

Boston Alternative Energy Facility



Draft (not agreed) Statement of Common Ground between Alternative Use Boston Projects Limited and Natural England

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Author	A. Holmes
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P. Salmon	RHDHV Project Manager

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed Boston Alternative Energy Facility (the Facility) made by Alternative Use Boston Projects Limited (AUBP) to the Planning Inspectorate under section 37 of the Planning Act 2008 (Planning Act).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties named in **Section 1.3**, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4 It may be subject to further updates and revisions during the examination process.
- 1.1.5 Please note that this version of the SoCG has not been agreed by Natural England. Natural England provided initial comments on the draft SoCG but have not reviewed or accepted the final draft copy prior to this submission.

1.2 Description of the Proposed Development

- 1.2.1 The Facility covers 26.8 hectares (ha) and is split in to two components: the area containing operational infrastructure for the Facility (the 'Principal Application Site'); and an area containing habitat mitigation works for wading birds (the 'Habitat Mitigation Area'). The Facility will generate power from Refuse Derived Fuel (RDF) with the 'thermal treatment' process for generating power converting the solid fuel into steam, which is then used to generate power using steam turbine generators. It will have a total gross generating capacity of 102 megawatts electric (MWe) and it will deliver approximately 80 MWe to the National Grid. The Facility will be designed to operate for at least 25 years, after which it may be decommissioned.
- 1.2.2 The Principal Application Site covers 25.3 ha and is located at the Riverside Industrial Estate, Boston, Lincolnshire. This site is next to the tidal River Witham (known as The Haven) and down-river from the Port of Boston. The Habitat Mitigation Area covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven.

1.2.3 The main elements of the Facility will be:

- Wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
- RDF bale storage area, including sealed drainage with automated crane system for transferring bales;
- Conveyor system between the RDF storage area and the RDF bale shredding plant, part of which is open and part of which is under cover;
- Bale shredding plant;
- RDF bunker building;
- Thermal Treatment Plant comprising three separate 34 MWe combustion lines and three stacks;
- Turbine plant comprising three steam turbine generators and make-up water facility;
- Air-cooled condenser structure, transformer pen and associated piping and ductwork;
- Lightweight aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos, a dedicated berthing point at the wharf, and storage (and drainage) facilities for silt and clay;
- Electrical export infrastructure;
- Two carbon dioxide (CO₂) recovery plants and associated infrastructure;
- Associated site infrastructure, including site roads and car parking, site workshop and storage, security gate, and control room with visitor centre; and
- Habitat mitigation works for Redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders within the Habitat Mitigation Area.

1.3 Parties to this Statement of Common Ground

1.3.1 This SoCG has been prepared in respect of the Facility by (1) AUBP, and (2) Natural England, together the Parties.

1.3.2 **AUBP** is a privately-owned company, established for the purpose of securing development consent for the Facility and then developing and operating the Facility. The company team has been involved in industrial development at the site in Boston, Lincolnshire since 2004.

1.3.3 **Natural England** was established by an Act of Parliament in 2006. Natural England is a statutory consultee under the Planning Act, 2008 (the 2008 Act) and advises the government on the natural environment in England. Natural England's purpose is to help conserve, enhance and manage the natural

environment for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs.

1.4 Terminology

1.4.1 In **Table 3-1** in the Issues section of this SoCG:

- a) “Agreed indicates area(s) of agreement;
- b) “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination; and
- c) “Not agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.4.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the Natural England and therefore have not been the subject of any discussions between the Parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

2 Overview of Previous Engagement

2.1.1 A summary of the meetings and correspondence undertaken between the Parties in relation to the Facility is outlined in **Table 2-1** below, this is also shown in **Appendix A**.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

Table 2-1 Engagement activities between AUBP and Natural England

Date	Form of contact/correspondence	Key topics discussed and key outcomes
11 February 2019	Meeting	Project update meeting with presentation on project developments and next steps. Focus on terrestrial and marine ecology issues and the HRA.
6 August 2019	Letter	S42 response received from Natural England.
23 September 2019	Meeting	Meeting to discuss comments raised by Natural England following submission of the PEIR.

Date	Form of contact/correspondence	Key topics discussed and key outcomes
16 June 2020	Meeting	Project update meeting with Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB to discuss changes to the project and provide information on upcoming consultation proposals. Also, an overview of findings from recent overwintering bird surveys and breeding bird surveys was provided.
7 September 2020	Email	Email sent to Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB with attached copies of bird count reports for the overwintering and breeding bird numbers.
30 September 2020	Email	Email sent to Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB with Breeding Bird Survey Report and update on the assessment.
22 October 2020	Meeting	Meeting with Natural England and RSPB to give a summary of the mitigation options discussed at the meeting on the 13 th October (attended only by RSPB, and discussion on terrestrial ecology mitigation measures).
24 November 2020	Email	Email sent to RSPB and Natural England with Marine Ecology Chapter and HRA sent for information.
1 December 2020	Email	Email sent to RSPB and Natural England with final submitted Marine Ecology Chapter and HRA sent for information alongside Breeding Bird Survey Report.
8 February 2021	Meeting	Meeting with Natural England, RSPB and Lincolnshire Wildlife Trust to present the findings of the HRA.
12 February 2021	Email	Email sent to Natural England, Lincolnshire Wildlife Trust and RSPB with the latest draft of the HRA for 'red flag' review. The HRA was updated to provide more clarity and detail on stand-alone and cumulative effects. Additional information relating to species specific effects with regard to vessel disturbance at mouth of The Haven was incorporated.
17 February 2021	Email	Email sent to Natural England, Lincolnshire Wildlife Trust and RSPB following meeting on 8 th February, an ornithology and marine stakeholder engagement plan was produced by the Applicant's consultants and circulated for review.

Date	Form of contact/correspondence	Key topics discussed and key outcomes
25 February 2021	Email	Email received from Natural England with 'red flag' review comments on the revised HRA.
26 February 2021	Meeting	Meeting with Natural England, Lincolnshire Wildlife Trust and RSPB to provide a chance for consultees to present and discuss key points from their "red flag" reviews on the HRA.
5 March 2021	Email	Email sent to Natural England, Lincolnshire Wildlife Trust and RSPB following the 'red flag' review and subsequent meeting, a supplementary HRA information document was circulated by the Applicant's consultants. This document set out additional information that had been gathered for incorporation in to the HRA in direct response to the comments in the red flag review and meeting of 26 th February. This included details of a newly introduced Habitat Mitigation Area, primarily for redshank, 250 m south of the wharf development.
12 March 2021	Email	Natural England's response to the Supplementary HRA Document sent to them on 5 th March 2021.
19 August 2021	Meeting	Meeting with Natural England, Lincolnshire Wildlife Trust and RSPB regarding marine ecology and ornithology.
1 September 2021	Meeting	Meeting with Lincolnshire County Council and Natural England to discuss Public Rights of Way.
23 September 2021	Meeting	Meeting with RSPB, Lincolnshire Wildlife Trust and Natural England to discuss marine ecology and ornithology.
26 January 2022	Email	Email from Natural England answering some of the Applicant's questions relating to: <ul style="list-style-type: none"> • Clarification regarding the maximum limits of deviation • NE request to be a consultee in relation to Requirement 12 (now Requirement 13) • NE request to be a consultee on the dML condition to submit details of the licensed activities

3 Issues

3.1 Introduction and General Matters

- 3.1.1 This document sets out the matters which are agreed, not agreed, or are under discussion between Natural England and AUBP.
- 3.1.2 On 17 August 2021, the Examining Authority issued a letter under Section 88 of the Planning Act and Rules 4 and 6 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex E of the Rule 6 Letter set out a request for SoCGs between AUBP and various parties, including Natural England. For Natural England the Rule 6 Letter advises that the following issues should be in the SoCG:
- a) Generic issues
 - b) Ornithology
 - c) Intertidal and Marine Ecology (noting this is split in to (i) benthic, fish and habitats and (ii) marine mammals)
 - d) Air quality
 - e) Terrestrial Ecology
 - f) Development Consent Order, Deemed Marine Licences and related certified documentation
- 3.1.3 The Rule 6 Letter also advises that all of the SoCGs should cover the Articles and Requirements in the draft Development Consent Order and that any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.
- 3.1.4 **Table 3-1, Table 3-2, Table 3-3, Table 3-4, Table 3-5 and Table 3-6** detail the matters which are agreed, not agreed and under discussion between the Parties, including a reference number for each matter.
- 3.1.5 [It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Facility to finalise detail, but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.]
- 3.1.6 Both parties recognise that Natural England have opted to submit a Risk and Issues tracker to the Examination where more detailed information on their position is provided submitted (RR-021). It is noted that this is a Natural England document.

Table 3-1 Ornithology

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 Environmental Impact Assessment (ES Chapter 17 Marine and Coastal Ecology, Addendums and Additional Submissions)					
1.1.1	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE advises for birds, a minimum of two years site specific data is collected to allow for variation in bird use between years. NE has concerns over gaps relating to Annex I passage birds.</p> <p>NE queries the outcome of the data within the Ornithology Addendum (document reference 9.13, REP1-026) which states that breeding redshank were not recorded during any of the surveys undertaken and that is why they are absent April-July.</p> <p><u>The Applicant's Position</u> The Applicant has collected sufficient survey data to inform the assessment this includes two years' worth of survey data at peak times for waterbirds (i.e. overwinter). The baseline data is supported by the WeBS data obtained predominantly for count sectors at the Mouth of the Haven.</p> <p>In summary, the Applicant has undertaken 19 months of counts at the wharf site (winter/breeding bird and passage surveys), 4 months of counts at The</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					Haven (between Principal Application Site and Mouth of The Haven), with one month planned for March and 16 months of disturbance surveys at the Mouth of The Haven.
1.1.2	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE queries why citation text and list SPA species isn't fully utilised as well as SSSI features.</p> <p>NE notes that the Ornithology Addendum (document reference 9.13, REP1-026) does not assess the impacts to Annex I non-breeding waterfowl assemblage as a feature in its own right.</p> <p>NE remains concerned about vessel movements as per Deadline 3 comments.</p> <p>The Chapter 17 Marine and Coastal Ecology and Appendix 17.1 HRA Update has been reviewed. The analysis focuses on the numerical and diversity aspects of the assemblage and does not properly cover function/distribution.</p> <p><u>The Applicant's Position</u> The Applicant submitted an Ornithology Addendum at Deadline 1 (document reference 9.13, REP1-026).</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>The Applicant submitted an update to Chapter 17 Marine and Coastal Ecology and Appendix 17.1 HRA (document reference 9.59, REP5-006) which covers SSSI features and the waterbird assemblage in its own right.</p> <p>The Applicant has submitted a Technical Note for Navigation Management and Ornithology (document reference 9.70) at Deadline 6 to address NE's vessel movement concerns.</p> <p>The above documents respond to NE's concerns.</p>
1.1.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NE do not currently agree with Worst Case Scenarios presented and conclusions. In particular (but not exclusively) this concern relates to cumulative/in-combination assessments and/or in direct consequences of the proposal e.g. relocation of fishing boats, increased dredging. A full data set is required to assess the worst case scenarios.</p> <p><u>The Applicant's Position</u> Worst case scenarios are defined in relation to many of the impacts, where</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>relevant, in the Environmental Statement (Chapter 17 Marine and Coastal Ecology, (document reference 6.2.17, APP-055)) and further within the Chapter 17 Marine and Coastal Ecology and Appendix 17.1 - Habitats Regulations Assessment - Ornithology Addendum (document reference 9.13, REP1-026). Cumulative effects are discussed below in row 1.1.5.</p> <p>The only data missing from the two years' worth of survey data is for autumn passage data. The number of birds during Autumn passage will be lower than overwintering numbers, and therefore the worst case period for birds has been provided.</p> <p>The Application does not include for any relocation of fishing vessels or their wharf from Boston town centre.</p>
1.1.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction; operation and decommissioning- are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE's position on the EIA assessment for ornithology is provided in REP2-045, Comments on the HRA Ornithology Addendum, REP5-013 Appendix B3 Natural England's Advice on Ornithology Documents Submitted at Deadline 3 and 4 and REP5-021 Appendix H4 Natural England's Risk and Issues Log. NE have concerns with</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>regards to disturbance events and bird energy as detailed in their submissions.</p> <p><u>The Applicant's Position</u> The Applicant's position on the conclusions of the assessment of impacts are set out in Chapter 17 Marine and Coastal Ecology and Appendix 17.1 HRA update submitted at Deadline 5 (document reference 9.59, REP5-006) This document includes information relating to NE's main outstanding concern regarding disturbance events and energy usage by birds (see Section 7).</p> <p>With regard to disturbance due to changes in management of vessels within the Haven, the Applicant has submitted at Deadline 6 a document which sets out the process for ensuring the ongoing management takes regard of SPA bird species (document reference 9.70, REP6-033).</p>
1.1.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE note in their Relevant and Written Representation "Natural England advises that the projects to be considered cumulatively/in-combination is not a full list. Taking into account projects in the full foraging range of interest features."</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>At Deadline 5, NE note that overall, due to outstanding issues with the assessment it remains unclear if all of the in-combination impacts have been identified and/or appropriately assessed (REP5-012).</p> <p><u>The Applicant's Position</u> The Applicant responded to NE's initial comment with regards to cumulative schemes at row 93 of Table 1-13 of the Applicant's Comments on Relevant Representations (document reference 9.2, REP1-035). The Applicant maintains it's position from this document that there is not predicted to be any likely cause for effect outside the localised environment around The Haven and no other plans and projects require cumulative consideration.</p>
1.1.6	Mitigation	Appropriate mitigation is provided	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE would like further clarity on the implementation and impacts of the proposed mitigation works for redshank on the saltmarsh habitat.</p> <p>NE have outstanding comments on the OLEMS to be addressed. And currently we are unable to agree that the mitigation measures will be fit for purpose to suitably</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>minimise the impacts from the proposals for both priority habitats and protected species.</p> <p>Monitoring during and after construction need to be established (including increased vigilance zone during piling works) and an adaptive response in the event that mitigation at the development site is ineffective. If mitigation at the development site proves ineffective there remains a risk that impacts here become a matter of compensation due to functional linkage.</p> <p><u>The Applicant's Position</u> The Applicant submitted an updated OLEMS document at Deadline 3 (document reference 7.4(1), REP3-007).</p> <p>It is recognised that the saltmarsh in the Proposed Application Site is also affected by coastal squeeze and is subject to succession to higher level marsh and potentially to scrub vegetation as a result. The works proposed would benefit the ornithological features and may also be designed to benefit the priority habitats by reducing the scrub development to some extent.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1.1.7	Compensation	Appropriate compensation is provided	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: Appendix J1 –Natural England's Advice on BAEP Derogation Case - Alternatives and Compensation Measures (REP3-031) states NE's position on this matter.</p> <p>Given impacts at the Mouth of the Haven (MOTH), NE considers that compensation will be necessary however the Applicant disagrees. The most recently received documents are material to pinning this down and will not be reviewed completely till mid-March.</p> <p>Surveys to fully characterise risk are ongoing. Worst case scenario is that a significant roost, both in its own right, and as a component of the Wash roost network, is lost and displaced birds suffer significant energetic impacts.</p> <p>Our position will be updated for Deadline 8.</p> <p><u>The Applicant's Position</u> The Applicant submitted an updated without prejudice Compensation Measures report at Deadline 6 (document reference 9.30(1)).</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
2 Habitats Regulations Assessment (ES Appendix 17.1 Habitats Regulations Assessment, Addendums and Additional Submissions)					
1.2.1	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE's position is set out in AS – 002</p> <p><u>The Applicant's Position</u> The Applicant has collected sufficient survey data to inform the assessment this includes two years' worth of survey data at peak times for waterbirds (i.e. overwinter). The baseline data is supported by the WeBS data obtained predominantly for count sectors at the Mouth of the Haven. In summary, the Applicant has undertaken 19 months of counts at the wharf site (winter/breeding bird and passage surveys), 4 months of counts at The Haven (between Principal Application Site and Mouth of The Haven), with one month planned for March and 16 months of disturbance surveys at the Mouth of The Haven.</p> <p>Further assessment was provided in the Chapter 17 update (document reference 9.59, REP5-006) submitted at Deadline 5.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1.2.2	Assessment Methodology	The impact assessment methodologies used for the HRA provide an appropriate approach to assessing potential impacts of the Project.	Under discussion	Under discussion	No comments received from NE to date on assessment methodologies of the HRA.
1.2.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Under discussion	Under discussion	No comments received from NE to date on worst case scenario presented in the assessment.
1.2.4	Assessment Conclusions	The Information to Support Appropriate Assessment Report Adequately characterises the baseline environment in terms of Onshore Ornithology.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: Natural England advises that, for redshank in particular, there will need to be an updated 'in-combination' HRA assessment on impacts at the development site and Mouth of Haven roosts as both areas of impact affect this species.</p> <p>Please see Natural England's Position on the Potential Impacts to The Wash SPA Annex I passage and Overwintering Birds (AS – 002).</p> <p>NE advises that each impact needs to be considered alone and, especially given uncertainty about efficacy of the mitigation, the two need considering in-combination.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>At the individual level if redshank using either the MOTH of Haven or development site roosts are disturbed and go to the other then impacts on the individual are felt multiple times. Magnifying local impacts. This may have further consequence at the site level.</p> <p><u>The Applicant's Position</u></p> <p>The Applicant considers that assessment of impacts at the Principal Application Site and the MOTH, in turn, was the correct approach to Appropriate Assessment of redshank as a feature of protected sites.</p> <p>The Applicant submitted Chapter 17 and HRA update at Deadline 5 (document reference 9.59, REP5-006) which showed the redshank using the development site were unlikely to be connected to the SPA populations.</p>
1.2.5	Assessment Conclusions	The conclusions of the assessment of impacts for construction; operation and decommissioning- are agreed.	Not Agreed	Not Agreed	<p>NE's Position NOT AGREED: NE to review the latest HRA assessment.</p> <p><u>The Applicant's Position</u> The conclusions of the HRA assessment are appropriate. Further information was provided in the Chapter 17 Marine and</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment Update (document reference - 9.59, REP5-006).
1.2.6	Assessment Conclusions	The conclusions of the assessment of in combination effects are agreed.	This point is covered above in row 1.1.5.		
1.2.7	Compensation	Appropriate compensation is provided.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: Appendix J1 –Natural England's Advice on BAEP Derogation Case - Alternatives and Compensation Measures (REP3-031) states NE's position on this matter. But will be updated for Deadline 8.</p> <p><u>The Applicant's Position</u> An updated without prejudice Compensation Measures report was submitted at Deadline 6 (document 9.30(1)).</p>

Table 3-2 Benthic Ecology, Fish and Habitats

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 Environmental Impact Assessment (ES Chapter 17 Marine and Coastal Ecology, Addendums and Additional Submissions)					

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
2.1.1	Existing Environment	Sufficient data has been collected to inform the assessment.	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: The applicant has not completed up-to-date botanical surveys (NVC level) of the saltmarsh that would be lost by the construction of the wharf area (0.99 ha) or a baseline survey of the Habitat Mitigation Area. Rather the applicant has relied on data collected by the EA from 2011, 2014 and 2017 (Holden, 2017).</p> <p>NE undertook a site visit themselves on 7th September 2021 and collected quadrat data due to a concern about the level of information collected. This information has been shared by NE to the applicant</p> <p><u>The Applicant's Position</u> Environment Agency (EA) in 2017 confirmed the condition assessments undertaken, by different companies, in 2011 and 2014, as of poor quality. The Applicant does not consider that there is any reason for a condition change since 2017 and all three surveys have identified the saltmarsh as being of poor quality thereby giving confidence this is the case.</p>
2.1.2	Assessment Methodology	The impact assessment methodologies used	Not Agreed	Not Agreed	<p><u>NE's Position</u></p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
		for the EIA provide an appropriate approach to assessing potential impacts of the Project.			<p>NOT AGREED: NE disagree with classification of poor saltmarsh quality. NE undertook a saltmarsh survey on the 07/09/21 and concluded the condition of the saltmarsh to be moderate classification</p> <p>We have provided a summary of our survey visit and compared the habitat data collected (in terms of NVC rarity/ extent) with that from the wider Site Condition Assessment completed on The Wash during the summer/autumn of 2020 – that condition assessment was completed by Sarah Lambert (who is a botanical consultant with thirty-six years of experience in ecological survey assessment and has high level botanical identification skills, being the Botanical Society of Britain and Ireland's (BSBI) County Recorder for South Lincolnshire).</p> <p><u>The Applicant's Position</u></p> <p>The Applicant's position on the existing environment in terms of saltmarsh quality is provided above in row 2.1.1.</p> <p>The impact assessment methodology is considered to be appropriate by the Applicant.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
2.1.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE do not currently agree with Worst Case Scenarios presented and conclusions. In particular (but not exclusively) this concern relates to cumulative/in-combination assessments and/or in direct consequences of the proposal e.g. relocation of fishing boats, increased dredging, vessel movements and erosion. Further comments are provided in RR – 021, REP2 – 042, REP2 – 046, REP5-014, REP5-017</p> <p>NE consider a maximum volume of maintenance dredging and frequency should be confirmed.</p> <p><u>The Applicant's Position</u></p> <p>Worst case scenarios are defined in relation to many of the impacts, where relevant, in the Environmental Statement (Chapter 17 Marine and Coastal Ecology, (document reference 6.2.17, APP-055)) and further within the Chapter 17 Marine and Coastal Ecology and Appendix 17.1 - Habitats Regulations Assessment - Ornithology Addendum (document reference 9.13, REP1-026) and the Addendum to Chapter 17 and Appendix 17.1 - Benthic Ecology, Fish</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>and Habitats (document reference 9.15, REP1-028).</p> <p>It is anticipated that the annual volume of material from maintenance dredging of the berthing pocket would be approximately 8,000 m³ / year. This is based on a predicted 0.5 m accretion per year. The details of the maintenance dredging, including the volume to be dredged will be approved by the MMO, following consultation with the relevant statutory nature conservation body under Condition 12 of the DML. The Applicant has not amended the draft DML to include a maximum volume of maintenance dredging or specify frequency as the inclusion of these details is not consistent with the approach to maintenance dredging on other DMLs. Bathymetric surveys will be undertaken during the operation of the wharf to determine actual levels of accretion. The MMO has agreed to this approach.</p>
2.1.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE have various concerns with the conclusions of the assessment including the following points:</p> <ul style="list-style-type: none"> • NE have concerns with vessel movements and dredging increasing

