

REPORT

Boston Alternative Energy Facility

Navigation Management Plan Template

Client: Alternative Use Boston Projects Ltd

Planning Inspectorate
Reference: EN010095

Document Reference: 9.80 (1)

Pursuant to: APFP Regulation: 5(2)(q)

Reference: PB6934-RHD-ZZ-XX-RP-Z-4102

Status: Final/1.0

Date: 15 March 2022



HASKONINGDHV UK LTD.

Westpoint
Peterborough Business Park
Lynch Wood
Peterborough
PE2 6FZ
United Kingdom
Industry & Buildings
VAT registration number: 792428892

+44 1733 3344 55 **T**
info@uk.rhdhv.com **E**
royalhaskoningdhv.com **W**

Document title: Boston Alternative Energy Facility

Document short title: Navigation Management Plan Template

Reference: PB6934-RHD-ZZ-XX-RP-Z-4102

Status: 1.0/Final

Date: 15 March 2022

Project name: Boston Alternative Energy Facility

Project number: PB6934

Author(s): Sarah Marjoram

Drafted by: Sarah Marjoram

Checked by: Rebecca Worbey

Date: 15/03/22

Approved by: Paul Salmon

Date: 15/03/22

Classification

Project related

Unless otherwise agreed with the Client, no part of this document may be reproduced or made public or used for any purpose other than that for which the document was produced. HaskoningDHV UK Ltd. accepts no responsibility or liability whatsoever for this document other than towards the Client.

Please note: this document contains personal data of employees of HaskoningDHV UK Ltd.. Before publication or any other way of disclosing, consent needs to be obtained or this document needs to be anonymised, unless anonymisation of this document is prohibited by legislation.

Table of Contents

1	Introduction	3
1.1	Background	3
1.2	Requirement for the NMP	3
1.3	Purpose of the NMP	4
1.4	Responsibilities and Plan Development Process	4
1.5	Spatial and Temporal Scope of the Plan	6
1.6	Links to Other DCO Documents	6
1.7	Limitations	6
2	Existing regulations and guidance	7
3	Navigation Management – Construction	8
3.1	Introduction	8
3.2	Construction phase works	8
3.3	Responsibilities	8
3.4	Navigation mitigation measures	8
4	Navigation Management – Operation	9
4.1	Introduction	9
4.2	Responsibilities	9
4.3	Operational phases	9
4.4	Management measures	9
5	Implementation of the NMP	10
5.1	Introduction	10
5.2	Dissemination of the NMP	10
5.3	Adaptive Management of the NMP	10

Table of Figures

Figure 5.1	Process for updating the NMP	11
------------	------------------------------	----

1 Introduction

This document is the template for the Boston Alternative Energy Navigation Management Plan (NMP). Its purpose is to inform the stakeholders and Development Consent Order (DCO) Examination on the intended contents of the NMP by identifying the content, structure and information which will be contained in the NMP.

The NMP will be secured via the Deemed Marine Licence (DML) in the DCO.

The discharging authority will be the MMO in accordance the DML.

Information is also provided as to how the plan will be developed.

1.1 Background

To include an overview of the Facility, and its relevance to navigational matters.

1.2 Requirement for the NMP

The requirement for the NMP is provided for by condition 14 of the Deemed Marine Licence, at Schedule 9 (Deemed Marine Licence) to the Draft Boston Alternative Energy Facility Development Order, which states:

Navigation management plan

14.—(1) *The undertaker must submit a navigation management plan in writing to the MMO for written approval in accordance with the procedure in Part 4, following consultation with the harbour authority, the relevant statutory nature conservation body and the Environment Agency to the extent that it relates to matters relevant to their functions, at least 13 weeks prior to the commencement of any licensed activity.*

(2) *The navigation management plan submitted for approval under sub-paragraph (1) must be informed by the assessment of risks to navigational safety in the navigation risk assessment or in any other navigation risk assessment and be substantially in accordance with the recommendations as to the management of vessel movements on The Haven as set out in the navigation risk assessment or in any other navigation risk assessment.*

