

REPORT

Boston Alternative Energy Facility

Statement of Commonality

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2				
3				

Description of Revision	
Rev	Description
0	First for submission at Deadline 1
1	Updated for submission for Deadline 4
2	Updated for submission for Deadline 6
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Glossary of Acronyms

Acronym	Definition
AEoI	Assessment of Adverse Effect on Integrity
AUBP Ltd	Alternative Use Boston Projects Limited
DCO	Development Consent Order
DML	Deemed Marine Licence
EfW	Energy from Waste
EIA	Environment Impact Assessment
EPP	Evidence Plan Process
HRA	Habitats Regulations Assessment
LVIA	Landscape and Visual Impact Assessment
MMO	Marine Management Organisation
OLEMS	Outline Landscape and Ecology Mitigation Strategy
SoCG	Statement of Common Ground

1 Introduction

1.1 Project Background

1.1.1 Alternative Use Boston Projects Limited (the Applicant) is seeking a Development Consent Order (DCO) for Boston Alternative Energy Facility, an Energy from Waste (EfW) facility in Boston, Lincolnshire.

1.2 Purpose of the Statement of Commonality

1.2.1 This document provides the Examining Authority with an overview of the position of each Statement of Common Ground (SoCG) between the Applicant and the interested parties in relation to Boston Alternative Energy Facility at Deadline 4.

1.2.2 Each SoCG reflects discussions which took place throughout pre-application consultation as well as the post-application consultation.

1.3 Structure

1.3.1 This report is structured as follows:

- Section 2 Summary of commonality of each topic covered – provides an overview of all topics covered and each stakeholder's position.
- Section 3 Tables of commonality – this provides further detail on the aspects of each topic that are covered by the SoCG and each stakeholder's position.

1.4 List of Statements of Common Ground

1.4.1 **Table 1-1** provides the list of SoCGs that have been prepared by AUBP and the respective regulative authority in accordance with the list as requested by the Planning Inspectorate in the Rule 8 letter (Annex B part 4) issued on 14th October 2021.

1.5 Summary of Current Position

1.5.1 This section provides the current position of each SoCG. Where applicable, the latest version of the SoCG (as at Deadline 4 on 13 December 2021) has been submitted alongside this Statement.

1.5.2 **Table 1-1** provides a high-level position and where necessary includes further detail to assist the Examining Authority. The high-level positions used in the table are:

- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
- SoCG submitted in draft – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.
- SoCG yet to be drafted or otherwise not available – Where an SoCG will be provided to the Examination at a future deadline or a SoCG is not being progressed (along with the reasons why).

1.5.3 Where SoCGs have been submitted with matters ‘under discussion’, all parties will continue to review these matters in order that a final version can be provided at the earliest opportunity.

1.5.4 For Deadline 4, updated versions of SoCGs have been provided where interested parties have agreed that it would be useful to show progress on particular issues raised. Where updated versions of SoCGs have not been provided at this deadline, conversations are still ongoing with the interested party to agree an updated SoCG at a subsequent deadline.

1.5.5 **Table 1-1** provides an overview of the status of each SoCG at Deadline 4.

Table 1-1 Position of SoCG's at Deadline 4

Party	Position at Deadline 4
Final Signed SoCG all matters agreed	
None to date	
Final Signed SoCG with matters outstanding	
None to date	
SoCG submitted in draft at Deadline 1	
Lincolnshire County Council	The following issues have been agreed : the location of the application site is within an allocated waste management site, including Energy from Waste; incorporation of a wharf and use of vessels to import waste is a significant benefit of the project; the development is being undertaken in the light of commercial and policy factors which may change in the future; loss of habitat; appropriateness of the DCO; procedures for discharging requirements; the need to draw up a policy matrix.
Environment Agency	The following issues have been agreed : Construction stage drainage and associated permits; the disposal of surface and waste water; the Definition of Waste: Code of Practice (DoWCoP) is to be applied; landfill (ground) gases; protection of groundwater sources; bale splitting to be carried out indoors; construction phase noise; requirement for the EA to be a consultee for various documents.
Historic England	The following matters have been agreed : DCO articles are appropriate; there is a suitable framework for securing environmental mitigation and other environmental control measures.
Port of Boston	The only one issue within the document, 'Navigational Safety' is agreed . However, the SoCG will be updated at Deadline 2 to include statements on: dredging; marine consent; navigational lighting and aids to navigation; form and design of new wharf and approaches; and operational plans.
Public Health England	The following matters have been agreed : air quality mitigation measures for vessels; the health impact assessment methodology; and technical aspects of the assessment.
Western Power Distribution	The single issue in this SoCG relates to agreeing protective provisions for Western Power Distribution.
Boston Borough Council	The following matters have been agreed : approach to archaeological investigations; reduction to highways impacts due to use of vessels; scope and content of the DCO; inclusion of tree works within documents required by the DCO; notice period