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>erosion of mud and saltmarsh (Particularly at the wharf location and immediately downstream; and at the mouth of the Haven).</p> <ul style="list-style-type: none"> • NE have concerns over smothering of saltmarsh vegetation due to release of sediment. • NE have concerns with the vessel berth area layer of gravel/ chalk resulting in a change in habitat and potential scouring of riverbed in the surrounding areas. • Potential Air Quality concerns <p><u>The Applicant's Position</u></p> <p>At Deadline 3 the Applicant provided "Response to Environment Agency's queries on Estuarine Processes (document reference 9.44, REP3-020)". This was to provide an in-combination assessment of ship wash and dredging on the opposite bank including mudflats and saltmarsh. Following this information it has been agreed with the EA's geomorphologist that this assessment is suitable. The EA have requested that due to the residual low risk of significance in erosion that erosion monitoring is included. The Applicant has agreed to include this within the OLEMS.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>Therefore, the Applicant requests that NE review this further information and the response in Table 2-5 of the Report on Outstanding Deadline 2, 3 and 4 Submissions (document reference 9.63, REP5-008) and consider whether erosion monitoring would be suitable to address this point.</p> <p>Other points on smothering of saltmarsh and the gravel/ chalk berthing area have previously been responded to in row 79 and row 85 (respectively) of Table 1-13 of the Applicant's Comments on Relevant Representations (document reference 9.2, REP1-035). The Applicant requests NE confirm any further questions on these points having reviewed these responses.</p> <p>Air quality is addressed in Table 3-4.</p>
2.1.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: At Deadline 5, NE note that overall, due to outstanding issues with the assessment it remains unclear if all of the in-combination impacts have been identified and/or appropriately assessed (REP5-012).</p> <p><u>The Applicant's Position</u></p> <p>With regards to Benthic Ecology, Fish and Habitat's the Applicant considers all</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					cumulative and in-combination effect have been assessed.
2.1.6	Mitigation	Appropriate mitigation is provided	Not Agreed	Not Agreed	<p><u>NE's Position</u> NOT AGREED: NE provided advice on the OLEMS at REP5-017. NE advises that there needs to be sufficient comfort in the assessment at this stage to give the SoS comfort that effective mitigation measures can be adopted to suitably minimise the impacts and where that is not possible appropriate compensation measures are secured to offset the impacts. Given the scale and significance of the impacts is not known and we disagree with the applicant conclusions of no AEoI this is unlikely there will be agreement.</p> <p>In addition we have several outstanding points in the OLEMS in relation to the mitigation measures REP5 - 017</p> <p><u>The Applicant's Position</u></p> <p>The Applicant anticipates that the OLEMS will be updated and re-submitted to the Examination at deadline 7, and this update will take in to account outstanding matters.</p>
2 Appendix 17.1 Habitats Regulations Assessment and associated Addendums					
2.2.1	LSE to Habitat and Fish	The Habitats Regulations	Agreed	Agreed	<u>NE's Position</u>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
	Designated Features	Assessment is appropriate for assessing likely significant effects on Benthic Ecology, Fish and Habitats.			<p>Natural England can confirm that there are no designated site fish species likely to be impacted, again there is unlikely to be impacts to Annex I habitats from the proposals unless as part of delivering mitigation and/or compensation measures.</p> <p>The Applicant's Position The Habitats Regulations Assessment is appropriate for assessing likely significant effects on Benthic Ecology, Fish and Habitats. There are no likely significant effects within the designated sites.</p>

Table 3-3 Marine Mammals

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 Environmental Impact Assessment (ES Chapter 17 Marine and Coastal Ecology, Addendums and Additional Submissions)					
3.1.1	Existing Environment	Sufficient data has been collected to inform the assessment.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE considers Carter et al. 2020 should be used instead of Russell et al. 2017.</p> <p><u>The Applicant's Position</u></p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>The Applicant has provided a full response to this point at "Response to the Marine Management Organisation (MMO) and Natural England's queries regarding Marine Mammals and Fish" (document reference 9.49, REP4-014).</p> <p>It is not currently possible to obtain absolute density data from the Carter et al., 2020 report for seals. This is due to the updated seal density shapefiles being based on relative density estimates, not absolute density, as previous versions (e.g. Russell et al., 2017).</p>
3.1.2	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE is in the process of updating our conservation advice package to change the conservation objective for The Wash harbour seal to 'restore'. This is based on the results of the latest SMRU Wash seal survey. This report can be provided to the applicant if required. Therefore, we advise that a more precautionary approach must be taken and impacts which could further hinder the restore</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>objective to the site should be avoided, reduced or mitigated.</p> <p><u>The Applicant's Position</u></p> <p>The Applicant has provided a full response to this point at "Response to the Marine Management Organisation (MMO) and Natural England's queries regarding Marine Mammals and Fish" (document reference 9.49, REP4-014). The Applicant confirms as there is no publicly available information on this change, and all relevant documents have the current target to 'maintain' as was assessed against in the Habitats Regulation Assessment Environmental Statement - Appendix 17.1 – Habitats Regulations Assessment (document reference 6.4.18, APP-111).</p>
3.1.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Agreed in part	Agreed in part	<p><u>NE's Position</u></p> <p>AGREED IN PART: Natural England agrees that the Applicant has considered all of the potential worst case scenario, though we might not agree with the outcomes of the</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>assessments. We welcome the committed to undertake mitigation measures. But again we do not agree that those mitigation measures are sufficient to suitably minimise the impacts</p> <p><u>The Applicant's Position</u></p> <p>Worst case scenarios are defined in relation to many of the impacts, where relevant, in the Environmental Statement (Chapter 17 Marine and Coastal Ecology, (document reference 6.2.17, APP-055)).</p>
3.1.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE notes further evidence could be presented to demonstrate if seals avoid interactions with vessels within The Wash.</p> <p><u>The Applicant's Position</u></p> <p>The Applicant has provided a response to NE's concern within Response to the Marine Management Organisation (MMO) and Natural England's queries regarding Marine Mammals and Fish (document</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					reference 9.49, REP4-014). An extensive review of the literature on harbour seal and vessel co-existence has not found any information or evidence to support seals being attracted to vessels (or not) specifically within The Wash.
3.1.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts are agreed.	Under discussion	Under discussion	<p><u>NE's Position</u></p> <p>NE agreed that all plans and projects in relation to MM have been considered. However, we do not agree with the conclusions as have outstanding concerns with the mitigation measures</p> <p><u>The Applicant's Position</u></p> <p>The Applicant has considered all plans and project in relation to mammals. The conclusions of the cumulative impact assessment are appropriate.</p>
3.1.6	Mitigation	Appropriate mitigation is provided	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: Concerns raised at REP2-043 remain.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>NE advises that further consideration of non-impact piling is considered as mitigation such as vibro piling.</p> <p>NE advise that any use of Dynamic Positioning will require ducted propellers.</p> <p><u>The Applicant's Position</u> The Applicant has provided responses to NE's comments within Response to the Marine Management Organisation (MMO) and Natural England's queries regarding Marine Mammals and Fish (document reference 9.49, REP4-014).</p> <p>Piling options will be confirmed in the final MMMP, to be completed in consultation with Natural England (in accordance with the DML 17.1).</p>
2 Appendix 17.1 Habitats Regulations Assessment and associated Addendums					
3.2.1	Existing Environment	Sufficient data has been collected to inform the assessment.		This is covered above in row 3.1.1.	
3.2.2	Assessment Methodology	The impact assessment methodologies used for the HRA provide an appropriate approach to		This is covered above in row 3.1.2.	

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
		assessing potential impacts of the Project.			
3.2.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	This is covered above in row 3.1.3.		
3.2.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NE have continued concerns that not all the risks related to the proposal have been fully considered which means that, following the precautionary principle, we are unable to exclude, beyond all reasonable scientific doubt, no Adverse Effect on Integrity of The Wash & North Norfolk Coast SAC.</p> <p><u>The Applicant's Position</u></p> <p>The Applicant considers there is no AEol on the Wash & North Norfolk Coast SAC and has provided information within Appendix 17.1 HRA (document reference 6.4.18, APP-111) and the Marine Mammals Addendum (document reference 9.14, REP1-027) as well as responses to NE's questions throughout examination.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
3.2.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts (in terms of onshore ecology) are agreed.	This is covered above in row 3.1.5.		
3.2.6	Compensation	Appropriate compensation is provided.	Under discussion	Under discussion	<p><u>NE's position</u> UNDER DISCUSSION: NE has not provided specific comments on compensation in relation to marine mammals as we believe that appropriate mitigation measures can and should be adopted.</p> <p><u>The Applicant's Position</u> The Applicant considers there is no AEol on the Wash & North Norfolk Coast SAC.</p>

Table 3-4 Air Quality

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 Environmental Impact Assessment (ES Chapter 14 Air Quality, Air Quality Deposition Monitoring Plan and Outline Air Quality and Dust Management Plan)					
4.1.1	Existing Environment	Sufficient data has been collected to inform the assessment.	Under discussion	Under discussion	<p><u>NE's Position</u> NE's main requests a finer resolution or monitoring data should be used to underpin the justification regarding SO₂ and O₃ below their respective Cle.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p><u>The Applicant's Position</u> The Applicant provided a response at Deadline 1 (REP1-021) to satisfy NE's request.</p>
4.1.2	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Under discussion	Under discussion	<p><u>NE's Position</u> Assessment should explain the criteria applied to the in-combination search.</p> <p>NE requests clarification on what is meant by 'permitted levels'.</p> <p><u>The Applicant's Position</u> The term "permitted levels" in the first bullet point of section 1.1 in REP4-016 (re-issued at Deadline 5 as REP5-014) refers to the BAT-AELs which specify the maximum allowable emission concentrations of contaminants in flue gases emitted from energy from waste plants. For NOx and ammonia, specifically mentioned in the text, these emission concentrations are 120 mg Nm-3 and 10 mg Nm-3, respectively.</p>
4.1.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Under discussion	Under discussion	<p><u>NE's Position</u> NE seeks clarification on the assumptions around precautionary emissions that have been calculated. Clearer assumptions can influence the</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>approach taken to the minor adverse impact.</p> <p><u>The Applicant's Position</u> The assessment results together with the evaluation of the impact as Minor Adverse represents the output of a worst-case assumptions for all variables and parameters in the assessment.</p>
4.1.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.	Under discussion	Under discussion	<p><u>NE's Position</u> NE advises that the impacts over the lifetime of the project require further consideration.</p> <p>NE notes concerns regarding emissions from ammonia.</p> <p>NE requested more clarity and justification regarding the consideration of ammonia from vessels and vehicles and their contribution to nitrogen deposition.</p> <p><u>The Applicant's Position</u> Increases in traffic flows associated with the construction and operation of the Facility were below the screening criteria but NOx emissions were included in the assessment. On that basis, ammonia emissions from road</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					traffic were deemed to be insignificant. See Report on Outstanding Deadline 2, 3 and 4 Submissions (document reference 9.63, REP5-008) for the Applicant's full response provided at Deadline 5.
4.1.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts are agreed.	Under discussion	Under discussion	<p><u>NE's Position</u> NE believes that REP1-028 4.3.21 addresses potential in-combination impacts on Air Quality.</p> <p>NE advise that the CoCP will need to consider in-combination phase impacts during the construction phase as NE do not believe these impacts to be insignificant.</p> <p><u>The Applicant's Position</u></p> <p>Project alone and in-combination air quality impacts upon ecological receptors during the construction phase of the proposed Facility are presented in paragraphs 14.7.21 to 14.7.28 and Tables 14.22 to 14.25 of the updated ES Chapter 14 Air Quality (document reference 6.2.14 REP1-006). The results of the assessment show that, during the construction phase, the in-combination Process Contributions (PC) at designated</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					ecological sites would vary between 0.1% and 6.0% of the Critical Levels/ lower Critical Load ranges. However, it should be noted that the project itself only contributes between 0% and 0.1% to the PCs of the Critical Levels/lower Critical Load ranges at all of the sites. All of the in-combination Predicted Environmental Concentrations (PEC) would be below the Critical Levels/lower Critical Load ranges. On that basis, and also taking into consideration that these effects are forecast for the worst-case year during the construction period and would be of short duration, it is concluded that these effects are not significant and, therefore, no additional mitigation is considered to be necessary. A technical note will be issued at Deadline 6 which will provide a comparison between effects at maximum emission limits and at realistic emission levels.
4.1.6	Mitigation	Appropriate mitigation is provided	Under discussion	Under discussion	<u>NE's Position</u> NE request the Applicant to confirm dust impact mitigation measures and monitoring will also be in place at this receptor site.

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>NE seek clarity on how impacts to designated sites will be mitigated and any measures secured.</p> <p>There is no mitigation from impacts proposed in the Outline Air Quality and Dust Management Plan (document reference 9.39, REP3-015) and the Air Quality Deposition Monitoring Plan (document reference 9.51, REP4-016).</p> <p><u>The Applicant's Position</u> An updated Air Quality Deposition Monitoring Plan (document reference 9.51(1)) has been submitted to the examination at Deadline 6. The updated Deposition Monitoring Plan includes a scheme of monitoring of NOx and ammonia concentrations within the designated sites and saltmarsh habitats in the vicinity of the Facility to confirm that the actual emissions from the Facility would be substantially lower than those which were considered in the assessment. This is in addition to the continuous emissions monitoring programme which will be required at the Facility as part of the Environmental Permit.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>Table 14.30 of updated Chapter 14 Air Quality (document reference 6.2.14(1), REP1-006) contains the results of an assessment of the air quality impacts of emissions from the Facility upon habitats within The Wash SPA, SSSI and Ramsar site and The Wash and North Norfolk Coast SAC. It is considered that these impacts are Not Significant and therefore do not require any mitigation measures.</p> <p>A response to the question on mitigation for designated sites was provided in row 113 of Table 1-13 of the Applicant's Comments on Relevant Representations (document reference 9.2, REP1-035). The Applicant submitted an Outline Air Quality and Dust Management Plan at Deadline 3 (document reference 9.39, REP3-015). This is in addition to the Outline Code of Construction Practice (document reference 7.1, APP-120) which was submitted with the DCO application.</p>

Table 3-5 Terrestrial Ecology

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 Environmental Impact Assessment (ES Chapter 12 Terrestrial Ecology)					
5.1.1	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	<p><u>NE's position</u></p> <p>AGREED: Given that the transect survey locations have been focused on the most suitable areas for bats, with the biggest impacts, i.e. the removal of the hedgerow, we can accept these and further transect surveys are not considered necessary. This has now been confirmed by NE's Wildlife Adviser.</p> <p>Natural England have advised that Preconstruction surveys would need to be carried out to verify presence or absence of badgers, otters and water voles.</p> <p><u>Applicant's position</u></p> <p>A full response was provided in row 121 of Table 1-13 of the Applicant's Comments on Relevant Representations (document reference 9.2, REP1-035).</p> <p>As presented in Chapter 12 Terrestrial Ecology ES Chapter (document reference 6.2.12, APP-050) a suite of</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>monthly bat activity transect surveys were undertaken in 2019 and the key species recorded include common and soprano pipistrelles. Embedded mitigation measures also include pre-construction surveys.</p> <p>As noted in the Applicant's Comments on Relevant Representations (document reference 9.2, REP1-035), the Applicant has committed to undertaking pre-construction surveys for those species where no evidence of them was noted during the surveys undertaken to date. This is presented within the OLEMS (document reference 7.4(1), REP3-007) which is secured within Requirement 6 of the DCO.</p>
5.1.2	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Under discussion	Under discussion	No comments provided by NE to date. On a precautionary basis this item is left under discussion.
5.1.3	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Under discussion	Under discussion	No comments provided by NE to date. On a precautionary basis this item is left under discussion.

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
5.1.4	Assessment Conclusions	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.	Not agreed	Not agreed	<p><u>NE's position</u></p> <p>NOT AGREED: If vessels are arriving outside of daylight hours the light pollution sections need updating to include potential light pollution from vessels.</p> <p><u>Applicant's position</u></p> <p>A response is provided within Row 118 of Table 1-13 of the Responses to Relevant Representations (document reference 9.2, REP1-035). There may be some requirement to transit vessels in hours of darkness but this would be more likely in the winter months when daylight hours are shorter.</p>
5.1.5	Assessment Conclusions	The conclusions of the assessment of cumulative impacts (in terms of onshore ecology) are agreed.	Under discussion	Under discussion	No comments provided by NE to date. On a precautionary basis this item is left under discussion.
5.1.6	Mitigation	Appropriate mitigation is provided	Under discussion	Under discussion	<p><u>NE's position</u></p> <p>Natural England need to see more detailed plans which show new additional planting, locations & numbers of bat boxes. In addition, consideration should be given to</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>motion operated lighting rather than 24/7.</p> <p>NE agree with the reptile mitigation measures set out in the Outline Reptile Precautionary Method of Working (PMoW) [REP2-015].</p> <p>NE note mitigation measures should be considered for bats, birds and invertebrates during construction and operation.</p> <p><u>Applicant's position</u></p> <p>An additional figure is provided in the OLEMS updated at Deadline 3 - see Appendix 2. This figure includes additional planting and bat box locations.</p> <p>As a principle of the Outline Lighting Strategy which will be secured through Requirement 17 of the DCO for an Operational Lighting Scheme motion sensors will be used to ensure lighting is only used when needed.</p> <p>Responses to NE's comments on mitigation were responded to in the Responses to Relevant Representations (document reference</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					9.2, REP1-035) and 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)

Table 3-6 Other Matters

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
1 England Coast Path					
6.1.1	England Coast Path - Route	The alternative route for the proposed England Coast Path is suitable	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED: NE's latest position on the England Coast Path (ECP) is provided in Appendix E3 (REP5-015). NE maintains the alternative route suggested which directly follows the coast.</p> <p><u>The Applicant's Position</u></p> <p>The Applicant maintains the proposed route as set out in the Application and has provided a rationale for not being able to consider NE's proposed alternative route in REP3-023.</p>
6.1.2	England Coast Path - HRA	The proposed England Coast Path alignment does not affect SPA features.	Agreed	Agreed	<p><u>NE's Position</u></p> <p>NE are in agreement that there will be no effect on SPA features as noted in REP5-012.</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p><u>The Applicant's Position</u></p> <p>The Applicant's position is provided within the Habitats Regulations Assessment (HRA) Screening and Integrity Matrices (document reference 9.42, REP3-018) which concludes the ECP will not effect designated features of the Wash SPA/ Ramsar or The Wash and North Norfolk Coast SAC.</p>
2 Draft Development Consent Order (DCO)					
6.2.1	Articles, Requirements and Protective Provisions	The articles, requirements and protective provisions set out in the draft DCO (and deemed Marine Licence) are agreed.	Not Agreed	Not Agreed	<p><u>NE's Position</u></p> <p>NOT AGREED Regarding the limits of deviation in Article 7 of the DCO, NE is content with the limit of deviation for all works except those with no lateral limit of deviation which remain as per our response of REP2-044.</p> <p>Regarding the definition of "commence", NE has concerns regarding the inclusion of boreholes, works which may require some mitigation for environmental impacts.</p> <p><u>The Applicant's Position</u></p> <p>Work Nos 1A(iv), 2(d) and 4 have no lateral limits of deviation meaning the locations of those works are fixed and must be constructed in the locations shown for those works on the works plans. This means Article 7(1)(a) does not apply to those three</p>

SoCG Reference	Topic	Statement	Natural England's Current Position	AUBP's Current Position	Notes
					<p>works as they do not have limits of deviation shown on the works plans. This is subject to the exception provided for in Article 7(1) of the draft DCO which allows the limits of deviation to be exceeded in limited circumstances with the approval of the Secretary of State, following consultation with the relevant statutory nature conservation body and Environment Agency. The Applicant is unclear what NE's remaining concerns are.</p> <p>Regarding the definition of commence, the Applicant is considering this comment and will provide a response at Deadline 6.</p>

DRAFT



4 Agreement of this Statement of Common Ground

4.1 Statement of Common Ground

4.1.1 This Statement of Common Ground has been prepared and agreed by the Parties.

Signed.....
[NAME]
[POSITION]
on behalf of Alternative Use Boston Projects Limited
Date: [DATE]

Signed.....
[NAME]
[POSITION]
on behalf of Natural England
Date: [DATE]



