

Date: 06 December 2021  
Our ref: Case: 14030 Consultation: 367467  
Your ref: EN010095



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**BY EMAIL ONLY**

Dear Max Wiltshire,

**Boston Alternative Energy Facility (BAEF)**

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

**1. Natural England Deadline 3 Submissions**

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 2. We would like to highlight to the Examining Authority that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. Natural England is submitting the following documents within the following thematic appendices:

- Appendix J1 – Natural England's Comments on HRA Derogation Case – Compensation Measures [REP2-013] and Assessment of Alternative Solutions [REP2-011]
- Appendix H3 – Natural England's Risk and Issues Log Deadline 2
- Appendix I2 – Natural England's ISH2 Environmental Matters Oral Representations

**2. Deadline 4**

Natural England would like to take this opportunity to express concerns about the timings of Deadline 3 (Monday 6<sup>th</sup> December) and Deadline 4 (Monday 13<sup>th</sup> December). Recognising

that the immediate posting of documents onto the PINS website is unlikely to occur, Natural England will only have a maximum of 4 full working days to review all documents, get the necessary input and draft advice. Therefore, if any substantial documents are submitted by the Applicant at Deadline 3 (e.g. we are expecting an updated OLEMs which requires multiple specialists input) then it is likely Natural England would defer the submission of our detailed advice in some thematic areas until Deadline 5 (25<sup>th</sup> January).

### **3. Outline Reptile Precautionary Method of Working (PMoW) [REP2-015]**

Natural England have reviewed the Outline Reptile Precautionary Method of Working (PMoW) [REP2-015]. This document confirmed that a precautionary approach will be followed (as advised in point E8 of our RR [RR-021]). The Applicant has provided details which would ensure appropriate ecological mitigation measures for reptile species on the site. Natural England advises that these in principle mitigation measures should be adopted to remove significant impacts to protected reptile species.

### **4. Without Prejudice Habitats Regulations Assessment Derogation Case: Imperative Reasons of Overriding Public Interest (IROPI) Case [REP2-012]**

- Natural England does not intend to comment on the IROPI case.

The role of Natural England is to provide statutory nature conservation advice to the Secretary of State on the effectiveness of any compensatory measures that are proposed from an ecological perspective (only) and whether they will be sufficient to ensure that the overall coherence of the Natura 2000 network is protected. We will however, be happy to consider and comment on any options that the Applicant may wish to propose and may also be able to assist in signposting to relevant guidance on mitigation and/or compensatory measures.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Lydia Tabrizi

Norfolk and Suffolk Area Team

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