

REPORT

Boston Alternative Energy Facility

Comments on Interested Parties Responses to the
Examining Authority's Second Written Questions

Client: Alternative Use Boston Projects Ltd.

Planning Inspectorate EN010095

Reference:

Document Reference: 9.66

Pursuant to: N/A

Reference: PB6934-ZZ-XX-RP-Z-4097

Status: Final/0.0

Date: 08 February 2022



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Document title: Boston Alternative Energy Facility

Document short title: Comments on Interested Parties Responses to the Examining Authority's Second Written Questions

Reference: PB6934-ZZ-XX-RP-Z-4097

Status: 0.0/Final

Date: 08 February 2022

Project name: Boston Alternative Energy Facility

Project number: PB6934

Author(s): Project Team

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Date: 08/02/22

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Date: 08/02/22

Classification

Project related

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Glossary of Acronyms

Terms	Definition
AEol	Adverse Effect on Integrity
APCr	Air Pollution Control residues
AUBP	Alternative Use Boston Projects Limited
BAT	Best Available Techniques
COLREGS	Convention on the International Regulations for Preventing Collisions at Sea (1972)
CO ₂	Carbon dioxide
DCO	Development Consent Order
EA	Environment Agency
ExA	Examining Authority
FBA	Incinerator bottom ash
HRA	Habitats Regulations Assessment
ISH2	Issue Specific Hearing 2 (Environmental Matters)
LWA	Lightweight Aggregate
MMO	Marine Management Organisation
NE	Natural England
RAG	Red-Amber-Green
RSPB	The Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

1 **Comments on Interested Parties Responses to the Examining Authority's Second Written Questions**

- 1.1.1 This 'Comments on Interested Parties Responses to the Examining Authority's Second Written Questions' document for the Boston Alternative Energy Facility (the Facility) supports the application for the Development Consent Order (DCO) (the DCO application) that has been made to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the Act) by Alternative Use Boston Projects Limited (AUBP) (the Applicant).
- 1.1.2 Table sets out each of the Examining Authority's (ExA's) Written Questions issued on 11th January 2022 (ExQ2), followed by the Interested Parties response, along with the Applicant's response to the Interested Parties. Only the questions directed to Interested Parties (in full or part) are answered.

Table 1-1 Comments on ExQ2 for the Environment Agency

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
Q2.3.0.6	<p>Please would the EA provide an update on what progress has been made regarding concerns about the Lightweight Aggregate Plant?</p> <p>Please would the Applicant confirm what implications could this mean for number of vessel movements?</p>	<p>2.1 The Applicant has commenced pre-application discussions with the Environment Agency (EA). The EA has submitted questions on a range of topics including one on the Lightweight Aggregate (LWA) plant. This relates to the mixing of a hazardous waste stream (Air Pollution Control residues - APCr) with a non-hazardous waste stream (incinerator bottom ash - FBA) for subsequent processing within the LWA plant. The mixing of a hazardous waste with a non-hazardous waste is generally not permitted by the regulations.</p> <p>2.2 A legal view has been obtained which states that as a starting point (as per the WI BAT C) we consider APCr and FBA should not be mixed. The Applicant would have the opportunity through the permitting process to demonstrate that it is Best Available Technique (BAT) and that there is an environmental/process benefit to the APCr being mixed with the FBA. There would need to be a clear demonstration that the mixing does not result in increased volumes of hazardous waste and that it is not being used as dilution. The APCr would need to clearly add something to the process which improves the quality of the output.</p>	<p>As part of the pre-application discussions, the Applicant has met with the EA on three occasions (meetings on 20 October 2021 and 25 January 2022, site visit on 7 December 2021) to discuss the Environmental Permit application and timescales, including the proposed LWA Plant. At the latest meeting on 25 January 2022, there was a constructive discussion regarding the EA's concerns in relation to the LWA Plant and in regard to the mixing of the APCr and FBA streams.</p> <p>To address these concerns, the Applicant proposed and agreed to prepare a permitting roadmap for the LWA Plant that:</p> <ol style="list-style-type: none"> 1. Outlines how the Applicant will address the EA's concerns as part of the Permit application including: <ol style="list-style-type: none"> a. demonstrating how the proposed LWA Plant technology and management system would represent BAT b. addressing the points raised by the EA at the meeting and in their pre-application response (24 January 2022), as well as stated in Q2.3.1.23 (below)