Appendix A Previous Engagement

DRAFT

Meeting with Lincs Wildlife Trust

Tuesday 25 June 2019

2pm

Present

Amanda Jenkins, Wildlife Trust

Gary Bower, RHDHV

Kelly Linay, Athene

AJ

- Seen the site from Havenside Country Park
- What does 1.3m mean in shipping terms – 520 ships
- How big are the vessels – they can carry 2,500 tonnes
- Asked what Boston 1 is – referring to the photo on the front of the brochure
- Asked for Slippery Gowt to be pointed out on the map
- Where will the waste come from
- Does the 200,000 tonnes leave by road
- How many vehicle movements
- What about the ash
- Is there any pipeline
- How long is the berth
- You are losing the saltmarsh and mudflat – yes a little bit
- Will there be some form of mitigation – yes there will
- Do you tap into the pylons
- Its going to have quite an impact on the landscape – yes it will, it's blocky
- Is there public access there – yes we're going to close the footpath. There is another footpath
- The ditches in the fens have some critically endangered species that often get overlooked - do the ditches run – they do a little bit of surface water
- Unlikely that we will ever object to this but ask that net gain is considered – can we improve it for wildlife near the visitor centre e.g. log piles or the way you put fencing in – we may not be able to manage this onsite but we can consider off site
- It would be nice to get together with NE and RSPB and respond collectively
- There will be removal of vegetation so I assume this will be mitigated
- Have you done tests on the sediment – no we are using the barriers data
- Local BAP species, has that been included – Boston Horsetail – we've consulted the records – ask that question – sea aster mining bee
- Would be good to allow species through the fence
- Net gain – something that we will be identifying in this phase of the development assessment – we need to identify what is appropriate – TWT will be looking for net gain – e.g. green rooves, photovoltaic on rooves
- Offsite – what you sow at the edge of paths
- Are we doing anything at Havenside Country Park – S106 possibly
- People and wildlife benefit is important
- Has council had any conversation about Havenside – No they've not explicitly mentioned this to us
- Do you consider the national character – yes in heritage assessment and also in landscape and visual
- Would be good to see some interpretation boards in the visitor centre on what's around the side

GB

- Advised about the project team and that it is a DCO application due to the size of the scheme and the SoS will determine the outcome
- Our role is to produce the DCO application
- Explained about the site and how we take black bin bag waste
- Brought to site by ship – Scotland, probably Grimsby and possibly Tilbury
- Provided by a supplier
- Around 1.3 million tonnes per year
- Diverting from landfill or from going abroad – planning on bringing it here and using a process called gasification – different to incineration
- Doubling shipping on the Haven
- 22,000 vessel movements on the wash, mainly going to Kings Lynn or Wisbech
- We need to build a wharf that will have a storage facility behind it
- Boston 1 is built but not yet commissioned – owned by Aviva – consented in 2009 – developer is our developer but he sold it in 2012 – it is a completely separate operation that uses wood – supplied by Mick George
- All land is owned by one company – Alchemy Farms
- We are working around the island in the middle
- The road that runs alongside the site is private
- Allocated in the Lincs waste plan for industrial development
- All areas in pink are employment land in the local plan, yellow is countryside – landfill is in countryside and current facility is in countryside
- There is going to be a housing development within the pink area
- About 3.5km from the SPA, SSSA
- Explained the process – no bale will be loaded onto the ship that is damaged, if its damaged during transit it won't be off-loaded. Each bale will be labelled
- Waste will come from anywhere in the UK – none will come from abroad
- Bales stored for a maximum of five days
- We will recycle up to 20% of the material, over 200,000 tonnes will be recycled. This will leave by road but travel less than a mile – it doesn't leave the industrial estate
- It will be shredded to smaller than credit card size
- Shredded waste put into 800 degrees but no oxygen so chemically converted into a gas
- Two solid wastes produced - ash is a solid residue produced by the process and APC residues (air pollution control residues)
- Ash will remain on site and be combined with clay which will come in by ship
- We're not discharging or extracting from the river
- About 110 ships for aggregate – 624 is the total number of ships
- Aggregate will be placed into the clay units once the clay has been removed and then shipped out
- 120 tonnes of co2 made a day
- Wharf is 400m with two berthing points
- We can only come in within a high tide window. We will go up to the port and turn around
- Flood defence will be integrated into the wharf
- We are tapping into one of them and will feed directly into the national grid
- Diverting the route into an existing footpath
- We will improve the passage through the footpath. It's currently overgrown and we will probably improve the pleasantness of the journey through the path. The footpath will cross through the site so will have to be monitored
- All grade 1 agricultural land as it is allocated for industrial development and it is not farmed
- We will do a topsoil scrape across the site so that will have to be moved and could be of benefit to somewhere else

- Our stack will be 70m high – Boston 1 had planning permission for 65m
- Noise is of concern – 2 receptors – residential properties
- There is not a lot of wildlife there – bat and vole survey happening today
- Not many tall trees for bats
- We need to be mindful of where we do the planting and would welcome advice on that
- Considerate contractor and construction
- There is a pond on site
- Laydown site may be redeveloped during operation – it could be anything – recommendations welcome of what it can be used for. Approx 1 hectare#
- The barrier will just be operational just before construction
- We've also done a mini HRA (habitats regulations assessment)
- Most sensitive marine feature likely to be fish, seals are used to seeing vessels in the wash – collision and noise perspective is not deemed to be significant on them
- Piling during construction which will impact fish
- Not yet completed the assessment of the construction noise so assessment on ornithological is yet to be completed – this will be completed in the next phase of assessment
- Submission end of October 2019
- 6th August to make comments on PEIR
- Construction will hopefully start early 2021 and will take four years to build
- The vast majority of people use the opposite side of the river

To action - Get copy of presentation from Gary for reference – Helen/Bethan can you request this

6 August 2019

By Email only

To whom it may concern

**Comments on Preliminary Environmental Information Report for Boston
Alternative Energy Facility**

Thank you for giving Lincolnshire Wildlife Trust (LWT) the opportunity to
[REDACTED] Information Report (PEIR) for the
[REDACTED] (BAEF).

LWT has noted that there will be permanent loss of intertidal mudflat and saltmarsh, both of which are listed as priority habitats of principal importance for the conservation of biodiversity under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. There is currently no planned compensatory habitat or mitigation measure associated with this loss. We would query whether the Haven could be functionally linked to The Wash SPA, with bird species using it for a variety of reasons to compliment habitat in The Wash. We would like to see compensatory habitat created as close to the site as possible.

Mitigation Measures

We support mitigation measures detailed within Chapter 12 – Terrestrial Ecology and Chapter 17 - Marine and Coastal Ecology and outlined in table 24.1 Summary of PEIR Topic Impacts in Chapter 25 (Non-Technical Summary).

Mitigation measures should address any impacts related to findings of further surveys planned for protected species.

We would like to understand what the ‘embedded mitigation’ mentioned in the various chapters relates to in practice. Will details of mitigation be defined and included within the Construction Environmental Management Plan? We consider that this information should be reviewed by the conservation organisations, including Lincolnshire Wildlife Trust, before these are signed off.

In particular, our marine specialist would like to have the opportunity to review mitigation measures associated with underwater noise piling and increased shipping on marine mammals when these are available and before they are signed off.

*Banovallum House
Manor House Street
Horncastle
Lincolnshire
LN9 5HF*

*Tel: 01507 526667
Fax: 01507 525732*

*info@lincstrust.co.uk
www.lincstrust.org.uk*



*Lincolnshire Wildlife
Trust is a company
limited by guarantee
registered in
England, no. 461863
and is registered as a
charity, no. 218895
VAT no. 613 9067 44*

The incident / emergency response plan. This should detail what actions will be taken to ensure protection of terrestrial, freshwater and marine habitats and species in various incident and emergency scenarios. We consider that this should be reviewed by the conservation organisations, including Lincolnshire Wildlife Trust, before these are signed off.

Species

Otter is a species designated as part of the SAC but is not mentioned specifically in the Marine & Coastal Ecology chapter. The Terrestrial Ecology chapter recognises they may use the tidal River Witham for commuting in the wider area. Further surveys and considerations for otter in Chapter 12 should include assessment as a designated species associated with the SAC.

Birds There is no recognition of the potential impact or importance of the loss of tidal haven from The Wash. This

[REDACTED] mentioned in the table of impacts in [REDACTED] bird nesting habitat on the site is suggested. Habitat should be replaced and enhanced on site as mitigation for this loss.

Marine mammal assessment Chapter 17 (p 59 onwards)

It is stated that the haven is not likely to be a key route for harbour seal, and they are likely to remain in The Wash. Please could you clarify what evidence is available to support this and if any monitoring been undertaken?

In undertaking the noise impact assessment on harbour seal, assessment uses injury/Permanent Threshold Shift (PTS) criteria from Collet and Mason (2014). The advice from Statutory Nature Conservation Bodies (SNCBs) to offshore wind farm developers when undertaking noise impact assessment is to use the criteria outlined below. Could you clarify why the NFMS (2016) thresholds have not been used in the assessment?

NMFS (National Marine Fisheries Service) (2016); Technical guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts. U.S. Dept of Commer, NOAA. NOAA Technical Memorandum NMFS-OPR-55, 178 p.

Increase in vessel / traffic movement. It would be useful to understand in more detail, how the assessment of the impact of increased vessel movements on harbour seal within The Wash has been considered. Please could this be provided to our marine specialist?

Enhancement and net gain

In line with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) and Policy 28 (para 3) and Policy 31 (para 5) of the South East Lincolnshire Local Plan, biodiversity net gain requires developers to ensure existing habitats are assessed for wildlife benefit and left in a measurably better condition than

Banovallum House
Manor House Street
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they were before the development took place. The existing habitat and its condition should be assessed as part of this development. It should be clearly demonstrated how biodiversity will be improved, delivered and managed beyond the construction phase. It should include habitat creation, sowing and planting of native species of known benefit to wildlife, creation of green corridors and habitat linkages through and beyond the site and wildlife friendly margins. We would like to see how this has been incorporated within the plans.

Consultation

Have Lincolnshire County Council been formally consulted and had a chance to suggest biodiversity net gain or other opportunities related to the development to complement nearby Havenside Nature Reserve? Have the RSPB been consulted and had an opportunity to comment on any research they have on how development of the site may affect birds within The Wash and other [redacted] Hampton and Freiston? These sites [redacted] with funding associated with this work.

Chapter 11 Contaminated Land Use and Hydrology and Chapter 13 relating to Surface Water, Flood Risk and Drainage should also consider impacts and opportunities for biodiversity.

Paragraph 13.7.5 identifies that spillage of contaminants into the surface water system from the development via IDB drains may have an adverse impact on ecology in terrestrial, coastal and marine habitats. Please confirm what measures are in place to prevent spillage and clean up any harmful contaminants following release into the environment.

The South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) recognises opportunities to increase biodiversity through 'sustainable drainage systems' (SuDS). Its primary aim is to minimise the impact of development on the water environment, reduce flood risk and provide habitats for wildlife. We would like to see biodiversity opportunities included, where possible, in the final design for any attenuation ponds and other SuDS features created.

Air Quality

It is unclear how deposition of material in The Wash relating to emissions to air from the facility might impact on The Wash SAC, elements of which are currently in an unfavourable condition. We would like to be assured that this has been considered and mitigation measures put in place where necessary.

Construction and Operation

Paragraph 5.5. 35 of the project description (Chapter 5) states that part of the RDF bale conveyor will be uncovered. Are there mechanisms to prevent materials and potential contaminants from unidentified damaged bales leaving the conveyor or other uncovered parts of the process and escaping off site?

Banovallum House
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Lincolnshire
LN9 5HF

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Fax: 01507 525732

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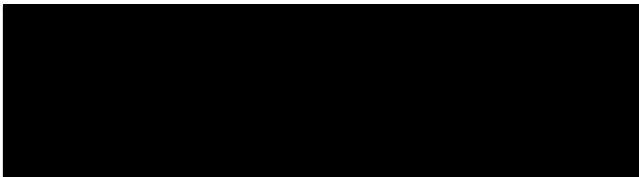
Please could you confirm if bales of feedstock will be wrapped in plastic? If so, has alternative material been considered?

Access

Have opportunities for improving local access to green infrastructure been considered? This is in line with the NPPF (paras 91, 150, 171) and policies within the SE Lincs Plan.

Thank you again for the opportunity to comment on this application. Please do not hesitate to contact me if you have any queries or need clarification regarding the comments provided.

Yours sincerely



Amanda Jenkins
Conservation Officer

*Banovallum House
Manor House Street
Horncastle
Lincolnshire
LN9 5HF*

*Tel: 01507 526667
Fax: 01507 525732*

*info@lincstrust.co.uk
www.lincstrust.org.uk*



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Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Ros Deeming, Louise Denning (Natural England (NE)), Annette Hewitson, Lee Walker, Helen Dale, Kevin Burton (Environment Agency (EA)), Amanda Jenkins (Lincolnshire Wildlife Trust), Sarah Mitchell (RSPB) Gary Bower (Royal HaskoningDHV (RHDHV), EIA Project Manager), Abbie Garry (RHDHV EIA Co-ordination), Claire Smith (Terrestrial Ecologist, RHDHV), Chris Adnitt (Marine and Coastal Ecology, RHDHV), Rachel Wild (Athene Communications)

Apologies: Gillian Fisher (NE), Phillip Pearson (RSPB)

From: Abbie Garry

Date: 16 June 2020

Location: Teleconference

Copy:

Our reference: PB6934-RHD-ZZ-XX-MI-Z-1056

Classification: Project related

Enclosures:

Subject: Boston Alternative Energy Facility Update Meeting with Natural England, Environment Agency, Lincolnshire Wildlife Trust and RSPB

No.	Details	Action
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1	Project Update	
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Following discussions with the relevant technology providers, the Applicant has decided to change the thermal treatment technology from gasification to Energy from Waste (EfW). One of the reasons behind this is that the proposed the gasification technology supplier made the decision to divest their business. This has positive outcomes in that are more large-scale reference plants for EfW compared to gasification plants. This is also beneficial from an investment perspective because EfW is proven bankable technology at this scale.

Construction

Previous Scheme Detail: very large amounts of concrete was needed for six large silos (used for storing processed RDF) which were to be constructed by slip-form concrete. This requires a high number of vehicle movements during construction, with more than 10 traffic movements per hour for 26 separate weeks over the construction process, with a peak of 42 traffic movements per hour.

Current Scheme Detail: There will be a concrete batching plant on site. The raw materials for making concrete can be transported in larger quantities, thus reducing vehicle movements. Furthermore, there will be aggregate delivery via ship during construction due to early construction of part of the wharf. This will result in only two separate weeks in the construction period with greater than 10 movements per hour with a peak of 15 movements per hour; and also noting that only 43% of movements will be outside the local area.

No. Details

Action

Outcome: Overall there will be a reduction in the volume of concrete necessary as silos are no longer required. There will be a significant reduction of construction vehicle movements associated with concrete supply. Although there will be ships arriving during the construction period, which is a change from previous, there will be an overall net reduction in anticipated number of shipments per year.

The overall construction timeline is the same as with the previous scheme detail, with a 4 year construction time period.

RDF Supply

Previous Scheme Detail: Main supplier was N&P however they changed their business priorities to 'subcoal' and SRF. Previously the RDF was coming from 3 UK ports.

Current Scheme Detail: The client has engaged with a company called Totus. These have a wider range of ports (11 UK ports) which will lead to a more widespread distribution of source material. Some suppliers will have different bale sizes which could impact on the number of bales per ship (but with the same overall gross tonnage approximately 2,500 tonnes). Due to these different sizes there will be consideration of the number of bales per stockpile stored on site to maintain compliance with the 450m³ limit in EA Fire Prevention Plan guidance.

Previous Scheme Detail: Gasification technology had a very specific RDF specification required, hence 1.5 million tonnes of RDF was needed as worst case to cope with potential variation in calorific value and quality and to ensure that sufficient material was available following processing in the RDF Processing building (see below).

Current Scheme Detail: Conventional Energy from Waste (EfW) facilities can cope with wider variances in calorific value and RDF quality, hence the worst case can be reduced to 1.2 million tonnes of RDF.

Therefore, the worst case quantity is reduced by 300,000 tonnes, leading to an annual reduction of up to approximately 120 less ships.

The RDF supply will still come from the UK only – not Europe or the Republic of Ireland.

RDF handling (wharf)

Previous Scheme Detail: One crane at each berth. Cranes offloaded bales and these were removed to the external bale storage area by trailer. Approximately four days of supply was anticipated to be stored at the wharf in an area of approximately one hectare (42 potential stockpiles of bales).

No. Details

Action

Current Scheme Detail:

- Two cranes per berth (still three berthing points along the wharf).
- Automated cranes offloading the ships.
- Bales directly loaded from ship onto the conveyors to be shredded and stored in the EfW bunker, with a contingency arrangement for outside storage at the wharf when the bunker is full.
- Bunker has 4 days of supply.
- External storage area has approximately 1-2 days of supply and which means less storage area is required (between 25 and 50% of previous storage requirements).
- Slope protection has been added to the berthing pocket.

GB to confirm offload timings of the ships.

Outcome: Reduction in the impacts associated with external storage of bales in a larger area. Increased efficiency in offloading the bales. Reduced health and safety and nuisance risks.

There will be no change to the dredging requirements.

HD asked the time taken to offload the ships – GB to confirm.

In addition the red line boundary (RLB) has been amended (by contracting the boundary) to exclude a main sewer line, as discussed with Anglian Water, in order to allow Anglian Water access to the sewer line without coming onto the Facility's secure site.

RDF Pre-Processing

Previous Scheme Detail: Large RDF processing facility involving eight shredding lines and automated segregation of ferrous metal, non-ferrous metal, fine inert material, hard plastic and medium to heavy density inert material. This was required due to the sensitivity of the gasification process. EfW does not require this level of pre-processing.

Current Scheme Detail:

- Increased space and less compact layout by removing this large building and the six 48,000 m³ silos required to store the processed RDF.
- Simplified layout works more efficiently and allows for construction flow to be optimised.
- No pre-processing or segregation, therefore no vehicle movements associated with removal of inert materials or metals off site from the RDF pre-thermal treatment.
- Has allowed for repositioning of the air cooled condenser (ACC) and turbine building to a central point to potentially reduce noise impact from the site.

No. Details

Action

Thermal Treatment

Previous Scheme Detail:

- Gasification technology, three line system.
- One combined stack with three cores within, one for each line – approximately 5m diameter.
- High level of screening and segregation of metals and inert materials prior to processing etc.

Current Scheme Detail:

- Energy from Waste technology (still three lines).
- Three lines but one individual stack per line, these stacks will be the same height but narrower than the combined stack in the previous design.
- Plant is slightly taller (approximately 4-6m taller)
- There will also be more cladding around this facility which could reduce the noise impact.
- Greater amount of ash and ash processing – ash will be ground and sent to the Lightweight Aggregate (LWA) Facility as previously. Around 10% more aggregate would be produced.
- Metal will be screened from the ash and sent for offsite recycling (but there will be a reduction in the number of lorries compared to previously).

Outcome: There will be an updated Landscape and Visual Impact Assessment with the Zone of Theoretical Visibility checked.

Emissions for the EfW will be required to comply with the new BAT Waste Incineration document issued in December 2019 – this would be the same for gasification – there are no different standards. The emissions of the three separate stacks as opposed to one would be modelled but are unlikely to exceed previous scheme levels.

Other Changes

The red line boundary has been reduced at the southern end, however there is still space for laydown associated with construction of the facility. The operational boundary will likely be reduced to exclude some of this area. This will be represented by the construction and parameter plans produced for the DCO application.

The power output will be the same as previous (80 MWe), as the agreement with Western Power has not changed.

Previous Scheme Detail:

- One carbon dioxide capture unit.
- The Roman Bank (also known as 'Sea Bank') embankment running through the site and a public footpath follows the route. There is a gap in it currently and the previous plan was to route pedestrians down across the gap, which be across a road leading from the main gasification plant

No.	Details	Action
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to the Lightweight Aggregates Plant and back up the bank (making sure to consider safe passage where this crosses the site road).

Current Scheme Detail:

- Adding another CO₂ capture unit, so two in total.
- Amended red line at the power generation area at the southern end of the site.
- Reduced site footprint with red line which fits the requirements of plant on site.
- Footbridge over the gap in the bank. As this bank has heritage significance the design of the footbridge will be discussed with the Lincolnshire County Council heritage team.

2 Consultation

The current general arrangement of the site now represents the frozen scheme design and we are not anticipating changes of plant within the boundary.

We have had a preliminary discussion with the Planning Inspectorate and with Boston Borough Council and Lincolnshire County Council. They were content that we didn't need to have a formal consultation process, however the Project team identified that there is a need to inform stakeholders.

For regulators and statutory stakeholders we will plan meetings, hold webinars and send information via email.

We will engage with the public but cannot hold public exhibitions.

We are proposing a four week consultation period where we notify members of the public. We propose to undertake a maildrop in the Boston Borough area with a summary of the proposed changes and an opportunity to provide comment with a 28 day consultation window and then a two week period where we will consider those comments.

We will also update the project website, hold webinars/ teleconference opportunities, public phone in sessions and will notify the local press.

As we have already undertaken formal consultation, we are not proposing to update the Statement of Community Consultation (SoCC), as this would significantly increase the timescales needed.

Some of the EIA chapters will not be updated but there will be changes such as for vehicle movements, air quality, landscape and visual impacts etc.

3 Timescales

Aiming for Q4 2020 submission.