Party		Position at Deadline 4	
		to commence on site; jobs/training to be addressed through direct agreement with the Council; and collection of details on sources of waste material.	
Anglian Water		The following matter has been agreed : no compulsory acquisition of any assets and Anglian Water's interests can be protected through appropriate Protective Provisions.	
Marine Management Organisation		The matters that have been agreed all relate to deferral to other statutory bodies: Habitats Regulation matters to Natural England; matters associated with the Water Framework Directive, matters pertaining to flood risk, advice in relation to impacts to migratory fish species and Environmental Permitting requirements to the Environment Agency; Historic England for views on such matters; and navigational safety to appropriate bodies.	
SoCG submitted in draft at Deadline 2			
Boston and Fosdyke Fishing Society (BFFS)		All matters remain under discussion with BFFS including (but not limited to): navigational hazards, timing, vessel pollution, dredging activity and mitigation measures.	
Port of Boston		Additional issues were added to the SoCG at Deadline 2 which are all agreed , including: dredging, marine consent, navigational lighting and aids to navigation, form and design of the new wharf and approaches, operational plans and notices to mariners.	
SoCG submitted in draft at Deadline 4			
Boston Borough Council		<p>In addition to the matters agreed at Deadline 1, the following matters have been agreed for Deadline 4:</p> <ul style="list-style-type: none"> • Dust monitoring and management measures, following issue of the Outline Air Quality and Dust Management Plan (document reference 9.39, REP3-015). • Improved access to Marsh Lane Industrial Estate would not be a deliverable output of the scheme. • Monitoring of the Spirit of Endeavour Roundabout is not included as mitigation. • Road adoption will not form part of the scheme. • A bus route through the industrial estate is not a deliverable output from the scheme. • The tourism assessment scope. <p>There are several outstanding points to be agreed with the Section 106 agreement. The Applicant will continue discussions with Boston Borough Council and is confident that agreement can be reached on the matters that remain under discussion.</p>	

Party	Position at Deadline 4
Lincolnshire County Council	<p>In addition to the matters agreed at Deadline 1, the following matters have been agreed for Deadline 4:</p> <ul style="list-style-type: none"> • The need for the Facility to include Policy W1 of the Lincolnshire Minerals and Waste Local Plan. • Local waste arisings. • Stopping up and diversions of Public Rights of Way. • Combined Heat and Power.
Environment Agency	<p>In addition to the matters agreed at Deadline 1, the following matters have been agreed for Deadline 4:</p> <ul style="list-style-type: none"> • The Expert Geomorphological Assessment is embedded within the Environmental Statement. • Matters regarding air quality (in relation to the DCO examination). • Visible plumes. • Noise requirements (in relation to the DCO examination).
Historic England	<p>In addition to the matters agreed at Deadline 1, the following matter has been agreed for Deadline 4:</p> <ul style="list-style-type: none"> • The Outline Written Scheme of Investigation (document reference 7.3(1), REP1-012) is suitable following amendments. <p>There is one outstanding point on piling to be discussed and agreed. The Applicant has arranged a meeting to discuss this point on 6th January 2022. The Applicant is confident that agreement can be reached.</p>
Public Health England	<p>In addition to the matters agreed at Deadline 1, the following matter has been agreed for Deadline 4:</p> <ul style="list-style-type: none"> • The air quality impact assessment conclusions will be reviewed by the Environment Agency as part of the environmental permit application. <p>There is one outstanding point on fire prevention on vessels which is intended to be confirmed through discussions with the Maritime and Coastguard Agency (MCA), with a meeting planned on 16th December 2021. The Applicant is confident that agreement can be reached.</p>
SoCG yet to be drafted or otherwise not available	
Natural England	Both parties are working towards submission of a draft SoCG for as soon as possible.
Lincolnshire Wildlife Trust	Both parties are working towards submission of a draft SoCG for as soon as possible.
RSPB	Both parties are working towards submission of a draft SoCG for as soon as possible.

2 Summary of Commonality of Each Topic Covered

2.1.1 This section provides a summary of the topics covered in each of the SoCGs and shows where there is commonality in the topics or matters being discussed with the stakeholders. Please note this table provides broad categories of agreement however specific subjects of agreement are shown within the individual SoCGs.

2.1.2 **Table 2-1** presents the current summary of commonality on each of the topics discussed between the Applicant and the stakeholder using the following colour code:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed
	Topic not relevant to the stakeholder or deferred

2.1.3 Similar to the tables above, as the SoCGs are progressed, the Applicant will update **Table 2-1**.

Table 2-1 Summary of Commonality with each stakeholder in relation to each topic covered

Document Reference	Party	Project Need	Policy and Legislation	Project Description	Cultural Heritage	Outline WSI	L VIA	Noise and Vibration	Contaminated Land	Terrestrial Ecology	Surface Water and Flood Risk	Flood Risk Assessment	WFD Assessment	Air Quality	Marine Water and Sediment Quality	Estuarine Processes	Marine and Coastal Ecology	Habitats Regulations Assessment (HRA)	Navigational Issues	Navigational Risk Assessment and Navigation Management Plan	Traffic and Transport	Socio-Economics	Climate Change	Health	Waste	Major Accidents	Public Rights of Way	Combined Heat and Power	OLEMS	Draft DCO and DML	Planning Statement	Protective Provisions	Environmental Permit		
8.1	Lincolnshire County Council	Green	Yellow		Yellow	Yellow					Green						Green				Yellow	Green	Yellow		Yellow		Yellow	Green	Yellow	Green					
8.2	Environment Agency			Yellow			Green	Green	Green		Green	Yellow	Yellow	Green		Yellow									Green					Yellow	Yellow			Yellow	
8.3	Historic England				Yellow	Green																								Green					
8.4	Port of Boston																		Green	Green															
8.5	Public Health England								Green					Green										Green		Yellow									
8.6	Western Power Distribution																															Yellow			
8.7	Boston Borough Council			Yellow	Yellow	Yellow	Yellow							Green							Yellow	Yellow	Yellow			Yellow				Yellow	Yellow				
8.8	Anglian Water									Yellow																				Yellow		Yellow			
8.9	Boston and Fosdyke Fishing Society										Yellow				Yellow				Yellow	Yellow		Yellow													
8.10	Marine Management Organisation				Green								Green				Yellow	Yellow	Green											Yellow	Green		Green		
8.11	Natural England																																		
8.12	Lincolnshire Wildlife Trust																																		
8.13	RSPB																																		