



B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

National Infrastructure Planning

Telephone: 01205 314343

Temple Quay House

Email: [REDACTED]@boston.gov.uk

2 The Square

Our BAEF ref: 20028366

Bristol

BAEF ref: EN10095

BS1 6PN

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Dear Sir / Madam

Boston Borough Council – Deadline 3 response

Comments on Draft DCO

As outlined in the hearing sessions, the Council has limited comments to make on the emerging draft of the DCO, many of the changes proposed are tidying up or consequential amendments.

However, we are particularly concerned that the definition of “relevant planning authority” has changed to LCC without discussion with ourselves. Based on other NSIPs, it is seemingly more common-place that the following definition is used:

“relevant planning authority”, in relation to any land, means the district planning authority for the area in which the land is situated;

Clearly therefore there is precedent for the district being the discharging authority for the requirements, in this case this should rest with Boston Borough Council. Most recently this was the case with regard to Triton Knoll and its on – shore electrical system, and the Council considers itself best placed to discharge any necessary requirements – including consultation with any identified parties/bodies.

We appreciate why LCC may wish to retain some level of interest in matters pertinent to them, such as Waste Hierarchy (as they are the Waste Planning Authority), but most of the effects which the Requirements seek to address relate to issues and impacts which will be felt most pertinently by local communities (ie the people of Boston Borough) and are issues/impacts which would typically be handled by Boston Borough Council as local planning authority both at consenting stage, and monitoring/compliance during the development.

Our first preference would be for Boston Borough Council to be the discharging authority as defined based on the example above.

We do accept that some of the requirements will have cross-over with colleagues at LCC. Therefore our second preference would be for the requirements to be split between BBC and LCC (with mutual consultation embedded).

As set out in the hearing session, Boston Borough Council considers that the following requirements are of particular interest and should be discharged by it as relevant planning authority: 3,5-6,9-10,12,14-17,19-24, and 26 (if added for PROW/footpaths).



Therefore it is our recommendation that this should be changed.

We would note that this matter is under discussion between the Applicants team, the Borough Council and LCC. We would also support LCCs suggestion that a requirement in relation to carbon capture could be included, but appreciate this may go in the S106.

We have no other significant comments on the Draft DCO, however we note that there are elements such as the PROW, Archaeology, and Ecological mitigation which remain under discussion and therefore we reserve the right to make further comments on the Draft DCO.

Comments on responses to ExA's written questions

We note that the ExA did not ask any specific questions of Boston Borough Council, but recognise that a number of parties including LCC and the Applicant have referenced the council in their responses.

Boston Borough Council have no significant comments or additions at this stage, this is with the exception of question 9.0.2 which was directed to LCC not Boston Borough Council.

Q9.0.2 - Within our RR we said

“There are some residual concerns regarding the prominence of the facility (in particular the stacks) within views of St Botolphs (the Stump) which is the prominent local landmark and of historic importance. Limited analysis has also been undertaken on views from the Stump and its viewing areas. We believe more can and should be done to mitigate any impacts arising on this important local asset.”

We maintain our position that there are residual concerns, and thus we would encourage the Applicant and the ExA to give recognition to the view that there are mechanisms to ensure that the wider direct and in-direct residual effects. This is notwithstanding the embedded mitigation proposed. Boston Borough Council has proposed through its Relevant Representation how this could be achieved, and has indicated we are willing to work with the Applicants to establish the mechanics of this through a S106 Agreement. We maintain that this can be achieved whilst ensuring legal compliance in respect of the Planning Acts (inc CIL Regulations).

Other comments following the hearing sessions

The Council was interested to hear the dialogue and debate between the parties, particularly around the environmental matters on day 2.

We again note that there is some potential for direct and in-direct effects/impacts which currently may not be able to be proven/ruled-out. To that end, we again refer to the potential of a Community Benefit Fund as a mechanism to addressing longer-term issues – as we have discussed with the Applicants, this could be used towards environmental measures and projects as well as those in connection with economic and social issues.

The Council continues to engage with the Applicant and other parties on a number of factors including the Statement of Common Ground, S106 and matters specifically around the footpath provision and improvements/mitigations. Therefore the Council continues to reserve the right to amend or update its position as these matters progress.

Yours faithfully



Mike Gildersleeves

Assistant Director – Planning & Strategic Infrastructure

Boston Borough Council, East Lindsey District Council and South Holland District Council