No.	Details	Action
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It was noted that we should manage expectations by giving stakeholders an idea of timescales.

4 Ornithological Potential Impacts

For the PEIR, bird data was reviewed and habitats assessed for potential bird use. Bird data was collated from BTO (core count data was available) and was included in the initial analysis. Data from the Boston Barrier Scheme was looked at.

There was a previous site meeting with the RSPB at Frampton Marshes.

Have undertaken surveys for roosting birds and feeding birds. Overwintering bird counts commenced in October 2019 and ran monthly until March 2020. These were undertaken by Anthony Bentley who was recommended by the RSPB.

There were two counts each month, one at low tide and one at high tide.

These were undertaken for two sites Section A (the wharf area) and Section B, towards the Wash.

These surveys have shown the following:

- Overall, 49 bird species were recorded across both sections between October 2019 March 2020;
- 19 species appear on the amber list and 11 are on the red list. Most birds do not occur in significant numbers.
- However, both Redshank and Ruff were shown to occur in locally significant numbers.
- Redshank was recorded in all visits, with the peak count for section A being 162 roosting birds, 2.84% of the estimated winter Wash population.
- Ruff were recorded on eight visits, with a peak count of six roosting birds, estimated to be 8.1% of The Wash population.
- Both counts are significant when the size of the site is taken into consideration and compared to the size of The Wash.

At the entrance to the Haven the following bird survey data was found:

- Counts were undertaken to establish the actual impact of vessel movement in through the mouth of The Haven
- There were high numbers of birds taking flight as larger vessels, or smaller vessels that are moving fast, move past the entrance
- Some of the birds fly around and settle again but many fly off to different roost sites
- It appears that once a certain number of disturbance episodes have been made, the birds have all moved off to alternative sites.

Breeding bird surveys are also ongoing with monthly counts being undertaken by Anthony Bentley covering April to June with two counts per month. These are

No. Details

Action

being done following BTO Common Bird Census Instructions. The initial results showed no breeding birds in large quantities. Redshank was not found to be breeding in the area. There has been standard breeding of expected terrestrial species in terrestrial areas.

We are still looking at the data and the peak and average numbers. We will look to see if there is a particular habitat which is specific to this site or if there is a similar habitat adjacent. We will also identify whether these areas are important to Frampton Marshes or whether capacity can increase at Frampton Marshes.

Questions

Q. Will there be a change in feedstock coming from a greater number of sources?

A. The type of feedstock (RDF) is not anticipated to change. This is the residual waste element out of materials recycling facilities.

Q. Will there be an issue with odour from this plant?

A. The sealed bunker will reduce odour as the air will be in a controlled air feed into the thermal process and be treated at 850°C.

Q. Can bales be accessed from the covered conveyor?

A. There will be flap access to lift the cover off if needed.

Q. What is the risk of wind blown debris?

A. Bales will be wrapped and if any are damaged they will be re-wrapped on site. There is also a bale quarantine zone for any damaged bales.

Q. How long will bales be stored in the external storage area?

A. Working on a maximum of five days which will remain. There will be a first in, first out principle.

Q. Could two ships be unloaded at once?

A. Yes this could happen, ships will come in at high tide.

Q. How will you know how long a bale has been baled? Will there be contractual requirements in terms of the quality of bales?

A. Bales will be labelled when they are first baled, so we will know when they were baled and where they came from. Time between transfer will be kept at a minimum. It will be within the contract that bales will only be accepted under a specific amount of time since baling.

Q. Will each individual line have CEMS monitoring?

A. Yes each line will be continually monitored.

Q. Has net gain been considered? Are there any additional thoughts with regards to Freiston Shore?

No.	Details	Action
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A.	Once we have all of the data available we will look at the assessment of impacts and consider mitigation. We would look for like to like net gain. If there are any net gain initiatives, opportunities, drivers etc, please can we be advised of these.	
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Q.	RSPB is keen to be involved with the discussions around mitigation and compensation – is there a timeline for this?	
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A.	This will probably around late summer around August / September time.	
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Q.	Will there be any noise bunds or landscaping?	
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A.	We will need to re-do the construction and operational noise assessment. Where there is a need for noise reducing structures these will be implemented.	
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Q.	Will ports where the ships are coming from be assessed?	
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A.	As the main impacts is a local level impact of vessels all coming to the Haven, this is assessed but from the individual ports this is unlikely to be significant.	
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4	AOB	
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There are some reports which might be useful to our assessments:		
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- | | | |
|--|--|--|
| - SMRU Wash Report – new haul out sites within the Wash for Harbour Seals. | | |
| - Flyover Report for 2017/18 of Frampton Marsh June/ July time. (the 2019 and 2020 reports are not available). | | |

CA to check reports and data used.

Chris Adnitt to check which reports have been included, if we have not used the SMRU report Amanda Jenkins will send the link.		
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From:



Subject: Bird Count data

Date: 07 September 2020 11:46:57

Attachments: [PBS Haven Boston Mar2020.pdf](#)
[Waterbird behaviour changes due to River Traffic.pdf](#)
[BAEF Breeding Bird Report Draft One.pdf](#)
[image001.jpg](#)

Dear All

Further to our ongoing discussions with respect to the Boston Alternative Energy Facility project, please find attached copies of the bird count reports for the overwintering and breeding bird numbers to inform the assessment process for the project. These surveys were discussed at the last meeting where we had the results for the overwintering bird data and the behaviour changes at the mouth of the Haven, but not, at the time, the data for the breeding bird surveys. Please note that the breeding bird report is still only a draft so is not for wider circulation but we hope to have a final report soon that we will pass on to you all.


We are currently assessing the implications of the data and will be in touch with you all as soon as possible to either to have individual meetings for specific points or for a wider meeting to discuss the overall results and proposed mitigation.

Please do not hesitate to contact us if you have any questions in the meantime

Kind regards

Chris Adnitt

Christine Adnitt
Technical Director – Renewables and Marine Development


HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** | Rightwell House, Bretton, Peterborough PE3 8DW,
United Kingdom
Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844



From:



Subject:

RE: Impact assessment phase

Date:

30 September 2020 17:32:24

Attachments:

[BAEF Breeding Bird Report Final.pdf](#)
[image006.jpg](#)

Dear All

We just wanted to give an update on where we are with the Boston AEF and the impact assessment phase.

As you are aware we circulated the three bird reports to yourselves earlier but one of those was not finalised at the time. We now have the final version for the breeding bird report from the sub-consultant, which is now attached.

We also have the updated figures for the number of vessels during the construction and operation phases of the proposed facility. During construction the updated figures are 89 vessels visiting the site. This will be over a period of approximately 24 months, with a peak rate of 5 vessels visiting per week. During operation the figure is 580 vessels per year.

We are now investigating the potential impacts based on these figures and any updated information we have since the PEIR. One of the aspects is to look at potential mitigation for the habitat loss and disturbance impacts on birds. We are currently planning to have a meeting with the RSPB in early October to discuss specific opportunities for mitigation of impacts, focussing just on the RSPB reserves and the potential they may provide. We would then like to try and arrange a wider meeting with you all to discuss the potential impacts and the findings of the RSPB meeting together with wider mitigation plans, including the best practice measures that would apply for vessels within the Wash.

If you would be happy to dial into this wider meeting please could you send details for your availability preferably during the second half of October, but also (just in case) for early November?

Many thanks for your patience in this process.

Kind regards

Chris

Christine Adnitt
Technical Director – Renewables and Marine Development

HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** | Rightwell House, Bretton, Peterborough PE3 8DW, United Kingdom
Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844



Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Chris Adnitt (CA), Paul Salmon (PS), Abbie Garry (AG) and Ben Hughes (BH) (RHDHV), Sam Williams (SW), Richard Woosnam (RW) (AUBP), Richard Marsh (RM) and Sophie Reese (SR) (BDB Pitmans), Roslyn Deeming (RD), Louise Denning (LD), Louise Burton (LB), Robert Gornall (RG) and Daisy Durden (DD) (Natural England), Philip Pearson (PP), John Badley (JB), Andrew Dodd (AD) (RSPB), Suzanne Fysh (SF) (Lincolnshire Wildlife Trust).

Apologies:

From: Abbie Garry

Date: 08 February 2021

Location: Teams

Copy: All attendees

Our reference: PB6934-RHD-ZZ-XX-MI-Z-1069

Classification: Project related

Enclosures:

Subject: Boston Alternative Energy Facility RSPB, NE and LWT Meeting

Number	Details	Action
1	<p>Description of the Boston Alternative Energy Facility</p> <p>PS gave a brief overview of the scheme, key points below:</p> <ul style="list-style-type: none"> • Energy from Waste development with generating capacity of 102 megawatts electric (MWe) delivering 80 MWe to the National Grid; • Refuse Derived Fuel (RDF) dispatched from UK ports; • RDF bales (wrapped in plastic) will arrive via The Haven and are unloaded directly onto a conveyor for transfer to the bale shredding facility. There is also a temporary external storage area for contingency when the bunker is at capacity; • Bales are split open in the bale shredding facility and RDF is transferred to a bunker; • The feedstock is converted into energy using thermal treatment; • There are two carbon dioxide (CO₂) recovery plants which will recover a proportion of the CO₂ to be used offsite in a range of industries such as food grade CO₂; • 80 MWe will be exported to the National Grid via an onsite grid connection and substation; • Ash and air pollution control residues are produced as a by-product of the thermal treatment process and will be transferred to the Lightweight Aggregate plant where it will produce aggregate, using dredged river sediment as a binder, or clay where this is not available; and • The lightweight aggregate product will be removed by ship. 	

It was noted that the Applicant has been in consultation with the Port of Boston on navigational arrangements.

2

DCO Process Summary

A DCO application was made on 30th November 2020. Feedback was received from the Planning Inspectorate (PINS) that noted a few areas of the application needed strengthening. This included the compensation/ mitigation and consultation aspects of the Habitats Regulations Assessment (HRA). In addition PINS noted the funding statement and The Crown Estate consultation as other key areas. PS confirmed these latter points have been addressed.

It was noted that the aim for DCO re-application was w/c 15th February with continued consultation through the pre-examination period and into examination.

Post meeting note: the deadline for DCO re-application has been extended to the 1st March.

PP would have expected more meetings to look at data and survey information including technical groups looking at this information to inform on future/ additional surveys. PP also mentioned quick turnaround between the meeting and submission date and noted that there was outstanding information to be provided and reviewed and that more time would be more useful.

LB also surprised on submission next week and would have anticipated draft documents to review prior to the meeting and would have found it helpful to see the Planning Inspectorate's (PINS) concerns and had them chairing the meeting. Feedback from PINS on other projects have been that if there is still debate on whether there is an adverse effect on integrity they will not accept applications without a compensation package. Information needs to be shared as part of consultation.

PS noted these comments would be taken on board. CA confirmed that the meeting would cover these points such as the survey work and the additional work which has been done through further interpretation of the data previously supplied to the attendees. CA also noted that we have had a number of previous meetings to provide updates on the data which has been collected over time, to discuss the data and provide the survey reports.

HRA Update

The need for the HRA update was to:

- Discuss ornithological input to clarify the potential effects and the role of the habitat proposals including where they fall within the mitigation hierarchy; and
- Uncertainty on how the mechanisms would be delivered.

Since the DCO has been withdrawn the Applicant has:

- Looked at the individual sources of effects on birds within the HRA (had previously linked them together) pulling out the potential effects individually and cumulatively; and
- Reviewed potential effects on a species specific level for SPA species and as the SPA assemblage .

Bird Surveys

Originally used WeBS counts, previous data for example for the Boston Barrier Project and collating the view of local ornithologists. Through discussions with RSPB/NE/LWT it was noted that more data was required. Therefore both overwintering and breeding bird surveys were undertaken for 2019/2020.

Through discussions with the RSPB it was noted that there could be disturbance at the mouth of the Haven, surveys were therefore also commissioned to monitor behavioural responses of birds to disturbance in this area. Results were provided to RSPB/NE/LWT and were summarised in the Environmental Statement. A presentation of the survey results was also provided to RSPB/NE/LWT on the results of the bird data.

AD had a query on whether surveys had been carried out on disturbance events at a high tide roost in the vicinity of the development. CA noted that counts were done at high tide and low tide to see roosting and feeding birds and that notes were made of disturbance events.

Construction and Operational Phase Effects on Birds

The HRA splits out potential effects on birds:

- Disturbance on site due to construction noise;
- Habitat loss due to wharf development;
- Lighting during construction and operational phases; and
- Vessel presence during construction and operation.

Summary of potential for effects on SPA populations during the construction phase

Construction Phase – Disturbance

- Potential for disturbance at the construction site due to noisy activities;
- Overwintering birds associated with the SPA do use the site for feeding and roosting;
- The breeding bird survey did not find breeding SPA species in this area;
- The disturbance due to construction works on SPA populations can be mitigated through avoidance of overwintering periods for noisy activities such as piling works, which could be scheduled to take place during the summer months;
- Additional measures, such as mitigation and monitoring that was undertaken by the Environment Agency during Groundwork Investigations (in 2019) concluded that they would not undertake noisy activities if more than an agreed number of birds were present within an agreed distance of the works. They started off with an area of 500m and reduced this to 250m as there was very little disturbance. This measure could also be used to mitigate any effect if necessary

PP asked how comparable the EA works would be to the Facility. CA noted that the mitigation used by the EA could be undertaken either for the whole of the construction period or just the noisy periods, but that it is noted in the ES that this should be agreed in more detail. Noted that the piling would be the most disturbing activity, which would not have an impact due to seasonal restrictions but would have to look into detail for the lesser noisy activities.

With the mitigation proposed, there would not be expected to be any effects on SPA birds using the site; and

- Concluded no adverse effect on integrity

AD noted in the comments that they would expect that detail to be provided on mitigation up front so can be fully discussed.

Construction phase – Habitat Loss – low water counts

- For the development of the wharf there is loss of saltmarsh (0.85ha) and mudflat (1.36ha) outside the SPA through creation of the wharf facilities
- For low tide counts, for feeding populations, most birds using the two count sectors were present in low numbers <1% of SPA population
- Redshank and ruff were present in higher numbers for the area >1%

- Redshank (a named SPA species) occurred in <1% of the latest WeBS 5 year average (2013/14 to 2017/18) on count sector A (proposed wharf area) but reached 1.01% in Area B (adjacent area, not area of habitat loss)
- Ruff (not a named component of the SPA but within the assemblage) were present in the sectors at low tide but only one individual was recorded in Area A and between 1 and 6 (6 representing 8.1% of The Wash Population) for Area B
- Area B would still be available for feeding birds at low tide, also note that counts were inclusive for both sides of the river so the opposite side would not be affected by habitat loss.

Construction Phase Habitat Loss – high water counts

- For high tide counts, the peak count (on one occasion) of redshank in Area A was 162 which represented 2.8% and in Area B 1.6%, of the latest WeBS data 5 year summary for The Wash population. It was noted that the 162 count was an anomaly, however JB suggested that due to the limited number of counts it wouldn't be considered an anomaly.
- The remainder of the counts (5) for redshank in Area A were between 13 and 29 individuals (between 0.23 and 0.51% of the latest WeBS population).
- In Area B the counts for redshank were >1% but <2% for 3 out of 6 counts
- Ruff were counted as 1 bird in Area A and 1 to 4 in Area B. When counted as part of the assemblage the numbers were very low
- Area B saltmarsh would still be available to provide roosting habitat and the opposite side of The Haven in Areas A and B would still provide roosting habitat

CA noted that there is a difference between Area A and B, Area A is a thin strip of saltmarsh which is the area which is being removed and has been looked at for the monitoring of the Boston Barrier and in both occasions has been concluded to be in poor condition, but it is being used by some of the bird species. Area B is much larger roosting habitat for the birds, which will not be removed. Both areas are affected by the presence of debris and a footpath that runs along the back of the site.

AD stated that birds will go where they want to go and don't always take notice of the habitat quality. Therefore looks like they are exhibiting a preference for Area A. Understanding the importance of Area A and B as a habitat roost for species that is

site faithful will be very important. And noted the importance of peak counts.

CA mentioned that looking at type of habitat which is there is important and what the adjoining habitat is.

CA to discuss with JB area A and B size and habitat quality.

PP noted we need to understand why there is a high tide roost in this area and if birds are displaced, are they moving into suboptimal areas? Need to consider what it is which is making this site important.

In general, higher numbers of birds use area B, which is a wider area of saltmarsh. CA mentioned it would be useful to have a conversation with JB on this in terms of the area and size of habitat/ quality.

JB mentioned that species may find an area of importance even if the quality is low and noted that more counts there would be enlightening. As it is not used as much at low tide but is at high tide. JB suggested it could be used as a high tide roost area and suggested it could be disproportionately important for the redshank which are very site faithful and would question if it is the most important roost site in the area.

CA mentioned it is something that has been looked at which is supported by the monthly counts that have been, and are being, undertaken. Could work with the ornithologist who undertakes the survey work to look at a comparison between Area A and B and the area on the opposite site of the Haven. The count data shows the difference between Area A and B for bird usage which is summarised above. *Post meeting note: The HRA also looks in more detail at roosting behaviour in The Wash and movement between roosts, this is included in the HRA update. Redshank appear to move between roost sites within given areas.*

PP stated they would have expected more of a review of the data and if there is any additional data required. CA noted the data that has been re-assessed was presented previously and relevant reports sent in September 2020. PP noted there should have been time to comment on HRA and ES chapters.

Loss of habitat during construction phase – conclusion

- Bird numbers seem to fluctuate widely with the same bird species using Area A and B;
- Very similar habitat all along The Haven which is expected to support the same species – mudflats are narrow along The Haven;

- The saltmarsh in Area A is considered to be in poor condition, as concluded by surveys undertaken for the Environment Agency;
- Area B much larger area of saltmarsh;
- It is concluded that although the mudflat and saltmarsh habitat does seem to provide a functionally connected habitat for some SPA species the loss of this small area would not constitute an adverse effect on the integrity for the species associated with the SPA/Ramsar site. The adjacent habitat in the wider area (such as Area B and in the opposite area across the Haven) would be able to support feeding and roosting birds affected by the proposed Facility, with no negative effect on the supporting function that habitats within The Haven contribute to the structure and function of the SPA and Ramsar site.

CA to discuss bird usage of area A and B with bird surveyor.

AD noted the statement that there is plenty of available habitat along The Haven but will rely on information to demonstrate that the birds are making use of other areas for example for high tide roosting, this is particularly important for the redshank as they are site faithful and this topic would require further discussion. CA noted that redshank are using Area B as much as if not more generally than they use Area A, but CA will speak to the bird surveyor to see his opinion. *Post meeting note: Results of research on redshank roosting behaviour in The Wash has also been added to the HRA to show that redshank do move between roost sites within certain areas.*

LB noted that an engagement plan from the Applicant going forward would be useful to understand the process and what is expected.

Lighting during construction and operation

CA explained that the lighting would be localised and focussed and only used when needed e.g. if a vessel requires unloading at night. Therefore there is not likely to be much of an impact.

Research has shown some water birds may feed nocturnally and take advantage of artificial light sources.

Therefore, this is not considered to be an adverse effect on integrity and potentially could be beneficial to some birds.

Vessel Disturbance during construction and operation

As the construction phase has a much lower number of vessels, the operational phase was looked at. An additional 580 vessels per year for the project. Three scales have been considered:

- The Wash
- The navigation channel that approaches The Haven
- Within and at the mouth of The Haven

Within The Wash and the navigation channel to the mouth of The Haven the increase in vessels is very small (0.75% and maximum of 5%) as there is estimated to be 77,441 vessels per year (MMO data) in The Wash and estimated at a minimum of 11,000 vessels using the navigation channel (tracking data) that approaches The Haven.

Within The Haven approximately 420 vessels transit per year currently with an extra 580 vessels predicted once the Facility is operational, but vessel disturbance would only occur at high water as the large vessels can only move into The Haven at and around high water, so not disturbing during feeding periods.

Through the HRA process, RHDHV has investigated the potential for increased disturbance due to vessel numbers at the mouth of The Haven around high water using the data available from the survey work undertaken during winter of 2019/20.

Bird count analysis for disturbance at the mouth of The Haven

- Further detail has been analysed for this data which looks at every disturbance event and recurring events for each high tide period for baseline conditions.
- Recorded vessel type, number of each species disturbed and what the behavioural response was for each species.
- 24 species altered their behaviour due to the vessels
- This was mostly small numbers but some were > 1% of The Wash population based on the WeBS 5 year average between 2013/14 and 2017/18.
- Results showed that most species fly to an alternative roost site after one disturbance event.
- Tables showing effect on behaviour show that for the SPA and Ramsar species there were initial disturbances that affected >1% of the SPA population for that species, but that the birds then flew to an alternative roost site and were not subsequently disturbed again that day.
- Other species that make up the assemblage, but are not named SPA species, were disturbed on recurrent occasions in one day, including golden plover and lapwing who appear to return to the same roosting site even after 3 disturbance events. The numbers affected

in terms of the total for the SPA assemblage were <1%. RHDHV have looked at energy usage calculations for these two species.

CA presented survey result analysis including where >1% of SPA species were affected:

- November 2019 – no significant (>1%) disturbance.
- December 2019 - Lapwing and golden plover returned to same area after disturbance. Lapwing was disturbed three times and then eventually displaced after the repeated flight. Black tailed godwit had a high disturbance number but they flew off to a separate roost and were not disturbed again that day.
- January 2019 - Black tailed godwit twice in one event but only five individuals had been disturbed at the earlier event against 200 at the second event.
- Feb/March – no repeat disturbances of >1%.

