THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Boston Alternative Energy Facility

Appendix J2 to Natural England's Deadline 5 Submission

Natural England's Advice on Outline Landscape Ecological Mitigation Strategy (OLEMS) [REP3-008]

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

25th January 2022

Natural England's Advice on Outline Landscape Ecological Mitigation Strategy (OLEMS) [REP3-008]

Summary

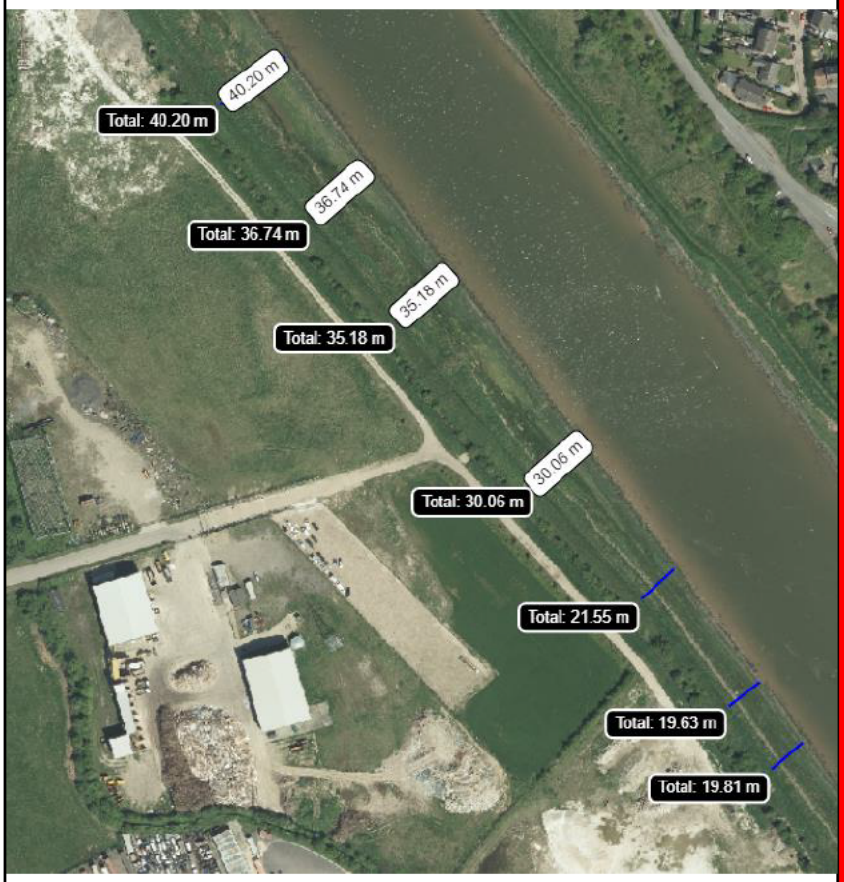
The provision of the updated OLEMs has not satisfactorily addressed Natural England concerns and therefore we advise that further consideration by Applicant is given to the points raised below. If these matters are not addressed, then we believe that it is highly probable that significant effects to designed site features and priority habitats will occur from the construction and operation of the project.

Detailed Comments table

Para No.	Comment	RAG status
Executive Summary	Natural England queries which version of the biodiversity metric will be used? Version 3 of the calculator should be considered as the calculations for intertidal habitats has been amended to reflect the value of the habitat and complexity in creation – it is likely that using Version 3 would influence the number of intertidal units (total net change). This information should be presented here so that a full assessment can be made. We would request that the updated calculation is undertaken ahead of DCO approval.	
1.1.8	As per previous comments, Natural England advises that enhancement for the benefit of ornithological features shouldn't be to the detriment of priority habitats and a balance will need to be achieved.	
1.1.8	The bullet points for habitat mitigation do not mention re-profiling the bank within the saltmarsh. However, it is included in other sections there we advise this is amended accordingly.	
A1.1.3	Natural England advises that although the area available to roost will be the same, there will be a loss of one of the two roosts in the area. If birds are displaced from one roost, there will be no alternative site. Careful monitoring, with adaptive management applied in the event of displacement from the roost, will be necessary .	
A1.1.5	"With piling restrictions in place to avoid overwintering periods any noise impacts on waterbirds using The Haven and the habitats along The Haven are minimised." Natural England advises that impacts may be minimised by the approach, but they will not be eliminated. Also, it should be noted that during piling the risk zone extends to 450m not the 250m appropriate at other times.	
A1.2.1	Natural England advises the created roost habitat will need to be maintained long term to ensure it remains fit for purpose. In addition, we advise that optimal roosts are protected by water which limits risks from terrestrial predators. A useful document covering artificial roost design can be found at: [redacted]	
Plate A1-3	Plate A1-3 Mitigation measures proposed for the Habitat Mitigation Area - NE notes that the plan is to "*decrease the gradient of the bank*" Natural England requests that more	

