh habitats?***

Natural England advises that there is no standard best practice advice in relation to mitigation measures to reduce air quality impacts on saltmarsh habitats. It is dependent on the design and location of the source of the deposit. Therefore, we believe that the Applicant's engineers are best placed to provide mitigation measures and/or project modifications to reduce air quality concerns.

4. Biodiversity, Ecology and Natural Environment (including HRA)

- b. **[3.1.5]. Please can NE state whether they consider on the basis of the Applicant's submissions, including the additional bird survey data, to D1 and D2 that the 250m buffer zone for ruff and redshank is appropriate.**

Natural England advises that the adoption of any buffer zone will need to be fit for purpose for all species and be applicable for all possible sources of disturbance. Natural England's Deadline 1 and 2 Risks and Issues log advice remains unchanged namely: -

'Natural England awaits a demonstration that the proposed 250m buffer zone is fit for purpose for ruff and redshank. The Applicant has informed NE that "buffer zones work to avoid and minimise disturbance, Cutts et al (2008) provides peer reviewed data on disturbance for waders. NE responded (on 13th Sept) to state that while Cutts et al. may be appropriate for identifying generic distances where no better data exists, disturbance and habituation are often subject to site specific variation. Some data had been collected as part of the bird surveys it would be appropriate to review behavioural response information to see how distances compare at this site and whether following Cutts et al is appropriate; precautionary; or not-precautionary enough.'

Therefore, as set out in (4d) and 4(f) below and in our written representation further information and assessment of all impacts is required before we can have certainty in buffer zones,

- c. **[3.1.7]. Following the submission of the ES/ HRA addendums at D1, containing additional information on cumulative/in combination effects do NE, the Marine Management Organisation (MMO) or any other IPs have any outstanding concerns about the scope of the cumulative/ in combination assessments?**

As set out in REP2-042 within the Applicant's REP1-028 4.3.21 Natural England notes that no further projects have been identified by stakeholders for consideration within the assessment and that Natural England's SSSI Impact Risk Zone criteria, has been applied to all designated sites considered in the assessment. Therefore, we currently consider this matter resolved.

However, our position is subject to change should the nearby proposed solar farm submit their application during the Boston Alternative Energy Project Examination.

- d. ***[3.1.10]. Please can NE confirm whether it is satisfied that the Applicant has identified all of the relevant European sites and features in the HRA?***

As set out in Natural England's Deadline 2 advice on the Ornithological Addendum [REP2-045] Natural England highlights that the Annex I non-breeding waterfowl assemblage is a feature in its' own right, which hasn't been consider in the application documents. In addition, the additional survey data and assessment only relates to The Wash SPA Annex I over-wintering birds, but doesn't consider the fact that the site is for Annex I over-wintering and passage birds. With The Wash passage periods being between March and May and August and October of any given year.

- f. ***[3.1.13]. Please can NE and other IPs confirm if they are satisfied that the ES/ HRA addendums provided by the Applicant at D1 provide sufficient information on the potential impacts of the Proposed Development on the conservation objectives of the European sites and the condition of their features.***

As set out in RR-021, REP2-042, REP02-043, REP02-045 and REP2-046 Natural England is not satisfied that the ES/HRA addendums provide sufficient information and assessment of the potential impacts of the proposed development on the designated site features and priority habitats

- g. ***[3.1.15]. Have NE provided their Habitat Mitigation Area vegetation survey results to the Applicant? Which documents does the Applicant anticipate may need to be updated as a result and when would updated versions, as necessary, be provided to the Examination?***

Natural England can confirm we have shared our observations on the quality of the saltmarsh habitats which are likely to be impacted by the proposals with the Applicant through our Discretionary Advice Service.

- h. ***[3.1.16]. Can the IPs state whether they agree with the justification for a maximum vessel speed of six knots and with the assessment of the potential effects provided by the Applicant at D1.***

As set out in REP2-043 Section 3(v) Natural England advises that further justification is presented to ensure that no further mitigation can be provided in the form of reducing vessel speeds. Presently, there is no evidence to demonstrate committing to vessel speeds of 6 knots is in fact mitigation, or merely the agreed vessel speed limit within The Haven.

5. Further questions arising from D1 and D2 submissions

- d. ***Please can the Applicant and NE provide an update on discussions about the diversion of the English Coast Path and the potential need for information to be provided to inform an appropriate assessment.***

Natural England refers the ExA to our written representation at Deadline 2 REP02-047 where we provide the most up to date positions in relation to the England Coast Path.