PP – “no behavioural responses in significant numbers” – would be useful to see these numbers. CA mentioned that the tables sent out with the agenda included all of the data and that the original survey data had been supplied in September 2020.

JB noted that we are looking at the right area of The Haven mouth. If birds are being disturbed and not coming back this might be negative if we consider the loss of roosting area. If they are disturbed more frequently they may be less likely to come back or roost there in the first place. JB has had a look through the data and every large ship movement (except one 20 mins after another) caused disturbance to >1% of the SPA species count for the latest WeBS five year summary data for at least one but up to five species in The Wash. With regards to the 1% level, out of 15 species impacted, 8 were above 3%, including 23% of the black tailed godwit population for The Wash disturbed in one event. Need to clarify if 580 is in each direction or in total and must note a pilot boat for each ship. This would be an 138% increase in the Haven.

JB to provide feedback on 2% energy usage.

PS noted the vessels would be clarified – but that it would be 580 vessels into and out of the Haven.

CA mentioned that the energy usage calculation for the assemblage birds that were repeatedly disturbed showed less than 2% energy usage for four subsequent disturbance events. JB noted he would look to see if there is comparable data elsewhere and how significant that data would be.

CA mentioned it would be useful if JB could look through and feedback on this.

JB noted that the proximity of the larger vessels is the impact rather than ship wash. Therefore slowing vessels down might not be a useful measure and may not be possible due to minimum speeds required.

CA confirmed most disturbance is by the presence of the vessels rather than their wash but not all i.e. pilot boats.

JB noted that if increasing vessels will increase the number of pilot boats, reducing the speed limit could be useful. CA stated that the baseline data shows that the first vessel disturbance displaces the majority of birds such that subsequent events do not seem to be disturbing the majority of species. This level of disturbance does not appear to be having an effect on numbers of birds in the SPA. The subsequent disturbance to golden plover and lapwing who do repeatedly return to the same roost site will be using energy reserves. However, the energy usage from even four subsequent disturbances was quite low, most probably due to the short flight distances that these birds undergo after any disturbance. Therefore we could conclude no adverse effect on integrity to SPA birds and the assemblage of birds using the area.

Net Gain Measures

There are mitigation measures built into some of the potential effects, including the avoidance of particularly noisy activities during overwintering periods. If no adverse effect is concluded the project is still looking at measures of net gain for the habitat loss, but these would be under the biodiversity net gain feature. These measures would also provide a benefit to the SPA birds as well as providing the net gain for the habitat loss at the proposed development site.

LB mentioned we need to fully understand whether there is an adverse effect on integrity before defining mitigation measures. Also, a discussion on alternatives is required, a discussion on IROPI and compensation if that route is necessary. If there is not an effect on integrity there are still residual concerns, such as loss of supporting areas which are priority habitats and should be ensuring there are sufficient habitats to provide a function of these areas which the specific species of birds have a preference for. Need to ensure there is no loss of priority habitat/ supporting habitat which allows the birds to function.

CA mentioned that the HRA update has specifically considered these areas and will feed in the bird surveyor's feedback on whether he thinks Area A is of particular importance to these features.

JB mentioned that the previous HRA came to very different conclusions.

CA – The work completed on the update to the HRA has looked in much more detail at the individual responses of the birds to vessel disturbance and the roosting areas for redshank. The tables that were provided with the meeting agenda (providing detailed analysis of the survey data supplied to all attendees organisations in September 2020) with regards to disturbance look in detail as to whether birds were disturbed by the baseline levels of disturbance and flew off to alternative roost sites or whether they were returning and undergoing subsequent disturbance events. It appears that the majority of birds (and all SPA named species) are disturbed to alternative roosting areas nearby after just one vessel movement and therefore the additional impact on top of baseline is much less than previously thought.

Cumulative / In-combination Projects and Plans

CA requested feedback on how far out into The Wash to consider cumulative projects, as the increase in the number of vessels is small within The Wash. LB noted that if the ships are sticking to navigational routes in The Wash, there wouldn't be a concern in the wider Wash area.

Survey Work Update

It was noted that additional bird counts were completed in January and CA asked for any requirements for further survey work.

AD – energy usage information would need feedback from scientist to see if 2% would be significant. Also, could a survey can be progressed in The Haven to see how redshank respond to when the vessels move through. CA noted this would be fed onto the survey works. The previous survey did note any disturbance events. *Post meeting note: the high and low counts are being continued for February and March, together with surveys of disturbance behaviour at the mouth of The Haven and at the proposed development site in the Haven.*

PP – noted that their previous comments should have been “surveys for 1 year and then confirm if any further surveys are needed.”

Conclusions

CA noted that a further meeting could be planned once information has been reviewed.

LB mentioned that clarity was needed on next steps in terms of an engagement strategy.

PS noted we would get back on the next steps in terms of on an engagement plan.

PS (RHDHV) to provide an engagement strategy.

PP noted lots of DCO projects going on at the moment and pressure on time and so need sufficient time for meaningful feedback.

Additional Comments

SF noted that: "Lincs Wildlife Trust will also need more information about the noise impact on Harbour Seals and haul out sites in The Wash and how this has been considered." CA responded that this is detailed within the HRA document.

LD: "We would recommend at least 2 years survey data. When we originally highlighted missing data we said even 1 year would be valuable but missed several opportunities"

From: [REDACTED]
Subject: RE: Boston AEF
Date: 12 February 2021 15:24:00
Attachments: [6.4.18. Appendix 17.1 Habitats Regulations Assessment_DRAFT.docx](#)
[6.2.17. Chapter 17 Marine and Coastal Ecology_DRAFT.docx](#)
[6.4.19. Appendix 17.2 Breeding Bird Survey Report.pdf](#)
[6.2.5. Chapter 5 Project Description.docx](#)
[image002.jpg](#)
[image005.jpg](#)
[image004.jpg](#)

Hi Amanda and Suzanne

Following on from Chris' email below please see attached the relevant documents for your review. I've also attached the Project Description for your reference.

The figures are too large to send via email so I'll send these by We Transfer, please let me know that you've received everything OK.

Chris will continue to be our main contact point for the HRA so please continue liaising with her and we very much appreciate any response you may be able to provide as requested in Chris' email below.

Kind regards

Abbie

Abbie Garry MSci (Hons)
Environmental Consultant
Environment Group
Industry & Buildings - Europe

[REDACTED]
HaskoningDHV UK Ltd.
Registered Office: Rightwell House, Bretton, Peterborough, PE3 8DW. United Kingdom.
Registered in England 1336844
HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** [REDACTED]



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[ETHIC Intelligence anti-corruption certificate since 2010](#)*

 **Please consider the environment before printing this e-mail**

From: Chris Adnitt [REDACTED]
Sent: Friday, February 12, 2021 12:57

[REDACTED]
[REDACTED]
[REDACTED]
Subject: Boston AEF

Dear Amanda and Suzanne

Many thanks for your engagement in the DCO process to date, including your attendance at the meeting earlier this week. During the meeting an engagement plan was requested and we are very happy to draft a plan and get this agreed with NE, RSPB and yourselves in order to move forward the HRA and wider ecology aspects of the Boston AEF. We are currently draughting something for your attention and comment and will issue this next week to you. We have a very tight timescale in operation here driven by our client and Boston Alternative Energy Limited (Boston AEL) will be resubmitting the DCO application on 1st March. This will include the updated HRA which I presented during the call on Monday (8th Feb) and which will be sent out to you this afternoon, together with an update of the Environmental Statement section.

Given the new application date we would therefore request that, in parallel with us setting out an engagement plan and agreeing it, that you provide comments on the HRA from the perspective of identifying any 'red flags' i.e. anything that gives concerns about the process that has been followed or the resulting document which may cause you to consider the document unfit for DCO submission. Getting the DCO application approved by PINS is our current focus and we would be happy to progress the engagement plan in parallel with your red flag review. Boston AEL wish to reiterate their commitment to engaging with you (through an agreed engagement plan) and ensuring that the ecology and natural environment is given appropriate attention through the pre-examination period, and in to examination.

We will also communicate this to Natural England and RSPB and ensure the plan incorporates all parties.

Considering the nature of the review we are currently requesting (i.e. red flag) we would hope to receive high level comments within by Thursday 25th February. More detailed comments could then be worked through with the process for this incorporated in to the engagement plan and with a Statement of Common Ground to be produced for the examination.

Can you drop me a line with your thoughts on the above and ability to undertake a red flag review as soon as practicable.

Many thanks
Chris

Christine Adnitt
Technical Director – Renewables and Marine Development

HaskoningDHV UK Ltd., a company of **Royal HaskoningDHV** | Rightwell House, Bretton, Peterborough PE3 8DW, United Kingdom
Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844



From:



Subject: Boston Alternative Energy Facility - Engagement Plan

Date: 17 February 2021 11:45:31

Attachments: [BAEF Ornithology and Marine Stakeholder Engagement Plan.docx](#)
[PB6934-RHD-ZZ-XX-MI-Z-1069 BAEF RSPB, NE and LWT 08.02.21.docx](#)
[image003.jpg](#)

Hi all,

As requested at the meeting of 8th Feb, an ornithology and marine stakeholder engagement plan has been produced for your review (attached). Please can we have comments by 3rd March. Chris Adnitt will lead this activity from the Applicant side so please copy us both in on any response.

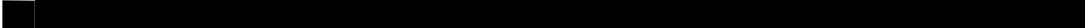
I've also attached the meeting minutes from 8th Feb, please can we also have any comments for finalisation by 3rd March.

As previously communicated we hope you are able to supply your red flag review comments on the HRA to us by 25th March and we would like to have a call on Friday 26th March to discuss the responses – you will see this is Action 2 on the Action Tracker (see Table 1). The next steps for the Applicant depends on your responses and a call would be very valuable on this day. Please can one person from each organisation confirm availability for a call on this date.

Many thanks and regards,

Paul.

Paul Salmon
Technical Director, Industry and Buildings


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Registered Office: Rightwell House, Bretton, Peterborough PE3 8DW | Registered in England 1336844

2019-06-06_19



Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Chris Adnitt (CA), Paul Salmon (PS), Abbie Garry (AG) (RHDHV), Richard Marsh (RM) (BDB Pitmans), Sam Williams (SW) (AUBP), Roslyn Deeming (RD), Louise Burton (LB) (Natural England), Philip Pearson (PP), John Badley (JB) (RSPB), Suzanne Fysh (SF) (Lincolnshire Wildlife Trust).

Apologies:

From: Abbie Garry

Date: 26 February 2021

Location: Teams

Copy:

Our reference: PB6934-RHD-ZZ-XX-MI-Z-1070

Classification: Project related

Enclosures:

Subject: **Boston Alternative Energy Facility RSPB NE LWT Meeting**

Number	Details	Action
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1

Natural England Response

RD summarised NE's response on the HRA (summarised from the letter attached to these minutes).

Currently revised HRA and supporting evidence doesn't present sufficient ornithological data to conclude beyond reasonable scientific doubt that there would be no Adverse Effect on Integrity of the Wash Special Protection Area (SPA). Although RD noted that we are working towards this.

Precautionary Compensation Package Process

LB noted that in recent DCO cases where there is a difference in opinion on the potential for Adverse Effect on Integrity, between the Applicant and the Regulator, that as a precautionary measure there should be a detailed compensatory package provided with the DCO application.

LB mentioned examples of the Thames Tidal Works and offshore wind farms in examination and determination phase. In the Hornsea Three decision letter it is clear that where there is doubt there should be a full compensation package provided up front submitted with the HRA to support the Appropriate Assessment decision. This should include:

- DCO and deemed Marine Licence (dML) conditions;
- agreements with landowners; and
- a design plan for any compensation.

Number	Details	Action
	<p>LB noted that if it wasn't provided then the next phase (examination) would not be entered into until compensation was provided.</p> <p>East Anglia ONE North and TWO are not going into determination phase until this compensation is agreed.</p> <p>LB confirmed that this is a process which has now been adopted by the Planning Inspectorate (PINS) which doesn't depend on the scale of the project.</p> <p>RM noted the position with the potential for using RSPB reserves for compensation and that it shouldn't take very long to come to a conclusion on the proposals.</p> <p>PP mentioned Lower Thames Crossing as another example. And noted that the scale of impact will reflect the scale of compensation which is required. Understanding the baseline in terms of the numbers of birds and the shipping impacts will help towards this.</p> <p><i>Further NE Response</i></p> <p>RD noted the redshank population at the proposed development site and the possible issues with regard to the loss of roosting site, and NE have included in their HRA red flag letter some points to look at further. She also noted potential for effect at the mouth of the Haven and the additional vessel movements and more information would be required on the baseline situation.</p> <p>RD noted the impact on seals, but that appropriate mitigation could be implemented.</p> <p>NE have provided suggestions for compensation within their HRA red flag letter. The previously proposed net gain at the RSPB reserves would provide saltmarsh habitat, but this might not address the compensation need specifically for redshank.</p> <p>CA noted this and has spoken to the bird surveyor in terms of improving habitat at Area B (south of the proposed wharf) which could provide additional roosting and feeding habitat for the birds already using this area. Data has also now been collected for the January and February bird survey counts, which will be provided week commencing 1st March.</p>	

Number	Details	Action
	<p data-bbox="383 403 1197 448"><i>RSPB Vessel Movement Concerns</i></p> <p data-bbox="383 470 1197 896">JB noted that at the mouth of the Haven it is the size and proximity of the vessels which produce the most disturbance, and highlighted that for every large ship movement there was disturbance of >1% of the Wash population of at least one species. There was particular disturbance of black tailed godwit and noted significant bird usage in that area. He also mentioned there wasn't evidence of birds finding alternative adequate roost sites and there was an impact of birds made to fly regularly as a result of the vessel movements. He noted that a RSPB conservation scientist will review the bird energy usage information in the draft HRA for golden plover and lapwing, the species that undergo repeated disturbance events.</p> <p data-bbox="383 918 1197 1411">CA mentioned that the baseline impact is what is causing the initial movement of >1% of the SPA populations and that this needs to be differentiated from the additional movements due to the proposed increase in vessel numbers. There is >1% of birds effected by the baseline situation and there was not a disturbance of >1% of named SPA species at subsequent events even with large vessels. There was subsequent disturbance for lapwing and golden plover so those species were explored in greater detail. CA noted it would therefore be useful if the RSPB scientist could look at whether 2% energy usage is an issue (which is the energy usage for a worst case of 4 vessels causing disturbance in one day). Low tide importance – noted that vessels will only use the high tide to move into the Haven.</p> <p data-bbox="383 1433 1197 1545">JB mentioned still unclear on vessels movements per day but it could reach a threshold point where birds no longer roost in the area.</p> <p data-bbox="383 1568 1197 1825">PP mentioned that more WeBS sectors could be impacted by the vessel movements which should be looked at. Although there are existing pressures it was noted that if declines are already occurring, adding additional pressures would make the situation worse and mentioned SPA objectives need to be achieved including the distribution of species and overall population numbers.</p> <p data-bbox="383 1848 1197 1962">CA – the bird surveyor did look for where they are flying off to and this information is included in the HRA. The bird surveyor recorded how far the birds were flying when disturbed.</p>	<p data-bbox="1197 1680 1414 1859">CA to update engagement plan with specific actions and timescales.</p>

Number	Details	Action
	<p>PP noted that as more data is being collected it would be useful to know timescales for when they would be able to review the data, this should be included in the engagement plan. He noted that effort could be put into reviewing multiple sets of information and having to revise conclusions due to the additional data.</p> <p>CA noted that January and February counts have now been taken and will be emailed as soon as possible. She also mentioned that the February counts had been low and therefore have not changed the assessment.</p> <p>PS noted that the engagement plan would be updated with more detailed actions and timescales. And noted that a Statement of Common Ground wouldn't be appropriate at this stage.</p> <p><i>NE Final Points – Passage Birds</i></p> <p>LB mentioned that SPA features include over wintering, non-breeding birds and passage. Passage birds are classed and designated through to May, and it would be challenging not to have this data. Therefore, if the application did go forward, it would have to be a worst-case scenario approach including a compensatory package. IROPI would need to be included if putting together a derogation case. <i>Post meeting note: the breeding bird survey included counts in the proposed development area during April, May and June 2020 and that CA has spoken to the bird surveyor who says that he would have noted if any passage species were present at the site. The breeding bird data was supplied towards the end of 2020.</i></p> <p><i>Area B Mitigation Measures</i></p> <p>CA asked if there were measures which could be undertaken at Area B to reduce the impact on roosting and foraging birds, would that be mitigation or compensation?</p> <p>LB confirmed this could be mitigation, but noted that it would have to bring the impact down to an acceptable level. Although NE currently cannot confirm no adverse effect on integrity, further survey data and appropriate mitigation could shift this to confirmation of no adverse effect on integrity. It was noted that unless there was a full set of survey data there would be scientific doubt which would lead to a derogations case.</p>	

Number	Details	Action
2	<p data-bbox="395 412 612 443">RSPB Response</p> <p data-bbox="395 483 1161 651">JB noted the importance of assessing the first boat movement on the tide and subsequent boat movements. Would be good to confirm if there are large vessels on every tide as a baseline. Then could consider whether any further measures are necessary to form a compensatory package.</p> <p data-bbox="395 689 1161 891">PP noted that wintering redshank are resident birds and part of the breeding population and there are declines in the redshank breeding population which requires an increase in productivity or recruitment into the population. It is unclear that if the roost was lost there would be enough birds being added to the population to offset the impact.</p> <p data-bbox="395 929 1161 1066">Additional WeBS sectors should be included because the whole shipping route could be affected due to the presence of the ships and the ships' zone of influence. RSPB have included a map as part of the response including critical areas.</p> <p data-bbox="395 1104 1161 1240">PP also noted that although the England Coast Path runs along the site there is more disturbance on the opposite bank. The bank adjacent to the site is below the flood bank in a sheltered area, therefore aspect for roost sites are important.</p> <p data-bbox="395 1279 1161 1341">PP mentioned Slippery Gowt Pits could do with an investigation of what could be done there, close to the existing roost site.</p> <p data-bbox="395 1379 1161 1480">CA stated that BAEF's bird surveyor noted there is a bund around it so it might not be as good for redshank in terms of their vision.</p> <p data-bbox="395 1518 1161 1827">CA mentioned that a conversation with the bird surveyor had identified the potential to improve Area B by putting rocks from the frontage of Area A along the front of the saltmarsh in Area B. The redshank use these rocks for roosting and this would therefore provide additional roosting habitat in the same area. In addition, shallow pits could be implemented to provide additional feeding habitat in that area. She noted that BAEF's bird surveyor suggested that a few shallow pits could take the amount of birds feeding in Area A.</p> <p data-bbox="395 1865 1161 1928">PP agreed a suitable option close to the site would be good and would talk through it with CA once it has been worked up.</p>	<p data-bbox="1219 483 1417 620">CA to confirm the baseline for large vessels per day.</p> <p data-bbox="1219 1727 1417 1928">CA to discuss mitigation package with RSPB once details are worked out.</p>

Number	Details	Action
3	<p data-bbox="395 412 596 450">LWT Response</p> <p data-bbox="395 483 1150 651">Harbour seals are an 'amber flag' (in terms of piling) as there is a national decline in harbour seals. Are awaiting comments from the marine specialist including ensuring that the latest thresholds have been used for the underwater noise assessment.</p> <p data-bbox="395 689 1126 790">Query about seal haul out and pupping at Friskney Sand, are we using the latest data including close to the mouth of the Haven?</p> <p data-bbox="395 828 1150 963">In terms of shipping movements, seal pups can get sucked into the propellers of the vessels. Measures should be put in place to ensure that pups will not be killed, which links into the decline of harbour seals.</p>	LWT providing further response following comments from marine specialist.

From:



RE: Boston Alternative Energy Facility - HRA

Date:

05 March 2021 08:17:08

Attachments:

[6.2.18. Chapter 18 Navigational Issues.docx](#)
[PB6934-RHD-ZZ-XX-NT-Z-0001 HRA Supplementary Data.pdf](#)

Dear All

Please find attached our response to the red flag issues raised at the meeting last Friday and in your various written submissions. I have also included the navigation chapter from the ES as this contains baseline vessel numbers which we refer to in our response.

The Applicant is committed to resolving the issues you have raised and, as you will see from the supplementary HRA document attached to this email we will be providing significant additional information and commitments in to the HRA. Following the raising of the concern regarding loss of the inter-tidal/salt marsh habitat where the wharf will be built the Applicant has agreed to the creation of shallow pits and improvements to roosting areas to be implemented on Area B (just south of the proposed wharf). These measures (set out in the attached document) will be secured in the DCO as we plan to include for them in the Landscape and Ecology Management Scheme which will be a condition of the DCO. This is all in addition to contributing to works at the RSPB reserves previously discussed. The Applicant is also committed to obtaining additional information, including WeBS counts and further survey data to assist with evidencing the HRA. We feel these measures appropriately respond to the concerns you have been telling us about.

Following our discussions with PINS we understand that they do not require a without prejudice compensation package to be presented in the DCO application but would like to see a level of commitment from the Applicant on resolving any areas of disagreement, and evidence of correspondence / communications with relevant stakeholders that provides a level of comfort that issues are resolvable in the required timeframes. We hope that the information provided in this email and attached document shows a willingness to resolve issues through appropriate updating of the HRA and provides additional benefits to redshank in close proximity to the area of habitat being lost at the facility.