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>2.3 It would also need to be demonstrated that the LWA plant is BAT as a whole and we would consider issues including the points below under Q.3.1.23 when making this decision.</p>	<p>2. Includes the preparation of an End of Waste Determination and Quality Protocol application to demonstrate that the mixing of APCr and FBA:</p> <ol style="list-style-type: none"> a. provides an environmental benefit b. improves the quality of the final product c. does not result in the generation of an increased volume or release of hazardous waste d. is not dilution of hazardous waste and, instead, is BAT <p>The agreement on producing the LWA permitting roadmap is a positive step and highlights that the EA will consider the LWA plant on its merits and the Applicant will be providing the required information at the relevant juncture on an agreed basis.</p>
Q2.3.0.9	<p>Please would the Applicant and the EA provide an update regarding progress of Environmental Permits required for the Proposed Development? Please include details of the timeline for agreeing what permits are required, as well the consultation period(s).</p>	<p>2.4 No environmental permit application has been received. We have advised on the typical timeframe for a permit determination for this type of application that includes a novel process. Public consultation would be required and so this extends the timeline required to issue any permit.</p>	<p>At a meeting with the EA (25 January 2022), the Applicant discussed:</p> <ul style="list-style-type: none"> • indicative timeframes for a permit application; and • public consultation of the permit application. <p>The EA agreed, that in principle, both the Energy from Waste and Carbon Capture Plants were permissible. The EA cannot currently state that the</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
			<p>LWA Plant is permissible, based upon its current understanding.</p> <p>As part of the Permit application, the EA stated that it would require an End of Waste Determination and Quality Protocol for the LWA end product, and that the indicative timescales for an End of Waste Determination are six months to one year.</p> <p>Additionally, the EA stated that public consultation for a 'Site of High Public Interest' would extend the determination process by ten days, from 20 working days to 30 working days, from the date of the Permit application being Duly Made.</p>
Q2.3.1.23	<p>Please can the EA state whether the Applicant's Technical Note on Lightweight Aggregate [REP4-018] has addressed the EA's question discussed at ISH Part 1 about alternative treatment for materials in the absence of a permit for the LWA plant.</p>	<p>2.5. The EA has reviewed the Applicant's Technical Note on Lightweight Aggregate [REP4-018].</p> <p>2.6. This Technical Note does not offer alternative techniques but provides information on LWA plants that have been/are permitted by the Environment Agency and aims to show that the proposed LWA plant is not novel.</p> <p>2.7. The EA has concerns with the proposals, including:</p>	<p>The Applicant notes the concerns expressed by the EA, in relation to the LWA Plant, the majority of which were discussed during the meeting held on 25 January 2022. These concerns will be addressed in the LWA permitting roadmap that the Applicant has agreed to prepare (see response to comments on Q2.3.0.6 above).</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<ul style="list-style-type: none"> Does the process work? Producing LWA from a combination of bottom ash and APCr has not been done before. The only thermal LWA plant currently in operation uses non-hazardous Pulverised Fuel Ash (PFA) as a feedstock. Evidence will need to be provided that the mixing of hazardous with non-hazardous waste is of clear benefit to the process/product and must not be used to dilute the pollutants present in the APCr. The environmental fate of pollutants present in the APCr must be addressed, including whether they could be released to air from the LWA process. Is producing LWA the best way to manage the bottom ash and APCr when compared with the conventional treatment approaches such as screening and direct use as an aggregate for bottom ash and carbonation of the APCr? How does the proposed process compare with these techniques from an environmental perspective? Producing LWA is an energy intensive process and releases CO2. No waste derived fuels are proposed, instead fuel oil would be used. 	

