



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

Boston Alternative Energy Facility

Appendix I2 to Natural England's Deadline 3 Submission

**Natural England's Written Summary of Oral Representations made at Issue Specific
Hearing 2: Environmental Matters**

For:

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

6th December 2021

Natural England's Written Summary of Oral Representations made at Issue Specific Hearing 2: Environmental Matters

24th November 2021

Natural England Attendees: Roslyn Deeming and Lydia Tabrizi

Please note that this document should be read alongside Natural England's additional submission in relation to the other agenda points relevant to our remit [AS-001]

AGENDA

5. Further questions arising from D1 and D2 submissions

- a) Please can NE & the Applicant expand on their positions in respect of disturbance to birds at high tide.

As set in our written representations, the Application and subsequent submissions have insufficient data and, as a result, the assessment of the potential impacts remains incomplete. Therefore, in relation to ornithological issues, Natural England has only been able to highlight uncertainties with the Application and raise concerns on the potential impact pathways to classified/notified features and the associated risks. We are unable to clearly define the significance of these risks until further information has been provided.

Under the Habitat Regulations, and following the precautionary principle therein, where there is scientific doubt (i.e., uncertainties) we cannot rule out an adverse effect on integrity (AEol) of the protected sites. We refer you to our advice provided within the Written Representations and appendices and the information provided at deadlines 1 and 2. As there is still insufficient information to address our concerns, there is uncertainty and therefore we cannot rule out an AEol on the Wash SPA beyond all reasonable scientific doubt. Our advice therefore remains unchanged to that in our written representations.

Information on Derogation was submitted at Deadline 2 [REP2-013]. This is the first time that Natural England has been provided with information on derogation and compensation and, from an initial view, we are concerned that the information provided is at a high level and would not provide enough detail or certainty to have confidence that an AEol can be offset. We will provide a fuller response at Deadline 3 on 6th December (Appendix J1). However, it is our understanding that the Applicant is continuing to investigate and explore options to refine the compensation measures. We are sure that the Applicant is aware that more detail is required. Once the Applicant has submitted an updated derogations case will be able to provide further advice on ecological merits of the compensation measures and their adequacy in addressing our concerns.

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

Natural England thanked Paul Salmon (acting on behalf of the Applicant) for providing the information about the coastal path, and for considering the option that NE has suggested in relation to the routing of the England Coast Path (ECP). The rationale behind this suggestion is to provide and/or maintain access to the sea, which is the original purpose of the ECP. We appreciate the Applicant considering this alternative. We note the Applicant's concerns with the alternative, and we'll continue to work with the Applicant on this matter. And will provide further written representations once documentation has been submitted into examination.