	details on this method / area is provided as we are concerned that this will increase visual disturbance to birds using the saltmarsh from the footpath? We also note proposals to "Flatten/ remove the old bank "are included. As above more details on this have been requested previously – in terms of method used, the volume of material, length of bank (extent) etc. But they are not included. There could be impacts to existing saltmarsh, but if done well there are opportunities to restore/ create more low-middle marsh saltmarsh in the Habitat Mitigation Area. Natural England queries if the removal of this bank influence visual and noise disturbance to birds using the saltmarsh (from the footpath and also from The Haven Channel).	
A1.2.2	The introduction of these mitigation features are not expected to have any adverse impacts in themselves as the works are relatively minor. As noted above, the removal of the old bank and decrease the gradient of the bank could impact the existing saltmarsh.	
A1.2.2	Improvements to the quality of the saltmarsh, which is being squeezed between The Haven and the seawall along The Haven, reduces the extent of zonation that can occur within the saltmarsh and is considered by NE to be an unqualified statement. The question remains what BAEP will do and how will it be secured.	
A1.2.2	Works will ideally be undertaken outside the nesting bird season as well – *i.e.* August and September. And therefore, further mitigation may be required for delivery of any mitigation measure.	
A1.2.3	Natural England advises that calculations on how much material will be generated from this are required - as could be a significant amount in terms of the bank removal which is likely to increase the significance of the impact.	
A1.2.4	As per previous comment further details on this activity are required.	
A1.2.7	NE advises that it is best practice for project specific data to be collected by the Applicant.	
A1.2.9	It remains unclear what the frequency of the post-construction surveys will be and who will be consulted on them after the initial years of post-construction monitoring.	
A1.4.1	Please be advised that there is likely to be impacts to Annex I birds during the passage period April- May and August – October of any given year. But a consent window of 1st April – 30th September of any given year is consistent with	

	sustainable development consents in The Wash, to allow for a feasible construction window. A condition or requirement should be included within the DCO or dML to ensure this important mitigation occurs.	
A1.4.2	NE advises that monitoring is not mitigation and outline management measures should be agreed now to minimise the impacts and give the SoS confidence that the project will not adverse effect/significantly impact designated site features.	
A1.4.2	Natural England advises that during piling operations, the risk zone from operations is greater than the 250m proposed and may be as much as 450m. Therefore, the assumption should be that during piling operations the monitoring will need to extend to 450m until the response of birds is established.	
A1.5.1	NE notes that this section doesn't specify what the next steps will be if a threshold is breached.	
A.1.5.4	Natural England's comments provided on Chapter 17 and any associated addendums are still relevant here and haven't be addressed.	
A1.6.2	NE have requested use of Version 3 for the intertidal areas in previous comments – this remains outstanding.	
A1.7.1	Proportion of saltmarsh loss in The Haven equates to 5.5%; proportion of mudflat loss in Haven equals 4.2%.	

A1.7.3	At narrowest point 15m (to southern end)- but at widest (northern end) up to 40m wide.  	
A1.7.3	Although this area of saltmarsh is not SPA, it is functionally linked land (providing supporting function to SPA species).	
A1.7.3	NE continues to disagree with 'poor' saltmarsh classification by Applicant – see annexes below.	
A1.7.9	Picking up litter / debris is not actually increasing the area of saltmarsh. Clarity is needed on what debris will be removed and how. And whilst plastic and wood rubbish is acceptable; plant litter should not be removed. Also, on the next high tide rubbish is likely to be redeposited across the saltmarsh again and will accumulate in the strandline as shown in the images. Therefore, we query how frequently litter will be removed?	
A1.7.13	NE notes that there is no mention of ongoing maintenance/management over the lifetime of the project	

Annex 1: Criteria as per the Metric 2 guidance for saltmarsh[1]