We are happy to discuss this submission with you but, in order to achieve our timescales for Application we would be grateful for a written response by Wednesday 10th March close of business on whether you feel the additional information provided, and commitment to further works, provides the basis for an agreement which can be discussed through an agreed process to be set out in an updated consultation plan (which we have previously provided to you as a draft).

Many thanks for your time on this and please feel free to call Chris in the first instance, or myself, to discuss if required.

Regards,

Chris

From: Chris Adnitt



Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Paul Salmon (RHDHV), Chris Adnitt (RHDHV), Lowell Mills (RHDHV), Ashleigh Holmes (RHDHV), Richard Marsh (BDB Pitmans), Roslyn Deeming (Natural England), John Badley (RSPB), Philip Pearson (RSPB), Jake Newby (Environment Agency) and Amanda Jenkins (Lincolnshire Wildlife Trust)

Apologies: Abbie Garry

From: Ashleigh Holmes

Date: 23 June 2021

Location: Teams Meeting

Copy:

Our reference: PB6934-RHD-ZZ-XX-MI-Z-1073

Classification: Project related

Enclosures: N/A

Subject: **Boston AEF Marine Ecology - HRA Technical Meeting 23.06.2021**

No. Details

Action

1 Introductions

Paul Salmon – Project Manager for EIA and HRA
Chris Adnitt – leading environmental side for marine ecology aspects
Lowell Mills – ornithology
Ashleigh Holmes – RHDHV project assistant
Richard Marsh – partner at BDB Pitmans lawyers and DCO advisers acting for the Applicant
Philip Pearson – Senior Conservation Officer at RSPB
John Badley – Senior Site Manager for RSPB (Frampton Marsh and Freiston shore)
Jake Newby – Sustainable Places team at Environment Agency (EA)
Roslyn Deeming – Planning Adviser for Natural England
Amanda Jenkins – Conservation Officer for Lincolnshire Wildlife Trust (LWT)

2 Agenda

PS mentioned the aim of this meeting is to update on the project rather than a provision of information.

PS summarised the contents of the presentation:

- Update to status of the project
- HRA – further work being undertaken to provide responses to comments raised since submission.
- Without prejudice derogation case – work being undertaken – will be available as soon as possible (no agreed date for deadline)
- Opportunity for discussion of relevant representations and Statements of Common Ground
- Next steps including possible site visit
- Close of meeting
- AOB

No. Details

Action

3 Project Update (PS presented this slide)

PS provided the project update below.

PS mentioned the application was accepted by PINS on 20th April 2021. The first application was withdrawn last year (December 2020) for a number of issues.

Deadline for interested parties to register for relevant representations (RRs) was 18th June 2021.

The Applicant hasn't received these representations from PINS yet and have requested that key stakeholders supply these directly to us if possible

PS requested LWT's RRs. AJ replied that she completed these online, so they are just a list of notes. AJ to provide.

JN said he sent a letter with the EA's RRs with supporting information, but he hasn't sent the actual RRs.

September 2021 to February 2022 – this is the Examination phase of the project.

RHDHV note the request for examination delay from various parties – that will be up to the ExA, not the Applicant

At present the Preliminary Meeting is scheduled to take place 7th September (TBC by PINS).

Examination is likely to be 6 months in duration. Largely virtual examination from one Open Floor Hearing (TBC) allowing those in the local area to appear at the examination. Examining Authority is one person – commensurate with size and complexity of the project

4 WeBS sectors analysed (CA presented this slide)

CA confirmed additional WeBS data has been received and has been circulated to NE, RSPB and LWT.

There is no data for Freiston 30 as this sector is no longer counted.

Data is being analysed – Mapping in terms of the monthly numbers for the Redshank (Dark-bellied brent goose, black tailed godwit, lapwing and golden plover) has been undertaken and will be circulated once completed.

Mapped the density per km² related to each of the sectors by month and colour coded these looking for trends or areas supporting a large number of birds.

No. Details

Action

5 WeBS sectors by month (CA presented this slide)

Conclusions:

- Frampton North sectors 22-27 (saltmarsh nearest to the Haven) and Witham 20 (foreshore north of Haven mouth) routinely hold highest redshank densities. Sector with peak density varies.
- Frampton North 23 and 26, and Witham 20, often hold counts >1% of SPA population of 4,331 redshank (Counts of 43 or more birds).
- Consistently low densities Frampton North 60 (on Haven, upstream) and 21 (deeper saltmarsh), plus sectors comprising pasture, or estuary with longer duration underwater.

Count summaries and densities also completed for: dark-bellied brent goose, black-tailed godwit, lapwing and golden plover.

6 Redshank mitigation/compensation/net gain (CA presented this slide)

Consideration of wintering redshank ecology to guide mitigation or compensation through analysis of ringing data.

Movement distances typical of redshank wintering on the Wash are up to 4km. This helps to understand the level of connectivity between the development site redshank population and the Wash SPA population. (Distance of approximately 3.5km from edge of SPA to proposed development site).

This guides how far away mitigation or compensation features need to be placed, to be within reach of 90% of redshank.

Factors to consider for compensation/mitigation:

- Type of habitat required for redshank (roosting and foraging)
- Sensitivity of redshank to specific activities

Finalising number, locations and design of additional features for redshank from the above.

7 Severe winters (CA presented this slide)

What are the numbers and movements of waterbirds associated with past severe winters on The Wash? (Question raised on presentation slide)

Initial findings have shown the eastern estuaries are more affected by severe winters with birds moving to the south west areas.

Are numbers in severe winters higher or lower than multi-year average?
Is there data showing birds moving in or out of The Wash in severe winters?

Moving out would suggest The Wash is not a refuge in severe winters.
How do birds' behaviour (site fidelity, disturbance distance) differ in severe winters? This is to focus on redshank.

No. Details

Action

RHDHV will produce a report and circulate this with findings and addressing the concerns relating to severe winters.

8 Energetics of disturbed birds (CA presented this slide)

Energy expended per disturbance flight in lapwing and golden plover is provided in HRA supplementary data. Stakeholder concern regarding significance of provided figures.

Lapwing and golden plover tend to stay on site, and they are more vulnerable to repeat disturbances.

Within the HRA RHDHV looked at what this would mean for these species – percentage of energy that would be used.

Questions raised surrounding how significant that (percentage of energy used) would be. CA recognised that RSPB have been looking at that as well. Any feedback from RSPB would be welcomed.

Looking at peer-reviewed reports to give more feedback. To be provided in the next set of documents sent out to those in the call (RSPB, NE, EA and LWT).

9 Disturbance distances (CA presented this slide)

Evidence-based determination of distances at which birds react to disturbance. For example:

- Alert distance
- Flight initiation distance
- Escape distance

This would be distinct from the observed maximum displacement distance of 800m (distance flown in response to a disturbance). PP asked if birds move further than 800m. CA replied that 800m was the greatest distance flown by the displaced birds, others were much shorter distances.

Distance ultimately recommended is largest value among species present:

- Development site: redshank
- Haven Mouth: all displaced key species

10 Current surveys

CA confirmed surveys are being undertaken for:

- High water counts at the proposed development
- Overwintering surveys done but waiting for reports
- Breeding bird surveys being done then RHDHV will have a 2 year suite of results
- Disturbance at the site and the mouth of the Haven and disturbance behaviour at the development site as vessels come past. As soon as RHDHV have the reports ready, **CA to send through report.**

**CA to send
bird survey**

No. Details

PP asked if there was any work being done to look at disturbance of the whole stretch or the navigation channel or are they discrete surveys. CA confirmed they are discrete surveys focusing on set sites but also looking at where the birds are moving to.

PP mentioned that for the navigation channel it will be important to see the impact of additional vessel movements and the pressure of this on the bird species. Onshore (recreational pressure) and the pressures from the navigation channel should be considered. CA replied that looking at the bird disturbance 'toolkit', humans and dogs have a significant impact on redshank disturbance.

- CA mentioned pulling together all questions (from Relevant Representations) into a spreadsheet and if there are any new questions they will be addressed separately. This will be provided to all those present as soon as available.

11 Artificial lighting effects on redshank (CA)

Studies available which have both field-observed and field-experimented the effects of artificial lighting on foraging waders including redshank.

Presentation slide questions shown below:

- Do redshank demonstrate greater predation success or food intake rate under artificial lighting?
- Do redshank demonstrate preference for foraging in artificially lit areas?

CA mentioned what work has been done will be added to the relevant representations spreadsheet that will be circulated to those in the call once complete.

12 Without prejudice derogation case – work being undertaken (CA)

CA set out the three parts of the work: Alternatives Assessment; IROPI; and compensatory measures. RHDHV is working to develop initiatives for habitat creation/restoration to either use as mitigation, compensation and/or net gain depending on outcome of Appropriate Assessment. RHDHV would welcome the chance to discuss further with RSPB with regard to possibilities available to provide additional foraging and roosting capabilities around the site and a site visit with JB from RSPB to look at what opportunities are available.

PP mentioned RSPB need to know the scale of impact before taking forward the measures. The scale of impact will help identify what habitat is needed – intertidal is going to be a focus and roosting areas. RSPB can't progress any further until they have that detail from RHDHV. There are some broad principles that RSPB and RHDHV can work through about habitat and what is needed and how to create suitable areas for the species affected. But this is also where RSPB would have had a specific topic group discussion about this much earlier on. This comes to the sequencing and the timing of these discussions and timetable.

Action

reports to NE,
LWT, EA and
RSPB.

**CA/JB to
organise a site
visit.**

No. Details

Action

PS replied RHDHV would like to get some agreement on the 'principles' – so that RHDHV can move to the detailed measures. PP replied RSPB are happy to have discussion and proceed in a constructive way. It is worth investing time and effort into the background initial work. Once those principles and clarity on scale have been agreed, then RSPB can look at next steps. PS acknowledged PP's comments. CA replied to PP that RHDHV will be looking at the number of birds being disturbed around the mouth of the Haven. If compensation is needed for X number of birds, RHDHV can look back at the density areas (calculated previously) to see how much area those birds need.

CA asked what RSPB will be looking at for what compensation is needed. PP replied that will also need to consider the conservation objectives – thinking about distribution and factoring in restoration targets. Could have consequences for what is needed compensation/mitigation wise and to seek guidance from RD (NE). Ensuring the full suite of conservation objectives is considered in working through what type/scale of options may need to be considered. CA replied that's why RHDHV have been looking at the distances roosting birds will move in a season which is important for the extent and distribution related to the conservation objective.

JB mentioned 800m is not far. The existing lagoon at Freiston shore is 2.9km away, so if we are saying those birds are only moving 800m that's not going to get them near the lagoon which is the nearest high tide wader roost. Therefore, we need more detail on whether that value is 800m or 800m + and in which direction.

PP mentioned the restoration targets – for some species restoration targets are decreasing (these are not wintering species). It will be important to understand the reasons for the decline as it may be in part linked to disturbance. This disturbance may come from vessel movements currently. Therefore, having the information to hand to really look at that in detail and to understand the impact currently (before you add on the additional pressures) is really important. Might be that some species aren't coping/impacted already, as we haven't had the data beforehand to see that. Need to find out the current baseline conditions and then apply that to the future situation (with the additional impact). CA replied that ships have been going in and out since before the SPA was designated. There are a lot more activities to consider than vessel movements alone. PP replied RSPB will need to see the information before the decision on mitigation/compensation can be made.

JB asked about harbour seals as a disturbed species. CA replied there is no information in this presentation about harbour seals but they are assessed in detail in the HRA. CA mentioned RHDHV will look through the RRs to see what has been raised concerning harbour seals.

No. Details

Action

AJ mentioned NE raised some questions about harbour seals in their RRs. AJ to send through RRs from LWT. Piling data and information related to the planned piling scheme, disturbance from vessels and at sensitive times of year and NE confirmed evidence to suggest population decline in harbour seals (therefore a more significant impact). PS replied to AJ regarding piling – the preference is avoidance of sensitive seasons in terms of ornithology, fish and seals. These measures were included in the ES and the HRA and the designer/lead engineer is aware of these seasonal restrictions.

AJ mentioned that moulting, pupping and breeding are sensitive times for seals.

PS and CA to check the signposting for seals and mitigation in the assessment (better signposting).

CA mentioned that once RHDHV have all the RRs, we will list out the key comments and signpost to they are in the document and signpost to where RHDHV are doing more work on them. One of the target groups will be for seals – Tanya from LWT to attend.

13 Relevant Representations and Statements of Common Ground (PS presented this slide)

Received representations from RSPB and NE – many thanks
RHDHV would appreciate LWT's RRs.

No detailed comments from the Application team yet.

RHDHV recognise that focus of resource has been on these from all parties.

PS mentioned we will need to agree a programme for responses and SoCGs. We will know the timetable for SoCGs following the Preliminary Meeting in September 2021. PS mentioned that we must be in a position to achieve any deadline. SoCG to be developed in agreement with each party separately. PS mentioned we need to ensure focus is on critical pre-examination tasks. RHDHV to provide a 1st draft SoCG at a mutually agreeable point that fits in to the Examination timetable.

14 Next steps including possible site visit (CA presented this slide)

Possible site visit suggested.

Continue to work on without prejudice derogation case

Address comments in representations, to agree a way forward if at all possible

Develop SoCGs

Schedule of priorities, data provision and meetings to be sent out in an updated Stakeholder Engagement Plan w/c 05/07/2021 to include target/topic groups and objectives for subsequent meetings.

CA to identify topic groups and provide a schedule.

JN mentioned the detailed schedule will be very useful for the EA, as the EA has technical specialists that will need to look at the data and the legal team (also factoring in holidays). JN asked if the intrinsic value of saltmarsh will be

No. Details

Action

considered as a headline/topic group. PS replied yes it will be. Other topic groups regarding water quality and flood risk.

RD mentioned NE also have concerns regarding saltmarsh therefore NE should also be involved in the saltmarsh topic group.

Date for SoCG – concerns regarding the date of the SoCG.

Any reports or information to inform the meetings to be sent out at least one week prior to the meetings.

PP mentioned RSPB have an interest in surface water and drainage because the RSPB take water from the drainage system into Frampton Marsh therefore RSPB would like to be part of that topic group. PS noted PP's request.

CA suggested if RHDHV send the titles of the topic groups and what they will cover, then those in the call can identify which ones they would be interested in.

15 Other areas of business

RSPB and NE's request for delayed start to examination. JN says the EA have also requested a delay as they need time to look at legislation in relation to flood defences. Also need to start discussions on the Environmental Permit. PS replied we need a DCO in place before the environment permit. RM happy to chat to EA regarding the environmental permit during the meeting next week (w/c 28/06/2021).

NE and RSPB – reasons for delay request related to volume of work required so that there is enough time to go through everything and ensuring what goes forward is helpful for the examining authority and in order to get to the best position possible before the examination begins.

PP mentions the points made by RSPB in the RRs regarding the in-combination assessment - only where there were project alone impacts then they would be taken forward to in-combination assessment - PP asked if this is a standard approach and have RSPB interpreted this correctly. CA replied no, we would look if those impacts were not enough to be significant, as even if they were combined with an impact from another project then they could be significant.

AJ asked if worst case scenarios have been defined. PS replied the definitions are being finalised based on the EIA, there are some consistency issues (speaking to the ES chapter leads about this currently).

RD queried if the MMO are involved. PS replied RHDHV have received the MMO's RRs – mostly regarding dML and the wording of the DCO (need Cefas advice).

Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Chris Adnitt (RHDHV), Lowell Mills (RHDHV), Ashleigh Holmes (RHDHV), Richard Woosnam (AUBP), Sophie Reese (BDB Pitmans), Louise Denning (Natural England), Bart Donato (NE), Roslyn Deeming (NE), Lydia Tabrizi (NE), Louise Burton (NE), Philip Pearson (RSPB), John Badley (RSPB), Amanda Jenkins (Lincolnshire Wildlife Trust).

Apologies: Paul Salmon (RHDHV), Abbie Garry (RHDHV), Jake Newby (Environment Agency)

From: Ashleigh Holmes

Date: 19 August 2021

Location: Microsoft Teams Meeting

Copy:

Our reference: PB6934-ZZ-XX-MI-Z-1080

Classification: Project related

Enclosures:

**Subject: Boston Alternative Energy Facility Marine Ecology Meeting (Ornithology)
19.08.2021 (DRAFT)**

No. Details

Action

1 Introductions

Chris Adnitt – leading environmental side for marine ecology aspects
Lowell Mills – Environmental consultant in Ornithology for RHDHV
Ashleigh Holmes – RHDHV project assistant
Richard Woosnam – Principal engineer for AUBP (the promoter of the project)
Sophie Reese – BDB Pitmans dealing with the legal side of application
Louise Denning – Senior Coastal Specialist for Natural England
Lydia Tabrizi – Case Officer for this project
Philip Pearson – Senior Conservation Officer for RSPB
John Badley – Senior Site Manager for RSPB (Frampton Marsh and Freiston shore Nature Reserves)
Roslyn Deeming – Senior Planning Advisor for Natural England
Amanda Jenkins – Conservation Officer for Lincolnshire Wildlife Trust (LWT)
Louise Burton – Marine Senior Advisor

2 Aims of the meeting (CA presented this slide)

CA outlined the aim of the meeting is to discuss the respondent comments and agree actions to take forward and discuss specific items in more detail.

Items for more details discussion include:

- Potential impact related to the increase in vessel numbers on birds and mammals
- Loss of intertidal area and how this has potential impacts on habitat type, birds and benthos together with potential for operational impacts on habitat

CA mentioned there is another HRA/Marine Ecology meeting scheduled for 23rd September 2021.

No. Details

Action

3 Examination Process – Rule 6 Letter (CA presented this slide)

CA outlined the examination process, mentioning:

- Preliminary examination meeting on 28th September 2021
- Another meeting if required on 7th October 2021
- Issue specific hearing on Wednesday 24th November 2021

4 Next Steps (CA presented this slide)

CA outlined that RHDHV are preparing an addendum to the HRA and ES Marine Ecology Chapter to address relevant representation comments and incorporate additional data.

CA to circulate addendum ASAP.

Also producing the Without Prejudice Derogation Case (assessment of alternatives, imperative reasons of overriding public interest, compensation plan).

Philip Pearson (PP) asked when the addendum will be ready for review. CA replied it will be ready and circulated as soon as possible.

5 The Facility (CA presented this slide)

CA outlined that the Facility would generate electricity using a thermal treatment process.

Map shown of the red line boundary/Order Limits and the proposed mitigation area (hatched area).

CA mentioned that the RDF will be brought to site via vessels and the lightweight aggregate product will be leading site by vessel. To allow vessel access, the berthing pocket will be constructed through dredging and excavation.

6 Respondent Comments

CA asked if anyone had anything to discuss.

PP said that RSPB have started their review of the relevant representation responses, but because of summer holidays and leave haven't managed to complete their review.

Amanda Jenkins (AJ) said she need to speak to Tania Davy about the relevant representation responses. AJ thanked RHDHV for the detail provided in the relevant representation responses. AJ mentioned she was unable to find the reference numbers for the document. CA replied RHDHV would be able to send a link with the document references.

Roslyn Deeming (RD) said that Natural England are still going through the relevant representation responses.

PP requested the PowerPoint presentation be circulated post-meeting. CA agreed that the presentation would be circulated.

CA to circulate the presentation post meeting.

7 Issue 1: Potential Impact Related to the Increase in Vessel Numbers on Birds and Mammals (CA presented this slide)

No. Details

Action

Port of Boston (PoB) shown in the blue circle at the top left of the map on slide 8. Hob's Hole S Bend - shown is the only place where vessels can pass in and out Tab's Head – area where the vessel navigation channels meet.

8 Current and Historic Vessel Numbers (CA presented this slide)

CA mentioned that current vessel numbers are quite low. During the late 1990s, vessel numbers were up at 800 vessels per year. Overtime, the PoB can vary the number of vessels, and there has been no restriction on the number of vessels that can arrive at the port. There is anecdotal evidence from the PoB that the numbers of vessels have been higher in the past.

Richard Woosnam (RW) mentioned that when the wharf is constructed, vessels will be able to pass the berth vessels alongside the wharf. And a fishing vessel will be able to pass between the berth vessels and the arriving vessels to PoB as well as at Hobs Hole.

9 Vessel Logistics (CA presented this slide)

Vessel movements can vary greatly per tide. Generally, 4-5 commercial vessels can sail the Haven per high tide. Restricted by the tidal nature of the Haven/draught of the vessels. Window of 3.5 hours around high tide.

Bart Donato (BD) queried the seasonality patters. CA replied that the vessel numbers do not vary seasonally.

PP said that given the shipping movements have decreased, and how the bird numbers have changed, this would have implications for conservation. CA replied bird patterns have a cyclical pattern.

10 Operational Vessel Movements (CA presented this slide)

CA summarised the key numbers for vessel movements:

- PoB currently handles 420 arrivals of large vessels per year
- 20-25% of tides currently have no large vessel movements, but this varies year to year
- The Facility will require 580 vessels per year
- 700 tides per annum
- 1.4 vessel arrivals and departures per tide

11 Port of Boston and Pilots (CA presented this slide)

Pilots are transported up and down the Haven by Pilot cutter. Cutters certified for 8 onboard – 2 crew and 6 pilots. Second cutter only required if there are more than 6 pilots. Not likely to increase the number of pilot vessels.