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<ul style="list-style-type: none"> These aspects would be considered during a permit determination. 	
Q2.15.0.1	<p>I note the following contained in the Applicant's response to Q1.15.01 [REP2-008]: 'The ongoing maintenance of the flood defences will be subject to an agreement with the EA. The Applicant is currently liaising with the EA as to the terms of this agreement.'</p> <p>Please would the parties update the Examination on progress with this agreement.</p> <p>In addition please also respond to the RSPB's comment regarding compensation proposals [REP3-033].</p>	<p>2.8. The EA and the applicant remain in discussions regarding the content of the side legal agreement. At this time no issues have arisen that suggest that in principle an agreement cannot be made. The EA is unable to confirm whether or not this agreement will be finalised prior to the examination concluding.</p>	<p>Discussions on the legal agreement are ongoing and the Applicant is preparing an updated draft to provide the EA shortly. While there are still matters to resolve the Applicant is endeavouring to conclude the agreement before the end of the DCO examination.</p>

Table 1-2 Comments on ExQ2 for the Natural England

No.	ExQ2	IP Response	Applicant's Comments on the IP's 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?	<p>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.</p> <p>However, As per [REP2- 042] NE now believes that REP1-028 4.3.21 addresses potential in-combination impacts on Air Quality.</p>	<p>The Applicant confirms that all known sources of impact have been considered.</p> <p>The Applicant requests clarification from NE regarding which specific issues with the assessments remain outstanding following response and updates to their Risk and Issues Log at Examination Deadline 5. The Applicant confirms that all known projects which were potential sources of impact were considered in the in-combination effects assessment.</p>
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.	<p>Please see section 2 of this document (added below).</p> <p>Habitats Regulations Assessment (HRA) Screening and Integrity Matrices [REP3- 018]</p> <p>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</p>	<p>English Coast Path</p> <p>The Applicant notes and welcomes Natural England's view on the proposed alignment and agreement that there will be no effect on Special Protection Area (SPA) features.</p> <p>HRA Integrity Matrix (ii), (iii) and (iv)</p> <p>Noted by the Applicant. The Applicant stands by the assessment conclusion</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>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</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>that there is no Adverse Effect on Integrity of designated sites.</p> <p>All interest features where there was considered to be a likely significant effect have been included together with discussion of the potential impact pathways.</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
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.	<p>The Applicant notes Natural England's Risk and Issues Log and considers this to be a useful document. However, the Applicant does feel that Natural England may have missed some information contained in previous responses to the Examination. The Applicant has (outside of the Examination) provided NE with a response to each point within their risk and issues log, signposting to where responses have been provided . This was provided to assist Natural England in identifying where information is contained in the Examination documents.</p> <p>The Applicant may submit their own annotated version of the log at a future deadline noting where they feel Natural England has not fully considered information contained in Examination documents.</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
Q2.3.1.26	<p>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.</p>	<p>Please see section 2 of this document. And NE Deadline 5 Appendix E3.</p>	<p>The Applicant notes and welcomes Natural England's response to Question 2.3.18 (above) that, "Natural England agree there will be no effect on SPA features."</p>
Q2.12.0.6	<p>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.</p>	<p>Please see NE Deadline 5 Appendix E3.</p>	<p>The Applicant notes and welcomes Natural England's Deadline 5 Appendix E3 (REP5-015) submission on this matter. In this document Natural England state that, "We therefore accept that the proposed alternative route suggested by the Applicant would be an appropriate replacement to the existing Public Right of Way and have no objection". (Our emphasis)</p> <p>The Applicant also notes Natural England's views on 'access to the</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
			<p>coast' where they acknowledge that the section of path affected is short (200m) whilst maintaining their suggested alternative route should be used. The Applicant's position on this matter is set out in their Written Summary of the Applicant's Oral Case at Issue Specific Hearing 2 (ISH2) on Environmental Matters (Part 1) (document reference 9.47, REP3-023). The Applicant maintains its position set out in this document that the alternative route Natural England suggested is not to be included in the DCO Application for the reasons stated.</p>