Condition	Assessment Criteria	Score
Good	• Area under consideration and any adjoining saltmarsh habitats meets the majority of the criteria with only minor variation. • None of the indicators of poor condition (see below) are present • No evidence of pollution or algal growths that are likely to be attributable to nutrient enrichment. No direct effluent discharges. • No evidence of non-native species (plants or animals) • Tidal inundation regime unaffected by artificial structures or actions • Zonation of vegetation is present and continuous • Vegetation has a mixed structure reflecting variation in species composition or light seasonal grazing	3
Fairly good	• Evidence of low-level pollution. Small amounts of algal growth visible that could be attributable to nutrient enrichment. • One or more non-native species are present in small numbers or spatial extent. (Non-native or invasive plants should occupy no more than 5%). • indicators of poor condition are present but localised • zonation of vegetation is present but may have gaps or be incomplete • Processes appear to be functioning and not compromised by artificial structures	2.5
Moderate	• One or more non-native species have a significant presence in some parts of the area under consideration • Indicators of poor condition are present • Zonation of vegetation is not clearly visible • Some zones dominated by just one or more tall species OR vegetation too tightly grazed and forming short, uniform sward in patches • Immediate area under consideration is connected with a wider area of saltmarsh that is 'Moderate' or better condition • Processes appear to be functioning despite presence of artificial structures on edge of marsh	2
Fairly poor	• Large parts of some zones dominated by just one or more tall species OR vegetation too tightly grazed and forming extensive areas of short, uniform sward • Area under consideration is not connected to a wider area of saltmarsh or intertidal • Non-native or invasive species are clearly present and have significant presence throughout the area under consideration	1.5
Poor	• Most criteria are not met	1

	• Evidence of artificial intervention widespread and clearly affecting habitat quality and/or processes • Zonation visibly compromised, a few species dominate • Vegetation structure is uniform across the whole area • Creeks are artificially straightened • Widespread evidence of algal mats smothering saltmarsh vegetation • Non-native or invasive species are dominant throughout the area under consideration and any surrounding habitat	

Poor saltmarsh quality is classified as

1) *Evidence of artificial intervention widespread and clearly affecting habitat quality and/or processes*

In relation to the proposed wharf location - while we agree the saltmarsh width is narrow (but not as narrow as stated) with coastal sea defence limiting landward extent; our observations show that there are multiple vegetation zones present/ veg communities present and clearly functioning as saltmarsh

[1] *Annex 1 refers to the Biodiversity Metric 2.0: Technical Guidance for Intertidal Habitats – available at* [redacted]

2) *Zonation visibly compromised, a few species dominate*

Natural England disagrees as per NE's survey 2021 which identified several NVC communities from upper to low-marsh as present including the typically under-presented community on The Wash SM16; species-diversity at the wharf locations is surprisingly high.

3) *Vegetation structure is uniform across the whole area*

Natural England disagrees as the varied communities have produced a varied veg structure at the works locations

4) *Creeks are artificially straightened*

Not Applicable as no creeks present in this section of saltmarsh.

5) *Widespread evidence of algal mats smothering saltmarsh vegetation*

No algae present, no indication of pollution or run-off

6) *Non-native or invasive species are dominant throughout the area under consideration and any surrounding habitat*

Natural England advises that none are present – note Spartina anglica is not now classified as a non-native species]

For a Moderate classification

1) *One or more non-native species have a significant presence in some parts of the area under consideration*

Natural England advises that non-native species are not present as a significant proportion of sward**.**

2) Indicators of poor condition are present

3) *Zonation of vegetation is not clearly visible. Some zones dominated by just one or more tall species OR vegetation too tightly grazed and forming short, uniform sward in patches*

During NE survey 2021 we observed varied species, communities and vegetation structure

4*) Immediate area under consideration is connected with a wider area of saltmarsh that is 'Moderate' or better condition*

Natural England advises that the Wharf area is connected to wider areas of saltmarsh, namely the proposed Habitat Mitigation Area.

5) *Processes appear to be functioning despite presence of artificial structures on edge of marsh*

In relation to the proposed wharf location – while we agree the saltmarsh width is narrow (but not as narrow as stated) with coastal sea defence limiting landward extent; our observations show that there are multiple vegetation zones present/ veg communities present and clearly functioning as saltmarsh

Annex 2: Zones and NVC communities recorded in Wharf area by Natural England 2021[2]

Low-Marsh - SM11 *Aster tripolium* var. discoideus salt-marsh community;

Low-Marsh - SM13a *Puccinellia maritima* salt-marsh community, sub-community with *Puccinellia maritima* dominant;

Low-Marsh - SM13d *Puccinellia maritima* salt-marsh community, *Plantago maritima-Armeria maritima* sub-community;

Mid-upper marsh - SM16c *Festuca rubra* salt-marsh community, *Festuca rubra-Glaux maritima* sub-community;

Upper-transitional - SM24 *Elymus pycnanthus* salt-marsh community

[2] Natural England's site visit on 7th September 2021, sent to the Applicant on 24th November 2021