



Marine Management Organisation

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The Boston Alternative Energy Facility
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MMO Reference: DCO/2019/00006
Planning Inspectorate Reference: EN010095
Identification Number: 20028136

13 December 2021

Dear Sir or Madam,

Planning Act 2008 – Application by Alternative Use Boston Projects, for an Order Granting Development Consent for the Boston Alternative Energy Facility

Deadline 4 Submission

On 20 April 2021, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Alternative Use Boston Projects Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Boston Alternative Energy Facility (BAEF) (the “DCO Application”) (MMO ref: DCO/2019/00006; PINS ref: EN010095).

The Applicant seeks authorisation for the construction, operation and maintenance of an ‘Energy from Waste’ (EfW) plant which will have a generating capacity of approximately 102 megawatts electric (MWe) delivering 80 MWe to the National Grid, including an electrical connection, a new site access, and other associated development (together the Proposed Development) on land at or near Riverside Industrial Estate, Bittern Road, Boston, Lincolnshire (Application Site).

Due to resourcing issues and the short timeframe between Deadline 3 (6 December 2021) and Deadline 4 (13 December 2021), the MMO is unable to provide a detailed response for Deadline 4. The MMO is committed to making progress during this examination and believes, rather than preparing a detailed response that may not resolve all issues, it is more efficient to use this time to bring outstanding matters to resolve.

The MMO is aiming to submit further comments on the draft Development Consent Order (dDCO) and other submissions provided at Deadline 3 by the Applicant and other Interested Parties, at Deadline 5 on 25 January 2022.

This document comprises the MMO’s initial comments in respect of the DCO Application submitted in response to Deadline 3.



INVESTORS
IN PEOPLE | Bronze



1. Initial Comments on the Deemed Marine Licence (DML)

- 1.1. The MMO have provided initial comments on the dDCO submitted at deadline 3 below. However, the MMO will review the Deadline 3 dDCO fully following this deadline and intends to provide any further comments at Deadline 5 on 25 January 2022.
- 1.2. The MMO confirm that we are content with the use of the word “interfere” in subparagraph (e) of Article 19(1).
- 1.3. The MMO note that a number of conditions in the DML state that documents must be submitted at least 13 weeks before the commencement of licenced activities. The MMO note that the 13-week timescale referred to here is taken from a key performance indicator the MMO have for issuing 90% of all standard Marine Licences within this timeframe. The MMO will provide further comment on this timescale at Deadline 5.
- 1.4. The MMO thank the applicant for the inclusion of a condition relating to bathymetric surveys, wording for which was suggested in our Deadline 2 (REP2-040) and Deadline 3 (REP3-027) responses.
- 1.5. The MMO also provided suggested wording for a condition relating to the sampling of dredged material at Deadline 3. The MMO will wait to review any comments the Applicant may have on this at subsequent deadlines.
- 1.6. The MMO note that the previous condition 12 and a condition regarding the Construction Environmental Management Plan (CEMP) have been merged. The MMO agree with the idea of merging these conditions and will provide further comments on the conditions at Deadline 5.

2. Comments on information submitted by the Applicant or Interested Parties

Environment Agency Deadline 3 Submission – Post hearing submissions including written summaries of oral case – REP3-025

- 2.1. The MMO have reviewed and supports the Environment Agency’s (EA’s) Deadline 3 submission and notes their comments. The MMO will maintain a watching brief on future EA submissions and will again provide comment in future where necessary.

Natural England Deadline 3 Submission – Appendix 12 – Natural England’s Written Summary of Oral Representations made at Issue Specific Hearing 2 (ISH2): Environmental Matters – REP3-030

- 2.2. The MMO have reviewed Natural England’s (NE’s) Deadline 3 submission and note that further information is required on derogations and compensations to have confidence that an Adverse Effect on Integrity (AEoI) can be offset. The

MMO will review any updated derogations case submitted into examination and provide comment where necessary.

Natural England Deadline 3 Submission – Appendix J1 – Natural England’s Comments on Habitats Regulations Assessment (HRA) Derogation Case – Compensation Measures [REP2-013] and Assessment of Alternative Solutions [REP2-011] – REP3-031

- 2.3. The MMO have reviewed and supports NE’s Deadline 3 submission and notes their concerns. The MMO will maintain a watching brief on future NE submissions and will again provide comment in future where necessary.
- 2.4. The MMO supports, and defers, to NE’s expert opinion as Statutory Nature Conservation Body regarding the impacts to international designated sites and the HRA for the project.
- 2.5. The MMO would also like to highlight that any further conditions that may arise may need to be included within the DML.

Written Summary of the Applicant’s Oral Case at Issue Specific Hearing 1 (ISH1) on draft Development Consent Order (dDCO) – REP3-011

- 2.6. The MMO thank the applicant for providing amendments to the dDCO at Deadline 3 following our comments. Initial comments on the dDCO can be seen under Section 1 above and further comments will be provided at Deadline 5 on 25 January 2022.
- 2.7. The MMO also note that the applicant, at Issue Specific Hearing 1 on the dDCO, requested for the MMO to advise whether each condition is agreed or if further amendments are required. The MMO will review the DML further and provide comments at Deadline 5.

Marine Management Organisation Deadline 3 Submission – REP3-027

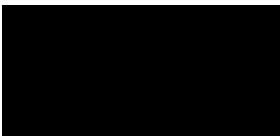
- 2.8. As noted in points 1.4.9, 1.4.10 and 1.4.14 of Table 1 of our Deadline 3 submission (REP3-027), the MMO stated that we would provide further comments on Chapter 16, Estuarine Processes of the Environmental Statement (ES) (document reference 6.2.16, APP-054). The MMO thank the applicant for providing further information on the construction and operation of the wharf and associated dredge area, and confirm that we have no further comments regarding this.
- 2.9. In point 1.4.27 of Table 1 of our Deadline 3 submission (REP3-027), the MMO stated that we would provide comments on ES Chapter 17 Estuarine Processes (document reference 6.2.17, APP-055). The MMO thank the applicant for providing a list of benthic invertebrates recorded during the 2017 Benthic Invertebrate Survey and are content with the assessment methodology used.

3. Other documents to be reviewed for Deadline 5 submission

- 3.1. The MMO is continuing to review all other documents by the Applicant and other Interested Parties. We may wish to submit further comments on documents submitted for Deadline 3 at Deadline 5 on 25 January 2022.
- 3.2. The MMO note that the applicant has provided, via email, an updated Statement of Common Ground (SoCG). The MMO will review this document and provide updated comments following the Deadline 4 submission on 13 December 2021.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully



Emma Shore
Marine Licensing Case Officer



Copies to:

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