

Q3.10.0.16-

The Boston And Fosdyke Fishing Society Limited is an active company incorporated on 1 January 1970 with the registered office located in Boston, Lincolnshire. Boston And Fosdyke Fishing Society Limited has been running for 52 years. It is a not for profit limited company and represents approximately 23-26 vessels which currently work and operate out of the Port of Boston and the River Haven.

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BFFS continues to have serious misgivings about the NRA submitted by the Applicant. These include serious concerns over navigational safety and have been communicated multiple times to the Applicant and been highlighted to the Port of Boston. The Port have themselves suggested that the NRA submitted was inaccurate and unclear (see further below) and the fishermen share this view.

However, the Applicant has consistently maintained that their NRA is satisfactory, and the Port have indicated no desire to commission an independent audit of this document, despite the implications of what an inaccurate or insufficient NRA could mean for the long-term future. Therefore, BFFS have had to commission, at its own expense, a specialist navigation firm, Marico, to produce their own Report by independently auditing the documentation submitted by the Applicant.

The Examiner has been provided with a position statement in respect of this Report and the reasons it has been slightly delayed (please see email and attachment submitted to the Case Officer on 23 February 2022). The Report is currently being finalised by Marico and should be available in the next 7 days for submission to the Examination. This will assist BFFS and the Examination to determine how robust or otherwise the NRA and the Applicant's position is in respect of navigation safety and proposed mitigation. At present, the situation is unchanged in that BFFS cannot accept the Applicant's assertions. We have also forwarded the Examination correspondence from the Port of Boston's Harbour Master which highlighted inaccuracies and errors in the NRA. We appreciate that the Port and the Applicant suggest that further versions of the NRA will resolve matters, but this is a fundamentally flawed position in our opinion. These issues cannot be postponed for resolution to a later date - the NRA and subsequent draft NMP the Examiner has requested are critical to be resolved **before** consent is granted.

BFFS therefore maintain their objections on this front and are not satisfied as to the current responses provided. No settlement has been reached with BFFS.

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No assistance has been provided by the Applicant to resolve any resourcing issues experienced by BFFS. Solicitors acting for BFFS have sought the payment of their legal fees for correspondence directly with the Applicant, including for meetings held to find a potential solution but these comprise a very limited part of the spend BFFS have already incurred in making their objection and making representations to this scheme. These fees have only just been agreed by the Applicant after having been submitted over 3 months ago and payment is still outstanding. The Applicant has made clear that there is only potential to recover costs directly involved with seeking a settlement with them and not in objecting. However, BFFS have been put in this position by the Applicant, whose proposals will have a detrimental and potentially fatal impact on their continued livelihood. As mentioned above, BFFS have had to go to huge expense in commissioning a Report by an independent body, Marico, as there is otherwise no audit of the Applicant's submitted documentation despite the NRA containing matters still to be resolved.