PP asked if this accounts for shift for all navigable tides, 20-25% increase in use of navigable tides. CA replied increase in number of days not the number of vessels per tide. PP replied still not clear. Increase in number of pilot vessels per year, but not the number of pilot vessels per day.

RW – Port of Boston pilot vessels will not be in our direct control. PP replied that from an HRA perspective, in combination effect, PoB and the Facility – potential impacts and how this relates to the assessment. CA replied it is the number of

No. Details

Action

extra tides that will be used, the Facility needs vessels on every tide, but currently only using 70% of tides.

LB asked how this data will be presented to the examining authority, something like an in principle vessel management plan. CA replied this info will be provided in the addendum to the HRA and in the Navigation chapter of the ES. RW replied this information will be required for the Navigation Management Plan and Navigation Risk Assessment where this information will be captured. SR added that there is a requirement of a Navigation Management Plan within the DCO, so the Navigation Risk Assessment feeds into that.

12 Proposed Wharf Site (CA presented this slide)

CA showed the proposed wharf site in blue. Bird survey Section A contains wharf footprint and Section B covers the Haven alongside south-east of the Order Limits footprint.

13 Proposed Wharf Site – Survey Summary Data (LM presented this slide)

LM outlined the updated wintering bird surveys. Assessment follows BTO and WeBS survey methodology.

Breeding birds – BTO common bird census approach – 4 hours for site footprint including the wharf site and the Haven. Low water counts only.

Changes in behaviour observation sessions, surveys done over high water and at Section A only.

14 Redshank counts (LM presented this slide)

Redshank counts from Sections A (blue) and B (orange) and totals (black). Dashed line is equivalent to 1% of The Wash SPA non-breeding redshank population of 4,331.

At low water, most counts sit generally below 1%. Adopted as a proxy for important bird numbers in the area.

LM stressed that the wharf site is not within The Wash SPA. There's an arguable function between The Wash SPA and the birds at the Application Site.

15 Wharf site vs WeBS sectors – densities of redshank (/km²) (LM presented this slide)

Divided the bird counts at the sector by the area of the WeBS sector.

Densities have been calculated for Sections A and B during high and low water during winter months.

Redshank densities at Wharf site sectors A and B were comparable to the middle/high range of redshank densities recorded on WeBS sectors. Sectors A and B are not completely comparable to the WeBS sectors as the methodologies by which the former and latter groups of areas were selected, and boundaries defined will be different.

16 Changes in bird behaviour (LM presented this slide)

Disturbance largely to roosting birds – largely a result of visual impact of large vessels (rather than the wake).

Max recorded displacement was 800m.

Few related to redshank (mainly gulls).

17 Mitigation measures (LM presented this slide)

No. Details

Action

LM mentioned we aim to improve resting rock in section B - increasing roost rock by removing equivalent rock armour in section A. The aim is for the roost on section A to move to section B. Works will involve decreasing the gradient of the bank, creating a slope that redshank can feed on.

Works will involve re-profiling some of the existing pools, flattening and removing the old bank.

Louise Denning (LD) asked where the silt will be spread out, she thought it was just over the saltmarsh. CA replied there will be a small reduction to the gradient of the bank. We have not looked around the site to give more detail on where exactly the silt will be moved to. There will be more information/detail provided on this at a later date.

PP asked how certain this mitigation is in terms of being a viable option. Have there been conversations with the EA and regulators to give certainty regarding the viability to take these forward. Need absolute certainty that these mitigation measures can be achieved.

RW mentioned that going to site would be easier than looking at an image.

CA mentioned there have been conversations with the EA and Landowners (the Crown Estate) regarding the mitigation measures. SR commented on unknown landowner (so we are seeking compulsory acquisition over that land) and The Crown Estate (who we are currently engaging with) and we have received no red flags from the Crown Estate on securing that land. EA, we have met with them and we will need to work with them on the works and terms of working near flood banks and those discussions are progressing.

PP mentioned that EA had concerns about the mitigation measures. SR no issues raised around habitat mitigation issues but will need to confirm. CA we will need to confirm. It is not the primary flood bank that would be lowered, EA weren't concerned about that as an issue.

CA/SR to confirm about the habitat mitigation issues raised by PP.

BD queried the security of deliverability and the certainty that redshank will be able to adopt the site and in long term, making sure there is provision for long term management of this area for redshank. CA replied that rocks will be in the same location as the existing rocks at site B. BD replied this needs to be agreed and clearly articulated that the outcome is mentioned.

PP not just about the navigation channel (as mentioned by BD) but also from the land. Has there been conversation with England coast path team given that the plans indicate a breach helping to reinstate the footpath access? Some of the recreational pressures that could occur behind that proposed area, that they will be effectively managed as well to ensure the area is protected (no dogs running around on the saltmarsh area which would greatly disturb the birds using that area. CA replied that the footpath isn't moving so the level of disturbance shouldn't change. PP mentioned the path hasn't been in the most accessible

No. Details

Action

state, so if it becomes more accessible then that would need to be considered in assessment.

RW replied that there is a 6-7m drop from the footpath down to the mitigation area, so access for humans is unlikely. Ongoing dialogue with coastal path stakeholders to provide separation from the footpath and the mitigation area.

CA to check conclusions of the NE footpath report.

LD asked if we have you looked at Strava data. Increasing usage going forward is possible if the footpath becomes more accessible and with a growing following of people doing the England coast path. CA replied that NE footpath access report that it wouldn't have disturbance. CA mentioned it shouldn't have any impact.

CA to check NE assessment.

BD needs to consider the England Coastal Path (ECP) status within the HRA. BD asked whether considering the England Coastal Path falls on NE or the RHDHV HRA. RD said that Darren Brain is the contact for ECP. CA to check NE assessment. SR mentioned meeting with DB on 24th August.

JB mentioned that fencing is an effective way to prevent access, for example, stop netting rather than barbed wire fencing.

PP mentioned that along with Darren Brain, a conversation will need to be had with LCC. As LCC have responsibility for management along that area, so will need to keep LCC updated on this. RW mentioned there is a Coastal Path meeting, LCC are an invitee at the meeting.

18 The Haven (LM presented this slide)

PP mentioned caveat to the Strava heat map, they will only show individuals who have got the app. There will be a minimal number of people using it, but it will be worth discussing with ECP for people counters to provide a better picture to provide an accurate reflection on the numbers of people using that stretch.

CA to pass on information to AG regarding people counters.

CA to pass this suggestion on to Abbie Garry for ECP meeting.

19 Mouth of the Haven – WeBS sectors (LM presented this slide)

PP queried if there is still no data between the site and the mouth of the Haven to understand potential issues/hotspots along the Haven that may be of concern. CA requested a site visit to walk down that strip between the site and the mouth of the Haven. LM replied, there is no specific data for the stretch between the Slippy Gowt and other WeBS sectors closer to the mouth.

PP - still think it's worth having data at Hob's Hole. CA noted this and said that Hob's Hole is close to WeBS sector Frampton North.

Frampton North and Witham counts well into hundreds.

Redshank, black-tailed godwit

* = important count for the species

No. Details

LM requested bird count data and methodology from RSPB for Frampton Marsh Nature Reserve. JB confirmed this would be acceptable. To note, there was a black-tailed godwit at Freiston Shore (10,000+ highest count in UK) and Frampton Marsh Nature Reserve (4000-6000 peak in Autumn each year, making it a significant site in the UK). LM asked if they are named as BTO WeBS sectors. JB confirmed they are and the data is all on WeBS. Witham 51 – high count area for black-tailed godwit.

CA requested data for densities for areas within the reserve. JB replied WeBS sub-sectors we know the area knowing the bird numbers. So we can work out the densities from bird numbers. PP mentioned data request form. JB mentioned WeBS request for the best and scientifically rigorous data.

If the 800m displacement distance is used by the WeBS methodology, it is arguably sufficient to look at the displaced areas that can receive displaced birds should they be displaced from the mouth.

20 Dark-bellied brent goose (LM presented this slide)

LM – possibly mitigate so that Dark-bellied brent geese can bathe within one of the reserve areas. 50% of peak counts is the carrying capacity.

JB mentioned there are alternatives for dark-bellied brent geese such as freshwater habitats at Frampton. Dark-bellied brent geese are quite mobile and seemingly adaptable (more so than redshank), there are freshwater alternatives. If there is going to be more disturbance through increased shipping to the freshwater bathing they do in the Haven, and whether they are going to simply jump across and use the alternatives.

PP – mitigation would be valid if you are trying to address the vessel movements, so this would actually be compensation. Make sure terminology is correct to address the means correctly.

21 Golden plover (LM presented this slide)

High peak counts for grassland, arable and saltmarsh habitats for golden plover.

22 Lapwing (LM presented this slide)

Numbers greatly exceed the numbers disturbed at the Haven mouth. Species likely to remain at the Haven mouth rather than be displaced to other sectors.

23 Changes in behaviour (LM presented this slide)

Baseline disturbance at mouth of the Haven occurs as a result of large commercial vessels during high water.

Disturbance to birds roosting or resting. Most roosting takes place on the rock armour 'spits' at the Haven mouth, or highest areas of mud or saltmarsh.

The maximum recorded displacement distance was 800m. No disturbance events at the Haven mouth itself involved a displacement distance too great to be accurately recorded.

Action

No. Details

JB said he saw some birds fly from the Witham mouth (as a result of vessel disturbance) to the lagoon at Freiston shore which is 2.5km which didn't seem unique. PP looked at reports on May 1st and 25th June Oystercatcher flew to Freiston shore. Distance recorded as 3,300m. Report recorded that 125 Oystercatcher flew to Freiston shore on 25th June, so there are observations coming through that show that connection to Freiston Shore. These are spring/summer counts. No winter data showing similar behaviour. Small amount of data included in the report so not clear if there are different behaviours in different seasons. Question to look at and come back to. LM limited flight distance during winter.

BD mentioned characterising the risk - do we understand the threshold disturbance distance for each species in relation to shipping traffic (i.e. do the birds panic at 100m, 200m, 300m etc). Important to think about this with regards to mitigation/compensation sites and their proximity to the navigation/shipping channel. LM replied for some disturbance distances we will be able to infer even if the raw data/methodology did not capture those distances itself. We could work some of these disturbance events into a mapped format even if it's a minority. Priority for ornithology surveys was displacement distance. BD agreed displacement probabilities would be really useful. LM replied that bird behaviour analysis is being updated - far more in-depth quantitative analysis, vessel types, forms of disturbance (wake or visual) to provide a clearer picture.

24 Mouth of the Haven - WeBS conclusions (LM presented this slide)

Areas of waterbird habitat close to the Haven mouth are doing their best job at acting as refugia (that's not including the RSPB reserve areas). If we can proceed with an agreement on acquisition of data either via WeBS and/or supplementary data from RSPB.

Each species analysed has access to sites close to the Haven, capable of supporting numbers similar to the peak recorded numbers of birds taking flight in response to vessel movements. These sites are within the maximum recorded displacement distance of 800m.

LM mentioned previous point made by PP regarding the seasonality of behaviour.

25 Trend in waterbird numbers (LM presented this slide)

LM mentioned that RSPB requested a greater insight into the full Wash trends in waterbird numbers and the species of waterbirds present.

Cycle of waterbird assemblage total count for the Wash as defined by WeBS (not the SPA, this is the Wash taken in by WeBS full sight counts and sectors). Totals calculated from 1970-2010 by summing the species counts for the WeBS annual period. They are added together peak counts from different dates within the same year, so they aren't necessarily peak assemblage counts for a particular visit. They do follow the trend of the site totals given from 2010-2020 so they are comparable. They follow two 15 year cycles – two waves of similar numbers since 1990.

Action

CA/LM to look at winter/seasonality behaviour.

No. Details

BD confirmed WeBS data before 1990s is less reliable. Increase in left-hand side of the graph is due to poor data quality and observer effort.

WeBS data for the 'whole-Wash' available as annual peak counts from WeBS online. Allows us to compare trajectory and proportional ups and downs but not absolute values compared to trajectory.

- 3 out of 5 species annual peaks
- Dark-bellied brent decreased since 2000
- Golden plover numbers step down in trajectory

CA asked RSPB what were the specific actions raised in the restore objective. RSPB is currently doing work on their reserves. CA asked if this is linked to the restore objective.

PP replied that the restore objective has been set at the conversation advice for the Wash (so that comes back to the SPA populations). A lot of work on redshank being done by RSPB at the moment – breeding population on the saltmarsh is of serious concern. Given the lack of movement of resident birds therefore impacting wintering birds, which has the potential for a knock on impact on the breeding bird population as well.

JB mentioned that with brent geese and milder winters, you would expect lapwing and ringed plover to winter more regularly to the west. Lapwing and ringed plover have a lot more choice about where they go in the UK. Brent geese don't, so it is worrying to see a decline in the number of brent geese in the Wash because it should be one of the best places for brent geese. CA replied we have compared to the GB numbers to get a wider understanding of the trends. Redshank WeBS wintering counts are relatively stable but breeding redshank on the Wash is in free-fall – why is there this difference (this is something that RHDHV/RSPB will need to find out in assessment). LM replied this could be because of higher adult survival due to milder winters - good recruitment of adults. Maybe breeding population aren't staying and there is a migrant portion to the wintering numbers, and their over-winter survival to come back the following year. Maintaining their numbers in the winter while the local breeders are failing to secure territory or find food.

PP replied Lucy Mason (conservation scientist) is looking at this. PP and JB to get back to RHDHV with the results. LM replied the SPA is non-breeding redshank but the SSSI is breeding redshank.

PP replied that RSPB will take this one away. LM replied the SPA is non-breeding redshank but the SSSI is breeding redshank.

BD flagged the Wash is an important site for redshank nationally in comparing WeBS data with individual site data - some sites are so important that they drive the wider trend rather than responding to the wider trend (the Wash is such as critically important site for waterbirds). Redshank in the UK has 3 different populations here in the winter:

- Britannica - overall decreasing across the country

Action

CA/LM to look further into the wintering and breeding redshank numbers.

RSPB to get back to RHDHV with results once PP has had meeting with Lucy Mason.

No. Details

- Tarnas (Europe and Scandinavia) – most likely to be declining in the UK due to milder winters and ability to short-stop in Europe
- Robusta (Iceland) species – increasing numbers

BD would be interesting to get data from the Wash Ringing Group to see where the birds they catch in winter actually get traced back to.

PP said that based on the Wash Wader Ring Group we are likely to have contacts that we could give – Steven Dodd contact.

Action

PP to pass on Steven Dodd contact details.

26 Mouth of the Haven (LM presented this slide)

PP mentioned SPA features/SSSI citation – it is largely recognised there is a mismatch between those citations. Need to get those resolved. Marine conservation advice package which includes those features on the Wash and targets that are needed on the species as well. Need to include this information to understand the full impact and the key attributes that need to be included as part of the project. Make sure to address the comments made by consultees. CA replied we have been looking at targets for individual species.

LB mentioned on gov.uk you can get all information around the Wash, SPA and SSSI – condition assessment and conservation advice packages and advice on operations. Information is on the targets and also looking at the advice that NE has given in terms of the management of the site.

CA replied we haven't just been looking at the targets but also the operational issues.

27 Management (CA presented this slide)

CA mentioned putting forward the existing and new ideas, quantitative data – RSPB wanted us to say the type of habitats we think are needed, we are now in 2 weeks' time in a position to talk about the quantitative data. These discussions will be on these measures will be reducing the baseline impacts, difficult to tease out the baseline, and managing the baseline impact. PP replied that we can go away and will be looking at this once people off leave, points are useful so we can look at the information that has been provided in more detail.

PP mentioned that RSPB will be looking at this in a week or so's time, once we have got people back from leave. It is useful to have these points available so we can look at the information in more detail. CA asked if we could have a focussed meeting with RSPB (and others that might want to be involved) on the management to talk about the potential at the reserve and around the reserve.

PP said "reliance on our reserves is probably going to send people down a route that will be difficult and challenging, so looking at areas away from the reserves or adjacent to the reserves is likely to be more straightforward and easier for various reasons that we have explained in past meetings. I think John looked at some of the areas maybe around by the Prison area that's close to the mouth of the Haven – there might be opportunity to improve some of the habitat down

No. Details

there. Exploring those opportunities would be preferable, we certainly can't commit to anything on the reserves for a host of reasons".

CA replied "we took that message away from the last discussion we had. The measures on this side are looking at creating roosting sites around the mouth of the Haven outside of the reserves and looking at management of fields to provide safe havens and wetland areas which would also benefit the breeding redshank. So we are looking to put forward ideas outside of the reserve as well. It would be for RSPB to come back to us with comments on these areas".

JB replied "I agree with that and if I am doing my job properly there shouldn't be any areas for improvement on the RSPB nature reserves".

LD mentioned that if you are looking at land outside the RSPB ownership then you will have to go back to looking at how that will be undertaken and landowners around that area might be difficult to deal with. CA replied that any measures would be undertaken to minimise any impacts and we will have to look at those impacts as well.

BD mentioned you will need to consider what is ecologically the right answer and what is legally achievable and security of outcome. Legislation will be different inside and outside of the designated boundaries. BD asked if Frampton is designated. JB replied that Frampton is not designated on the terrestrial side, but it would meet the qualifying levels quite easily.

JB mentioned the NE comment about energy budgets for black-tailed godwit – there is a reference to a paper by Alvez in Ecology about black-tailed godwits being in negative energy budget loss in the winter. That relates to the potential 2% in energy demand from disturbance of roost sites and the use of those alternatives. As discussed earlier, depending on the species some go further, and some come back. JB wants to know more about this as this paper only reported black-tailed godwit but are there other species influenced by this (with a similar negative energy budget in winter). Not as many black-tailed godwit roosting at the mouth of the Haven relative to Golden Plover and Lapwing.

BD replied the paper is specific to black-tailed godwit. JB mentioned that PP has a meeting with conservation scientist (Lucy Wright). RW asked if the paper could be circulated to CA as well. BD agreed.

28 **Issue 2 - Loss of intertidal area and how this has potential impacts on habitat type. Birds and benthos together with potential for operational impacts on habitat (CA presented this slide)**

Slide showed photographs of the habitat that will be lost at the proposed wharf site. Thin strip of salt marsh habitat loss in Section A and a larger strip at Section B. Strip of rocks providing a good roosting habitat for the breeding redshank in front of the saltmarsh (at the upper level of the mudflat). We will not be losing that roosting habitat; we will be moving it further along to Section B.

Action

BD to send the Alvez paper to RSPB and RHDHV.

No. Details

Action

In terms of the salt marsh condition, there are several surveys by the EA including the areas we are looking at.

LD asked if removing the rock armour is going to allow scour of the saltmarsh behind. CA replied the rock armour will only be moved in the proposed wharf area so that area would be excavated for the berth and wharf area. This is all included in the habitat loss calculations. Discussions ongoing with the EA regarding the rock armour movement. LD thought rocks were being moved from Section B. CA confirmed not, rocks only being moved from Area A to Area B. RW mentioned we are also looking at the under-wharf areas to possibly put some boards to retain sediment and create marginal saltmarshes in that area, which will be available when we publish our mitigation report. CA mentioned that the loss of saltmarsh habitat is being calculated on a worst case scenario basis, under the wharf structure there will be more growth of saltmarsh once the construction is complete. LD replied there is research about growth under pontoons and wharf structures - limited in what will grow under the wharf.

RW mentioned that is why we are keen to get people to go to the site. Saltmarsh is not of the highest quality – generally described as ‘poor’. JB replied that the EA’s response says the saltmarsh quality is pretty good. CA replied that EA standard quality surveys – they have in all the reports on the poor quality generally in the Haven. There is debris in the saltmarsh that gets grown over in the saltmarsh growing season. JB mentioned tidal rack is a valuable habitat in its own right. JB defers to NE, but it doesn’t look like it’s poor quality. CA replied it is low diversity saltmarsh and is affected by the debris. JB mentioned there are quite a few plant species in terms of saltmarsh diversity relative to other saltmarsh communities. JB said RHDHV should have a look at C10. CA replied we will look at the C10 comment and go back to the reports that have qualified the saltmarsh as poor quality and see what led to this conclusion.

LD commented that suggested a survey yourself as the EA have a different objective for their survey. Compensation areas (and manipulating the habitats in those areas). The number of species present are higher than anticipated for a poor quality habitat. Missed opportunity to do a survey of this area. CA replied a botanical survey was done. LD replied that this survey was done in October which is late in the survey season for most species.

PP mentioned that regardless of whether the habitat is poor or high quality, it is still a priority habitat so still needs to be compensated for. CA replied there might be opportunity to improve saltmarsh quality further down. PP replied that this ties in to RSPB’s comments about understanding what compensation/management measures implemented adjacent to the Facility and to enhance habitat is not caused to deteriorate the habitat for species. RW replied this will be in environmental permit. PP replied it should also be in the DCO application though so that they are captured in the full suite of assessments. CA mentioned mitigation that will be maintained.

No. Details

PP asked if there are any other facilities like this adjacent to a river or watercourse similar like this. Photos of an existing operating facility would be useful. RW replied that the DCO mentions best available technology and practices.

LD mentioned the poor quality assessment – ‘poor quality’ was included in the biodiversity metrics, if you do go down biodiversity net gain (BNG) route, the OLEMS will need a reassessment of the calculations. OLEMS only have terrestrial habitat, but that doesn’t include anything for marine habitat included in the calculation. CA replied they are separate (as there is a separate methodology for intertidal) but will be included in the BNG calculation.

