

Date: 25 January 2022  
Our ref: Case: 14030 Consultation: 380524  
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 5.

**1. Natural England Deadline 5 Submissions**

Natural England has reviewed the relevant documents submitted by the Applicant at Deadlines 3 and 4. 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 B3 – NE Comments on Autumn Surveys of Waterbirds at the Principal Application Site [REP3-019] and Noise Modelling and Mapping Relating to Bird Disturbance at the Principal Application Site [REP4-015]
- Appendix D3 – NE Comments on Outline Air Quality and Dust Management Plan [REP3-015] and Air Quality Deposition Monitoring Plan [REP4-016]
- Appendix E3 – NE Comments on Public Rights of Way and English Coast Path
- Appendix F3 – NE Comments on dDCO [REP3-0020 and Schedule of Changes [REP3-022]
- Appendix H4 – NE Risk and Issues Log Deadline 5
- Appendix J3 – NE Comments on OLEMS [REP3-008]

## 2. Habitats Regulations Assessment (HRA) Screening and Integrity Matrices [REP3-018]

### i) English Coast Path

In relation to the Applicant's proposed English Coast Path alignment (the inland path which follows the public right of way), Natural England agree there will be no effect on SPA features. The proposed area is scrubby (redundant) land closer to Boston and in the industrial area which is not used by SPA birds. Therefore, NE agree with the reasoning presented in this document despite there being more publicly accessible areas being created. Please see Appendix E3 submitted at Deadline 5 for more comments in relation to English Coast Path and Public Rights of Way

### ii) HRA Integrity Matrix A17.1.2.1 The Wash SPA

Natural England disagrees with Applicants rationale for the allocation of x(b) i.e. excluding adverse effect on integrity for all interest features of the Wash SPA. Please see all of our Ornithological responses to date which demonstrate why we disagree.

### iii) HRA Integrity Matrix A17.1.2.2 The Wash and North Norfolk SAC

Natural England doesn't agreed with the rationale provided at a, b, c, d, e to exclude AEOL on the Integrity of the Wash and North Norfolk Coast SAC. All previous outstanding issues remain.

### iii) HRA Integrity Matrix A17.1.2.3 The Wash Ramsar

As for the Wash SPA we do not agree that an AEOL can be excluded

## 3. Responses to ExQ2

ExQ2	Question	NE Response
Q2.3.1.7	Following the submission of the ES/HRA Addendums at D1, containing additional information on HRA in-combination effects do the IPs have any outstanding concerns about the scope of the in-combination assessments?	Overall, due to outstanding issues with the assessments it remains unclear to NE if all of the in-combination impacts have been identified and/or appropriately assessed.  However, As per [REP2-042] NE now believes that REP1-028 4.3.21 addresses potential in-combination impacts on Air Quality.

Q2.3.1.18	Please could the IPs state if they consider that the updated screening and integrity matrices submitted at D3 [REP3-018] now include all the features that may be affected by the Proposed Development and reflect the likely effect pathways for effects on those features.	Please see section 2 of this document.
Q2.3.1.22	Please would NE submit their updated Risk and Issues Log at Deadline 5, 25 January 2022.	Please see NE Deadline 5 Appendix H4.
Q2.3.1.26	The preamble to the updated screening and integrity matrices submitted at D3 include an assessment of the effects of the proposed re-routeing of the England Coast Path on The Wash SPA and Ramsar site and a conclusion of no LSE (although the updated matrices do not include specific reference to the England Coast Path). Please could NE state whether they consider that the assessment of effects is sufficient and whether they agree with the Applicant's conclusion.	Please see section 2 of this document. And NE Deadline 5 Appendix E3.
Q2.12.0.6	Are NE in agreement with the realignment of the England Coast Path as detailed by the Applicant in the Written Summary of the Applicant's Oral Case at Issue Specific Hearing 2 (ISH2) on Environmental Matters (Part 1), agenda item 5(d) [REP3-022], and if not please detail any suggested changes.	Please see NE Deadline 5 Appendix E3.

#### **4. ExA commentary on draft Development Consent Order**

Natural England has reviewed this and has no comment to make on this document. We will review any updated version of the DCO/dML submitted by the Applicant at the remaining deadlines. Please see Natural England's Deadline 5 Appendix F3

#### **5. Mitigation and Monitoring within the DCO/dML**

Natural England has advised within Appendix B3 that a range of ornithological mitigation and monitoring need to be secured within the DCO/dML. We would suggest that this mitigation and monitoring would best be secured through inclusion of an ornithological mitigation and monitoring plan, with an outline plan being submitted into examination as early as possible. Additionally, we wish to highlight that within Appendix J2 we have asked for the inclusion of a construction window as a separate DCO/dML condition outside of the OLEMS. This is due to the need to ensure that this key mitigation occurs and to avoid any ambiguity or confusion prior to construction.

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