(3) *The navigation management plan submitted for approval under sub-paragraph (1) must be substantially in accordance with the navigation management plan template.*

(4) *The navigation management plan must include details of—*

(a) the construction timelines;

(b) the potential risks to navigation;

(c) communication measures;

(d) measures for managing potential risks to marine mammals in accordance with the marine mammal mitigation protocol approved under condition 17;

(e) measures for managing disturbance to designated bird species developed in accordance with the process in the Navigation Management Planning Process: Risk to Birds;

(f) measures for managing potential biosecurity risks; and

(g) how each stage of the construction process and the operation of the authorised development will be managed to ensure a minimal impact on the safety of navigation in The Haven and ensure that any delay or interference that may be caused to vessels which may be using The Haven is minimised as far as reasonably practicable.

(5) The undertaker must not commence the licenced activities until the MMO has approved in writing the submitted navigation management plan.

(6) Unless otherwise agreed by the MMO, the navigation management plan must be implemented as approved by the MMO.

(7) Following approval of the navigation management plan in accordance with the procedure in Part 4 the undertaker may from time to time submit revised navigation management plans to the MMO following consultation with the harbour authority, the relevant statutory nature conservation body and the Environment Agency to the extent that it relates to matters relevant to their functions.

(8) A revised navigation management plan submitted to the MMO in accordance with sub-paragraph (7) and approved by the MMO in accordance with Part 4 supersedes any other navigation management plan in effect on the date of approval.

It should be noted from the above, that through direct reference in the DCO this NMP Template will become an approved (certified) document and must be complied with as part of the development and operation of the Facility.

1.3 Purpose of the NMP

This section will include details on the purpose of the NMP and will include reference to the following:

- The objectives of the NMP will be clearly stated
- The NMP is a live document to be updated as required throughout the construction and operation of the Facility
- It will ensure safety of navigation for all users
- It will ensure efficiency of vessel movements so as to limit (where practicable) disturbance to existing river users
- It will set out guiding principles, aids to navigation and communication pathways
- It will set out responsibilities for managing, installing, maintaining and operating mitigation measures
- Where appropriate and relevant it will set out measures relating to biosecurity risk (see Appendix A)
- Where appropriate and relevant it will take due regard to risk to birds, and risk to marine mammals in accordance with the marine mammal mitigation protocol.

1.4 Responsibilities and Plan Development Process

The NMP will be produced in a structured and consultative manner following the generation of appropriately detailed design for the marine aspects of the facility (notably the wharf) and selection of a principal contractor for the construction phase. The NMP will be developed in conjunction with the further development of the draft Navigation Risk Assessment (NRA) (included at Appendix B). The NMP and finalised NRA will be agreed and in place before construction of the wharf commences.

The key bodies that will be involved in developing the NMP are:

- AUBP as the project's promoter;
- Principle Contractor;
- The Facility's operator; and,

- The Port of Boston (PoB) as the Statutory Harbour Authority (and approver of the document prior to submission and acceptance by the Marine Management Organisation (MMO)).

Other statutory bodies that will be consulted in the development of the NMP are:

- Environment Agency;
- Natural England;
- Maritime and Coastguard Agency (MCA) (if requested to be consulted, or deemed necessary by PoB);
- United Kingdom Hydrographic Office (UKHO); and
- Trinity House.

Additionally, the views of the Boston and Fosdyke Fishing Society (BFFS) and the Royal Society for the Protection of Birds (RSPB) along with other interested parties, e.g. boating association, Boston Belle, etc. will be sought in the development of the plan.

The process to develop the NMP will be as follows:

- Step 1** An initial structure of the NMP and the proposed objectives will be compiled by AUBP in conjunction with PoB.
- Step 2** A Navigation Risk Workshop will take place to determine risk and appropriate responses, (closely aligned with, and to inform an update of the NRA – see Step 3).

At the Navigation Risk Workshop AUBP and the PoB will set out the principles and measures contained within the NMP to ensure safety of navigation is maintained on The Haven and disturbance to other river users is minimised (as far as reasonably practical) and will clearly identify where measures are also designed to limit disturbance to birds and marine mammals, as set out in Article 14 of the draft DML.