AJ wanted to agree with LD and PP regarding saltmarsh importance and improving the quality should be an aim. Assessment of BNG of saltmarsh is really important. **CA will go back to the EA reports** (confirming the poor quality) and also arrange a site visit with those in attendance to see the status of the site.

JB if section B will be used for redshank mitigation, this will affect the quality of the saltmarsh negatively. CA mentioned those can be negotiated.

29 Benthos (CA presented this slide)

Benthos surveys have been undertaken by the EA in 2010, 2014 and 2017. We have recognised in previous work that those habitats provide food for birds and fish.

30 Operational Impacts (CA presented this slide)

- Habitat alternation due to hydrodynamic changes
- Changes in vessel traffic leading to increased ship wash and underwater noise and disturbance
- Increased suspended sediment concentrations due to maintenance dredging (localised, small-scale plume)
- Breaching of vessels at low tide - habitat loss of mudflat areas to be converted with gravel to beach the vessels
- Increased emissions to air and deposition on marine and estuarine habitats - new report just come out looking at air pollution (nitrate levels) they do fall underneath the critical loads for the pollutants described – this will be mentioned in the addendum to address the respondents comments.

AJ queried underwater noise – RR response to NE, suggestion of low tide dredging impact lessened to marine mammals – could piling be done only at low tide. CA replied this will be agreed at another time (another meeting and get back to AJ).

31 AOB

PP asked about the Solar Park (south of the Facility) near area B for proposed mitigation and how this project could impact the Facility.

Next meeting – 23rd September 2021.

Action

CA/RW to find out if there are any similar sites already in operation

CA to check EA reports regarding quality of saltmarsh

Mitigation measures for marine mammals regarding piling disturbance

CA to provide AJ/TD with more information on observer

No. Details

JB mentioned the speed of shipping – vessels doing 4 knots is really slow. CA replied that the Facility cannot control all speeds except those coming into the wharf.

AJ asked what an observer would do if they saw a marine mammal. CA mentioned this will be the area outside the Haven, where there are more marine mammals. AJ and JB asked if the vessel will change course. Covering the propellers discussed. AJ asked for more information on the above to give to Tania Davy.

Action

course of
action if
marine
mammals
are seen.

Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Chris Adnitt (RHDHV), Lowell Mills (RHDHV), Richard Woosnam (AUBP), Philip Pearson (RSPB), John Badley (RSPB), Annette Hewitson (Natural England), Amanda Jenkins (Lincolnshire Wildlife Trust), Roslyn Deeming (Natural England), Sophie Reese (BDB Pitmans), Louise Burton (Natural England), Louise Denning (Natural England), Rachel Hudson (Environment Agency)

Apologies:

From: Ashleigh Holmes
Date: 23 September 2021
Location: Microsoft Teams Meeting
Copy:
Our reference: PB6934-RHD-ZZ-XX-MI-Z-1085
Classification: Project related
Enclosures:

Subject: Marine Ecology Meeting Minutes 23.09.21 (DRAFT MEETING MINUTES)

NumberDetails

Action

- 1 Chris Adnitt (CA) introduced the aims of the meeting** - to update the members of the meeting on progress with data analysis and discuss specific items in more detail.
 - Habitat loss at the proposed wharf site and potential mitigation measures (initial and ongoing)
 - Bird disturbance at the proposed wharf site and the proposed management measures
 - Water supply concerns regarding the impact of discharge, supply to Frampton, pollution control measures
- 2 CA gave a Recap on the Examination Process**
 - It is confirmed the Examination will be held by virtual methods, with the exception of an Accompanied Site Inspection and an Open Floor Hearing.
 - First Preliminary Meeting on 28th September 2021
 - Second Preliminary Meeting on 7th October 2021, if required.
 - 3 planned issue specific hearings including one on Environmental Matters on Wednesday 24th November 2021.
- 3 Next Steps (CA presented this slide)**

RHDHV currently working on the Addendum to the HRA and ES to address respondent comments and incorporate additional data to be submitted for Deadline 1 (19th October).

Still working on Without Prejudice Derogation Case – aim to be submitted at Deadline 2 (11th November) including:

 - Assessment of Alternatives
 - Imperative Reasons of Overriding Public Interest
 - Compensation Plan (ongoing discussions with regards to compensation sites)
- 3 CA provided a Recap on the Facility**

NumberDetails

Action

- The Facility will generate electricity using a thermal treatment process.
Refuse Derived Fuel (RDF) will be brought to site using vessels.
Lightweight Aggregate will leave the site by vessel
A new wharf will be built early in the construction process. The wharf will include a berthing pocket to allow ships to safely dock without restricting the navigable channel within The Haven. The berthing pocket would be constructed by dredging and excavation.
- 4** **CA thanked attendees for their additional comments**
Additional comments following the issue of our responses are helpful in guiding the addendums being produced.
- Amanda Jenkins (AJ) queried detail surrounding harbour seals (i.e., type of piling method). **GS to call AJ regarding marine mammals.**
- CA to organise Gemma Starmore (Marine Mammal expert at RHDHV) to call AJ.
- 5** **Mouth of The Haven – Changes in Bird Behaviour (Lowell Mills (LM) led this slide)**
Baseline activity of vessels at the mouth of The Haven causes disturbance largely to roosting birds (88%). Disturbance is largely a result of visual impact of large vessels.
Cargo vessels are the majority source of disturbance to feeding and land-roosting birds.
Cargo and pilot boats are disproportionate sources of disturbance to birds on water/bathing.
- LM showed table with different vessel types and their influence on waterbird behaviour (see PowerPoint presentation slide 6).
- John Badley (JB) suggested the speed of the small fishing boats may also be a factor. The pilot vessel is a similar size but causes a lot more disturbance, presumably due to speed and wake (query on noise).
- Using counts at specific subsets of WeBS sectors to estimate relative importance of the Haven and Mouth of the Haven areas in a whole-Wash context
- The baseline and the WeBS sectors, as criticised by RSPB, the original number of WeBS sectors and initial use of that baseline data for the HRA and ES was insufficient. Since then, we have accessed all but one of the additional WeBS sectors (which RSPB and Natural England requested we source) – what is the importance, the frequency of occurrence and numbers involved in a whole Wash context for SPA, designated feature waterbirds and some of the bird assemblages of importance (Lapwing and Golden Plover).

NumberDetails

Spatial scales adopted take the conservation objectives to do with disturbance (which generally refer to the local area within the larger SPA).

We have taken all the WeBS sectors within 800 m of the Haven and around the mouth of the Haven. All but Freiston sector 50 (which is more offshore) included. Freiston sector 50 likely to decrease estimates for waders because it is an offshore sector.

15 WeBS sectors have been included – all 15 are regarded as the Haven local area.

4 WeBS sectors regarded as the Mouth of the Haven:

- Witham 20
- Witham 60
- Frampton North 27
- Frampton North 31

First table - Relative importance of the Haven local area to the species in a Wash context

Second table – Relative importance for these same species of the Mouth of the Haven sub-area in a whole Wash context.

Medium and short term trend and amber alert - Brent Goose (importance category 'very high').

Slide 8 (LM presented this slide)

Among non-breeding waterbirds, there is i) high relative importance of the Haven and Mouth areas in a Wash context, and ii) more routine and high density disturbance to:

- DB brent goose
- black-tailed godwit
- redshank
- oystercatcher
- turnstone
- lapwing
- golden plover

LM said Shelduck should be included (NE and RSPB in agreement).

PP mentioned it would be good to have waterbirds assemblage included in assessment, LM says this has been done already will be included.

JB queried the criteria for assessing very high to very low relative importance. LM shared the definitions to categorise the importance of the Mouth of the Haven site and The Haven local area to Wash SPA qualifying species, based on magnitude of seasonality valid WeBS counts made between 2014 and 2019.

LM to share the definitions to categorise the importance.

Action

LM to share the definitions to categorise the importance

NumberDetails

Action

6 **Proposed Wharf Site – Changes in Bird Behaviour (LM presented this slide) – Breakdown of vessels for the Wharf area**

Baseline activity of vessels at the wharf site causes disturbance largely to roosting birds. Disturbance is largely a result of visual impact of large and small commercial vessels.

Cargo vessels are majority cause of disturbance of foraging and land-roosting birds.

Pilot boats (rather than both Pilot and Cargo) are a disproportionate source of disturbance to birds on the water/bathing. Also a lot more disturbance to gulls at the wharf site than at the mouth of the Haven.

Wharf site has a smaller dataset in comparison to the mouth of the Haven.

PP said there is clearly a difference in impact at the Wharf area from the different vessels compared to the mouth of the Haven, which supports RSPB's concerns regarding understanding of vessel movements. Impact on foraging birds even from the small vessels. LM agreed. LM said there is a visual impact of fishing boats and acknowledges PP's comment.

BD queried why the proposed mitigation area has been identified as a suitable roost spot if there will be more vessel movement through that area. And why we anticipate that the mitigation/compensatory area won't be subject to disturbance. LM replied the reasoning is that we want the mitigation to be as close to the original roost site, where habitat will be lost, as possible. A mindedness to make any mitigation/provision for the roost to be as close as possible to ensure success. We are thinking about the scale and quality rather than proximity.

CA mentioned discussions with RSPB about what could happen and the worst case scenarios. BD replied that the closer the site the better, but it also needs to work/be successful.

PP mentioned looking at sites close to the Haven but not the saltmarsh, maybe farmland for additional area to be created and mentioned the impacts on priority habitats.

7 **Key Issue One – Habitat Loss at the Proposed Wharf Site and Potential Management Measures**

- Section A – where the proposed wharf will be
- Section B – Haven alongside south-east of the Order Limits footprint
- Bird surveys were split into Section A and B.
- Loss of mudflats and rock area – primarily where the redshank like to roost.
- One of the ideas (discussed with RSPB) need to look for mitigation for removing strip of rock. Mapped area of saltmarsh (pink area identified on slide 14).

Slide 15 – Intertidal Habitat Loss

Loss of habitat was inputted to the net gain calculation.

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Intertidal habitat loss:

- 1 ha of saltmarsh (worst case as there is potential for limited saltmarsh to grow under the wharf structure)
- 1.4 ha of mudflat to be replaced by hard substrate within the intertidal area

Discussions about the saltmarsh:

- Surveys undertaken of the saltmarsh for the Environment Agency to NVC standards.
- Recent survey by Natural England confirming NVC communities.
- Survey in 2011 defined saltmarshes as of 'poor quality' due to the limited extent, low diversity and negligible zonation (Jacobs, 2011).
- Further confirmation poor quality of saltmarsh generally in the Haven – latest survey available from the EA undertaken in 2017 (Holden)
- NE request to consider marsh as 'moderate'
- CA requested comment from NE regarding the recent surveys they have undertaken.
- Louise Denning (LD) replied that NE did quadrat surveys first week in September 2021, previous EA ones done in October 2020. NE identified similar NVC communities to those identified previously. Main types and subcommunities, variation for a couple of subcommunities. The main issue is comparing it to the wider Wash and knowing what the NVC communities are for the wider Wash. NE had a condition assessment undertaken by Sarah Lambert (September – October 2020) focusing on upper saltmarsh communities. SL identified the same NVC communities as can be seen at the wharf site. A small area of SM16 (upper marsh) also identified. LE mentioned that NE would not consider the saltmarsh on the Wash as poor condition, because it is similar in species composition (*Artemisia carex* in the vicinity of the area).
- **CA asked for map of the area where NE surveyed. LD to provide GPS locations for quadrats.**
- PP asked if there are more rocks in front of the saltmarsh areas what impact will this have on the saltmarsh (potential deterioration). LD replied rocks are not causing localised erosion along wharf section or proposed mitigation/compensation area. LD said unlikely to influence the saltmarsh. Sea aster is flowering (70-75cm in height) on the saltmarsh, so roosting redshank unlikely to use as they are unlikely to have a clear view. In which case, rocks potentially better placed on the mudflat. Concerns regarding bund 300m within compensation mitigation area.
- CA replied the intention for the rocks would be on the mudflat area not the saltmarsh area. With regard to the spreading of material, due to the volume of material we will use it in another way.
- LD replied the area proposed is very dominated by sea couch in the upper section. Therefore, if you raise the topography you would end up with sea couch over the whole area which would not be favourable to any of the roosting birds.
- CA asked LD, when NE did the survey there were some scrapes and ponds already, did you feel there could be potential for management of

LD to provide GPS locations for quadrats from NE survey.

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Action

those areas. LD replied most of the scrapes/ponds NE saw were unvegetated (scattered Salicornia) or hypersaline pools (without vegetation). LD mentioned you could create new pools.

- JB agreed with LD and confirmed redshank would not roost on sea aster or sea couch. Information provided regarding disturbance from fishing vessels in that area and looking at the proximity to that area (as you are proposed to put compensation on the edge of the channel) - proximity of rocks near the channel means it is unlikely the compensation would be successful.
- PP mentioned the need to see a broader suite on options (tabulate with narrative), so we can identify preferred options and therefore allowing RSPB and other stakeholders to home in on suitable options. CA replied the options will be ready as soon as we can.
- PP mentioned that seeing the wharf data is good/helpful, more informed and a better baseline to understand the disturbance.

8 Benthos (CA presented this slide)

Mudflats are also important for the benthos. Surveys undertaken by the Environment Agency in 2010, 2014 and 2017. Surveys identified species typical of estuarine habitats, mostly polychaetes in terms of diversity. Habitats surveyed were homogenous with habitats within The Haven. Recognised that species provide food for birds and fish.

9 Operational Impacts (CA presented this slide)

There are some respondent comments that came back with regards to operational impacts:

- Habitat alteration due to hydrodynamic changes - assessed as negligible
- Changes in vessel traffic leading to increased ship wash – assessed as negligible
- Increased suspended sediment concentrations due to maintenance dredging – assessed as no effect
- Beaching of vessels at low tide- reduces intertidal area but already assessed as loss
- Increased emissions to air and deposition on marine and estuarine habitats – assessed as of minor significance based on conservative assumptions (based on emission limits rather than actual emissions).

LB queried if we will get anything in writing on this. CA replied this will be in the HRA addendum. LB several issues around birds which will come into the HRA, but what about the wider habitat/EIA issues. Will there be chapter updates - saltmarsh is priority saltmarsh and is not part of the SAC. CA replied there is also an addendum to the Marine and Coastal Ecology chapter which will cover those issues.

10 Habitat Restoration/Creation Initiatives (CA presented this slide)

Looking at a number of options for habitat restoration creation initiatives.

- Debris clearance from marsh areas along The Haven.
- Field margins along areas just behind the flood defence along The Haven
- Potential opportunities within:
 - Area owned by Boston Prison

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- Discussions with Boston Borough Council regarding Havenside Country Park (areas of grazing marsh/reedbed/fen/ponds with seasonally wet areas)
- Hobb's Hole Local Wildlife Site

Action

Debris clearance from marsh areas along The Haven

- LD – plastic material along the Haven, restricting to hand picking, not sure how much benefit as a mitigation measure. LD mentioned old fence lines in mitigation area, thoughts about grazing that area (dominated by sea couch). CA replied that this is something to consider.
- JB mentioned this is quite a small area to graze, low saltmarsh, with disturbance from humans and dogs.
- LD suggested possible removal of the bund to allow inundation of sea couch.
- BD queried mention of debris – are we referring to anthropogenic debris? CA confirmed.
- BD mentioned saltmarsh – if you are managing the saltmarsh for breeding birds, more potential for birds and depends on the objectives for the saltmarsh (whether it's just a habitat, or habitat and birds outcome). Grazing is a good way of achieving that although it could be logistically difficult in this situation. Potential mechanical methods (topping it in the summer) suppressing sea couch and allowing other species to develop in the sward over time. CA replied we will consider this as a potential option.
- JB mentioned this is focus on some small detail (particularly net gain on the saltmarsh). JB requested more discussion on the 2.4 ha loss of intertidal habitat.

Potential opportunities within Area owned by Boston Prison

- JB mentioned that creating saltmarsh is not difficult. For example, RSPB created 66 ha at Freiston a few years ago. The technique of creating saltmarsh is all about water levels, the seed source is already out there. Finding the right location and land ownership is likely to be challenging. CA replied that making sure the area to be flooded is a suitable level for saltmarsh is necessary. JB replied you can use LiDAR for that. Strongly suggest the area near the prison is suitable for saltmarsh (as it is similar to the land at Freiston).
- JB queried the width of the country park (linear and narrow).
- PP queried the scale of what habitat we are dealing with; mouth of the Haven need figures on worst case scenarios – this leads to what scale of habitats is needed – home in on the options. Need to see options soon.
- LD requested a map/site of the Prison area, provide a map of the area you are looking at. Mark Stuart at Lincoln University has done a lot of work with RSPB looking at managed realignment at Freiston.
- LD agreed with JB regarding the narrow nature of the Havenside Country Park. Although this site is close to the Facility, is there capacity for extra roosting at that location. JB replied Havenside Country Park is suitable for

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- saltmarsh curation but not redshank. There are some tall hedgerows that may be of interest on their own.
- JB to send map to CA and LM of map of the mouth of the Haven.
 - LB queried when the addendums will be submitted into examination. Ashleigh Holmes replied in the chat function 'addendums will be submitted at Deadline 1 on 19th October'.
- 11 Issue 2 – Bird disturbance at the proposed wharf site and the proposed management measures.**
- Requirement for saltmarsh ponds as foraging areas
- Queried whether we need the ponds.
- Ongoing maintenance
- Debris clearance when necessary and only during periods when birds are not overwintering or roosting on site
 - Maintenance of saltmarsh ponds/scrapes to provide additional foraging areas.
- 12 Issue 3 – Water supply concerns regarding the impact of discharge, supply to Frampton, pollution control measures**
- Water Drainage and Supply**
- Work undertaken within the Surface Water Management System for the Riverside Industrial Estate
 - No discharge from the site into The Haven
 - SuDS solution to collect any runoff
 - No need to abstract any water for the Facility
 - The drainage requirement and discharge would be within the conditions of the existing surface water discharge agreements
 - Discharges would require permit from IDB
 - LD mentioned coma assessment (emergency at potentially polluting site) – concern how the water is dealt with in those situations. LD queried this has been picked up in other documentation. RW replied the water goes into own tanks.
- 13 Pollution Control**
- Inspection of all bales on vessel prior to being unloaded
 - Damaged bales not accepted
 - Sealed drainage in storage area (feeding into SuDS)
 - Wharf is graded to flow away from The Haven into the sealed drainage area
 - Underslung sheeting during offloading sloping back to vessel or wharf
 - Surface run-off into SuDS
 - Drainage ditches designed so that flow velocities are low enough for retention to remove fine sediment and enable adsorption
 - Interceptors to retain any potential contaminants and sediments
 - Penstocks in place in case of an emergency event

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JB queried potential for offsite drainage into the existing IDB drainage network. RW mentioned 30 litres per minute that IDB want us to be within, and we are comfortably within that level of water offsite discharge. JB queried the water quality going offsite. RSPB requested more information on offsite drainage into the existing IDB drainage network. CA to send information.

PP mentioned providing more information on water quality monitoring programme.

JB mentioned if there is a pollution incident which impacts the quality of the water discharged into the drainage network, hopefully a management process will be in place to divert the water. RW we have incorporated a number of interceptors and penstock valves to enable diversion.

14

AOB

BD mentioned the derogation case and mitigation/compensation – the sooner we have concrete options to work through the better. CA replied the HRA addendum is our priority focus at the moment to meet deadline 1, then we can start working on the options.

JB queried slide 5 (location plan) – is the cross area RW clarified there is a series of conveyors that take the bales from the wharf area to the fuel store and pass through a narrow gap and climb 8 metres until reaching the fuel store. JB queried if this moves away from the wharf and the Haven. RW clarified

PP need to consider land (triangle brown shape on slide 5) in the updated HRA in combination assessment. It is right up against the roost area. AJ mentioned the EA Flood Management works to be considered. LD mentioned these works are nearly finished (in September 2021).

LD mentioned it would be useful to get the options and when they would be implemented. RW and SW had mentioned LD on site they were planning to get any mitigation/compensation in place ahead of the works so there is the ability for any disturbance to birds to have somewhere else to go. Timing and complexity of what putting forward. Land purchase would take more time etc. CA mentioned these will be mentioned in the updated HRA.

RW mentioned there is a 7 month period of enabling works and mitigation works is one of the first to do before beginning construction to enable adjustment of birds.

PP mentioned that if we are considering new habitats/lagoons there is the design that will need to be worked through on top of having had the negotiations to secure areas as well, including permissions. 7 months might be tight/limited for this process.

Appendix B Glossary

Term	Abbreviation	Explanation
Alternative Use Boston Projects Limited	AUBP	The Applicant.
Development Consent Order	DCO	The means for obtaining permission for developments of Nationally Significant Infrastructure Projects (NSIP)
Habitat Mitigation Area	-	A 1.5 ha located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven where habitat mitigation works will be provided.
Habitats Regulations Assessment	HRA	A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.
Lightweight Aggregate	LWA	Plant for the manufacture of lightweight aggregate used to produce lightweight concrete products such as concrete block, structural concrete and pavement.
National Site Network	-	Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea,

Term	Abbreviation	Explanation
		including both the inshore and offshore marine areas in the UK.
Principal Application Site	-	A 26.8 hectare site where the industrial infrastructure will be constructed and operated. It is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven.
Refuse Derived Fuel	RDF	The fuel produced from various types of waste, such as paper, plastics and wood from the municipal or commercial waste stream.
Statement of Common Ground	SoCG	This document.

DRAFT