



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

Boston Alternative Energy Facility

Appendix B3

**A Summary of Natural England's Position on the Potential Impacts to The Wash SPA  
Annex I passage and Overwintering Birds**

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

---

20<sup>th</sup> December 2021

**Natural England provides the following summary of Natural England’s position at the end of 2021 on the potential impacts to The Wash SPA Annex I passage and overwintering birds from the proposed Boston Alternative Energy Project/Facility**

This advice is provided without prejudice to advice provided on impacts to priority habitats which also need addressing and doesn’t therefore take priority over that.

**Wharf area within the Haven - mitigation**

- Natural England advises that if impacts to functionally linked land can be remedied within the existing functionally linked land then the Applicant will have mitigated risks to Annex I SPA features. However, if the mitigation doesn’t satisfactorily minimise the impacts to SPA features then we advise this becomes an additional compensation issue.
- Whilst we welcome the Applicant’s provision of survey data for the wharf area along the Haven [REP3-019], this data has only served to further support the importance of this area as supporting habitat for Annex I SPA birds. Therefore, Natural England’s advice in relation to the requirement for extensive mitigation measures for direct habitat loss from the construction of the facility remain unchanged.
- The level of data collected for the wider Haven area and assessment is insufficient to have certainty in the potential effectiveness of any mitigation measures proposed along the Haven. This is due to both land and water-based disturbance from existing activities and/or potential for in direct changes to these areas from increased erosion from the presence of the wharf and/or increased boat traffic.
- The ongoing suitability of ornithological mitigation would need to be resolved before any construction activities could commence including, but not exclusively, long-term management of mitigation areas. Therefore, we advise that if the other ecological matters are resolved, and the Secretary of State is minded to consent this project, then the requirement for a full set of pre-construction survey data covering at least 12 months would be required to inform the discharge of any named mitigation plan within the DCO/dML in consultation with relevant SNCB prior to the commencement of construction to ensure it remains fit for purpose for the lifetime of the project.

**Mouth of the Haven the Wash SPA – compensation**

- Even if the required standard best practice project specific data sets are provided, our advice that an AEoI can’t be ruled out is unlikely to change due to the additional number of vessel movements adjacent to known roost sites for birds which are known to either:
  - Be disturbed and leave roost locations with no return thus the distribution of species is not being maintained within the SPA as required by the conservation objectives; OR
  - Be repeatedly disturbed and returning resulting in potential impact to energy budgets which could affect abundance within the SPA in the long term.
- Whilst the focus of the compensation discussion has been on Annex I redshank, potentially 24 Annex I species/Assemblage features of The Wash SPA are exposed to the same risk at the mouth of the Haven and are likely to require similar compensation.
- Using the evidence that has been presented as a Worst-Case Scenario (WCS) we advise that the proposals will hinder the conservation objectives of The Wash SPA and therefore an adverse effect on integrity can’t be excluded beyond all reasonable scientific doubt.

- We advise that suitable compensation measures for roosting Annex I birds should be secured as part of the consenting process.
- Where there are uncertainties on the scale of the impact and potential deliverability of a proposed compensation measures, such is the case for this NSIP, a higher ratio of compensation is required.
- Options for like for like roost creation within the SPA is the first consideration within the compensation hierarchy. However, we highlight that this is likely to be to the detriment of designated site features of The Wash and North Norfolk Coast SAC which has an overlapping boundary with The Wash SPA. Therefore, further compensation considerations may be required.

### **Net Gain/Enhancement/Nature Recovery**

- Whilst not currently a mandatory requirement for NSIPs, Natural England encourages the Applicant to provide project level biodiversity Net Gain and/or invest in local Nature Recovery projects.