

The Examining Authority  
Proposed Boston Alternative Energy Facility DCO  
c/o The Planning Inspectorate  
By email:  
BostonAlternativeEnergyFacility@planninginspectorate.gov.uk

Your Ref  
EN010095  
Our Ref  
RAQ/RJM/199346.0001  
Date  
7 March 2022

Dear Sir

**Alternative Use Boston Projects Limited (the Applicant)  
The Proposed Boston Alternative Energy Facility Order (the Order)  
Deadline 7 submissions from The Boston and Fosdyke Fishing Society Limited (BFFS) - Marico  
Report**

We act for the Applicant in the promotion of the proposed Order. The Applicant notes from BFFS's latest representations (REP7-033 and REP7-034) that BFFS have not yet submitted to the Examining Authority (or disclosed to the Applicant) the report (BFFS Report) they have commissioned to 'independently audit' the Applicant's Navigation Risk Assessment (NRA) (REP2-010). In subsequent email correspondence with BFFS's legal representatives on 3 March 2022 we have been informed that the BFFS hope to be in a position to submit their report to the Examination (and disclose the report to us) 'within the next few days'.

We note that Chapter 18 (Navigational Issues) of the Environmental Statement (APP-056) has been available to BFFS since acceptance of the application in April 2021. The Applicant's NRA was initially submitted in November 2021 and then a further version was submitted in February 2022 (Deadline 6) to incorporate minor amendments in response to minor outstanding concerns from the Port of Boston (REP6-022). Upon the submission of the Applicant's NRA in November the Applicant proposed to meet with BFFS's legal representatives to discuss the NRA, but that offer was declined.

The Applicant respectfully requests that the Examining Authority requires the BFFS Report to be submitted to the Examination and disclosed to the Applicant as a matter of urgency (and certainly prior to Examination Deadline 8) in order to give the Applicant and the Examining Authority a fair opportunity to review and comment upon it prior to the end of the Examination, on 7 April. Any further delay in releasing the BFFS Report would be wholly unreasonable and would unfairly prejudice the Applicant's ability to provide a considered response, given the point we are at in the DCO examination.

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The Applicant intends to respond to the other statements within BFFS' Deadline 7 representations as part of its future submissions.

Yours faithfully

[Redacted signature block]

**BDB Pitmans LLP**

[Redacted contact information]