Table 1-3 Comments on ExQ2 for the MMO

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
Q2.3.0.19	Please update the Examination regarding agreement with the IPs regarding a maximum vessel speed.	The MMO were in agreement with Natural England on the initial speed of 4 knots. The applicant has since stated that this is too low. The MMO request further information from the applicant and the harbour authority that shows a reasonable maximum vessel speed.	<p>The Applicant submitted the following response to Q2.3.0.19: "The Port of Boston relies on the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) safe speed, and in the case of large shipping, safe speed is set by the onboard pilot and is based on the prevailing circumstances, conditions and proximity of other vessels. The vessels associated with the Facility would therefore conform to current practice in The Haven.</p> <p>Discussions with the Port of Boston have identified that they would not agree to a speed limit within The Haven that compromised vessel safety and the existing situation with regard to safe speed needs to be maintained to ensure vessel safety."</p> <p>The Applicant has shared this response with the MMO (via email) who have confirmed they are content with the answer provided and would take lead from Port of Boston on the</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
			safe operating speed for vessels within The Haven.

Table 1-4 Comments on ExQ2 for the RSPB

No.	ExQ2	IP Response	Applicant's Comments on the IP's 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?	The RSPB remains concerned that all potential projects that could have an in-combination effect have not been considered by the Applicant. We note, in particular, that the Boston Solar Park (Lincolnshire County Council Planning Reference B/21/0309 - Proposed solar park on Boston Landfill site) has been in planning since June 2021. This application would see solar arrays constructed adjacent to the Boston Alternative Energy Facility site and on the southern side of Slippery Gowt Pits on the former Boston landfill site. This needs to be considered with respect to the timing of construction and implications for operational effects. This is necessary as this	The Applicant stresses that assessments considered all projects in planning (or more advanced) with a potential to have an impact in-combination with the Applicant Project at the time of assessment, and that the highlighted solar project was not in planning by the date of submission. The Applicant questions the relevance of baseline recreational disturbance specifically to the assessment of in-

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>development could impact the viability of the Applicant's proposed alternative redshank roost site. The in-combination assessment needs to be updated to reflect this.</p> <p>We also have seen no evidence that the Applicant has collected and assessed baseline levels of recreational disturbance that could be impacting on The Haven. This will need to consider land-based activities such as walking, dog walking and cycling from the Application site to the mouth of The Haven. Additional recreational activity on the water must also be considered from the Application site out to the anchorage area in The Wash. This information is necessary to ensure a complete assessment of disturbance effects from the land and water has been carried out to inform conclusions on waterbirds. This has particular relevance when considering the viability and management requirements of the proposed alternative redshank roost site and additional compensation sites the Applicant should be exploring. We set these concerns out in Section 6 (p.47-48) and Section 11 (pp.108-109) of our Written Representation (REP1- 060). The RSPB notes that after Deadline 5 there will be less than three months until the Examination closes. The Examining Authority have made it clear that this is a strict deadline. The RSPB's position is that with very limited time left this is one of many</p>	<p>combination effects. Sources of potential change in levels of recreation such as rejuvenation of the England Coast Path have been considered in the original HRA.</p> <p>The options for compensation and/or net gain sites have taken account of the recreational interests of the areas investigated to ensure that recreational impacts are minimised.</p> <p>The Applicant notes this Interested Party's response and conclusion.</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>issues that it will not be possible to resolve in this timeframe.</p> <p>We have seen no new evidence presented by the Applicant that addresses these concerns. We therefore remain concerned by the Applicant's approach to the in-combination assessment.</p>	
Q2.3.1.18	<p>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.</p>	<p>We do not consider the screening and integrity matrices provide an accurate assessment of the features affected by the facility. For example, we agree with screening in common scoter, but this is a species of deeper water that occurs outside the survey area of the mouth of The Haven closer to the anchorage area. No data have attempted to be collected to consider impacts on this species. This issue is also applicable to other species such as goldeneye and pintail which are known to occur in the area, but no data have been provided to enable conclusions to be drawn on the potential effect of increased vessel movements. We provide more detail on such data deficient species in our summary of our position submitted at Deadline 5.</p> <p>We set out in our comments on the Ornithology Addendum (REP4-026) our concerns regarding the Applicant's approach to the species that have been</p>	<p>The Applicant notes this response and has responded directly to:</p> <ul style="list-style-type: none"> the RSPB's summary of its position, submitted at Deadline 5; and the RSPB's comments on the Ornithology Addendum, submitted at Deadline 5 <p>within a submission at Deadline 6 (Second Report on Outstanding Deadline 2, 3, 4 and 5 Submissions' (document reference 9.68).</p> <p>The Applicant would like to point out that there is no evidence to show that declines in bird species within the SPA as a whole are due to the baseline levels of vessel movements along The Haven.</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>scoped into, and out of, the assessments. We also continue to disagree that conclusions of no adverse effect on integrity on The Wash SPA/Ramsar can be concluded beyond reasonable scientific doubt. This is in part based on the substantial limitations with the Applicant's assessments (as set out in Section 2 (pp.5-21) of our comments on the Ornithology Addendum; REP4-026). It is also based on the Applicant's own observations that features of The Wash SPA/Ramsar are disturbed by vessel movements at the Application site and the mouth of The Haven under baseline conditions, and that some of the species recorded may already be adversely affected by current levels of disturbance (as shown by species declines for dark-bellied brent geese, shelducks and other features). Additional vessel movements will cause further disturbance and add to existing baseline pressures.</p> <p>Our response to Q2.3.1.7 highlights that we continue to have concerns regarding the Applicant's in-combination assessment. We, therefore, consider that it is not appropriate for the Applicant to rule out in-combination impacts at the screening stage.</p>	

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
Q2.3.1.21	Please can the Applicant and IPs provide an update on progress with the respective SoCGs, particularly in relation to HRA matters, and indicate when draft SoCGs will be submitted.	<p>The Applicant provided the RSPB with an updated blank SoCG template on 7 January 2022 after we had requested an update on their plans for developing the SoCG. On review of the template we had additional comments that we provided to the Applicant on 14 January 2022. We recognise some progress by the Applicant, but there remain areas to resolve and significant work that the Applicant needs to undertake. Our comments on the revised template are:</p> <p>a) Paragraph 1.1.1 should state "This statement of common and uncommon ground (SoCG)..." The wording relating to setting out uncommon ground and the benefit of this must be drawn out in the SoCG that is being prepared between the RSPB and AUBP Ltd. The following wording should be adopted in the SoCG that is being prepared: <i>"The purpose of this SoCG is to set out the position of the parties, so far as they relate to the matters of concern ("uncommon ground") for the RSPB, arising from the application for development consent for the construction and operation of Boston Alternative Energy Facility and the proposed associated development (hereafter referred to as 'the BAEF Project')."</i> And, <i>"The aim of this SoCG is to inform the Examining Authority and provide a clear position of the state and extent of discussions, agreement and concerns between</i></p>	<p>The Applicant has considered all of the points raised by the RSPB in relation to the joint Statement of Common Ground (SoCG). The Applicant is happy to update the SoCG template in line with RSPB's suggestions and an updated version has been provided to them for their final approval. The Applicant has submitted new wording to RSPB in relation to point (c) relating to the use of the term 'Habitat Mitigation Area' in the SoCG and we await final agreement on this specific point.</p> <p>The Applicant notes that the RSPB's lead on this matter is currently off with Covid and gaining final sign off on these points has been delayed due to this. However, the Applicant does not envisage an issue in mutually agreeing the points raised by RSPB.</p>

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p><i>AUBP Ltd. and the RSPB on matters relating to the BAEF Project."</i></p> <p>This approach would be in accordance with Paragraph 58 of the DCLG Guidance ('Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government) which states: "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence." We refer to section 1.2 of the initial SoCG between the RSPB, Suffolk Wildlife Trust and SZC Co. where this wording has been applied.</p> <p>b) Section 1.2 could be simplified further. It is stating information that is provided in other Examination documents regarding e.g. the description of the development. We recommend just signposting to the relevant sections in other Examination documents.</p> <p>c) Irrespective of the above point, we are concerned by reference to the 'Habitat Mitigation Area' (e.g. paragraphs 1.2.2 and 1.2.3) given that we consider</p>	

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>this should be part of the compensation package. Any reference to 'Habitat Mitigation Area' should be removed given the disagreement over the language used. Should this continue to be referenced in this way, we will not be able to sign the SoCG. This issue will need to be captured as an area of disagreement within the SoCG</p> <p>d) The text describing the RSPB in paragraph 1.3.3 needs to be revised. The following text should be used: "The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of more than 1.1 million. The RSPB manages 220 nature reserves in the UK covering an area of over 158,725 hectares. The Society attaches great importance to the conservation of the National Sites Network (made up of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and due to Government Policy Ramsar sites), and the national network of Sites of Special Scientific Interest (SSSIs) notified by Natural England." This will be consistent with other NSIP SoCGs that we have been party to such as SZC Co REP10-111.</p> <p>e) Paragraph 1.4.2 needs to be deleted. It should be replaced with the following text: "Any area, topic, subject etc not covered should not be taken as the RSPB being in agreement with it and having no concerns. Due</p>	

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>to limited resources the RSPB are focusing on their key areas of concern and are unable to review every aspect." This will be consistent with other NSIP SoCGs that we have been party to, such as with SZC Co. REP10-111.</p> <p>f) Paragraph 2.1.1 mentions that all meeting and correspondence will be provided in Appendix A. The Applicant has indicated that this Appendix would be too large to provide to the RSPB, but could provide specific items contained within the Appendix. Irrespective of whether this information is needed in its entirety given the summary provided in Table 2-1, if this Appendix is to be included then the RSPB will need to review the entire contents of Appendix A. We will not be able to sign up to the SoCG if information will be submitted to the Examination that we have not reviewed and confirmed we are agreed that it is appropriate to submit. Given the limited time available to develop a SoCG, we consider that Table 2-1 should be sufficient to outline the engagement and correspondence and that reference to Appendix A be removed.</p> <p>g) We continue to review Table 2-1 and may have specific comments on the information it contains.</p> <p>h) Paragraph 3.1.2 to make clear that these topics include areas of common and uncommon ground, with reference to paragraph 1.1.1.</p>	

No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>i) Table 3-1 is clearer with the columns for our respective positions to be set out. The notes section could be useful and we recommend that a RAG rating would be helpful to clearly show status of the matters that are being considered. For clarity, we recommend that the column headed "statement" would be more usefully titled "Matter", "Issue" or other equivalent term to clarify exactly what is to be included in that column.</p> <p>j) Whilst Table 3-1 has an improved structure, the proposed matters/issues should be more specific than is currently outlined. We have set out in our Written Representations (REPI-060) and comments on the Ornithology Addendum (REP4-026) in such a way that it should be possible to identify an issue and then include our respective positions. For example, we have reviewed the conclusions for each of the bird species considered in the ornithology addendum. Specific lines in the SoCG setting out our respective positions on the impacts on each of these species would seem inappropriate and unhelpful to the Examining Authority and repeat information already provided and therefore we propose the focus is on broader areas of uncommon ground. Additional lines should cover topics such as land take, noise, lighting, impacts on water quality, disturbance from vessel movements, effectiveness of measures to compensate for redshank at the application site etc. This is not an exhaustive list. We will review the key</p>	



No.	ExQ2	IP Response	Applicant's Comments on the IP's Response
		<p>areas we have identified to date and share this list with you to help populate Table 3-1.</p> <p>The Applicant has indicated that they would like to have something to submit for Deadline 6 (8 February). We continue to work with the Applicant and will review a revised draft once the SoCG template has information added on the areas of agreement and disagreement.</p>	