- Step 3** Update of the NRA.

An updated NRA will be produced which will include consideration of all users of The Haven, including other commercial vessels, the pilot cutters and recreational users. This updated NRA will be a live document and amended, as considered necessary by AUBP and the PoB, to account for changes in the construction or operational activities at the Facility, or indeed any wider changes in The Haven which may affect navigational risk. The updated NRA be carried through to the NMP (Step 4) and consulted on as per the development process set out above.

- Step 4** AUBP will produce the first draft of the NMP in conjunction with PoB.
- Step 5** The draft NMP will be issued to the EA and NE for comment.
- Step 6** The draft NMP will be further modified as required by AUBP in conjunction with PoB following receipt of comments.
- Step 7** Interested parties will be consulted (when requested by the Interested Party or when the PoB or AUBP deem it necessary).
- Step 8** The draft NMP will be further modified as necessary by AUBP in conjunction with the PoB.

Further iterations of Steps 5 to 8 will be undertaken, as appropriate and necessary.

- Step 9** The PoB will formally approve the document for implementation.
- Step 10** The final NMP will be submitted to the MMO for approval as per Article 14(1) of the draft DML.

- Step 11** The NMP will be a live document updated as required (this may include monitoring of impacts) to respond to change (during construction and operation of the BAEF). Material updates to the NMP will follow a similar development process to that set out above and each iteration will be subject to approval by the MMO. Following approval, any previous version of the NMP will be superseded.

1.5 Spatial and Temporal Scope of the Plan

This section will define the spatial area over which the NMP will be implemented and the temporal period over which it applies (notably, identifying the commencement date relating to the construction of the Facility).

The spatial area covered by this plan will extend from Grand Sluice in The Haven to the PoB jurisdictional limits in the Wash.

1.6 Links to Other DCO Documents

The draft DCO (and draft Deemed Marine Licence (DML)) requires that the NMP should be produced in accordance with the following DCO certified documents:

- Condition 14(2) of the draft DML requires that the NMP needs “*to be substantially in accordance with the recommendations as to the management of vessel movements on The Haven as set out in the navigation risk assessment*”.
- Condition 14(3)(d) requires that the plan needs to include “*measures for managing potential risks to marine mammals in accordance with the marine mammal mitigation protocol approved under condition 17*” (document reference 9.12(1), REP6-020).
- Condition 14(3)(e) requires that the NMP also should include “*measures for managing disturbance to designated bird species developed in accordance with the process in the Navigation Management Planning Process: Risk to Birds*” (document reference 9.7, REP6-033).

1.7 Limitations

The NMP will deal with navigation measures specifically related to the Facility and is therefore supplementary to, and should be read in conjunction with, all other regulations and guidelines relevant to navigating The Wash, The Haven, River Witham and South Forty Foot Drain (the last two of which link into The Haven).

2 Existing regulations and guidance

This section will include reference to, but not be limited to, the following regulations and their relevance to the NMP:

- The International Regulations for Preventing Collisions at Sea (COLREGs) (IMO1972/77);
- Port of Boston Notice to Mariners;
- Port Marine Safety Code (incorporating a Marine Safety Management System); and
- Guide to Good Practice on Port Marine Operations.

The legal duties and powers of the Port of Boston, which underpin the implementation of the NMP, are derived from the following sources:

- Harbours, Docks and Piers Clauses Act 1847 (as amended)
- Merchant Shipping Act 1995 (as amended)
- Pilotage Act 1987 (as amended)
- Review of Pilotage Act 1987
- Dock Regulations 988 (SI 1988 No. 1655) (as amended)
- Dangerous Goods in Harbour Areas Regulations 2016
- Health and Safety at Work Act 1974 (as amended)
- The Management of Health and Safety at Work Regulations 1999 (SI No. 3242)
- Harbours Act 1964 (as amended)
- Transport and Works Act 1992 (as amended)
- Dangerous Vessels Act 1985 (as amended)
- M.S. (Oil Pollution Preparedness, Response and Co-operation Regulations 1998 (SI No. 1056) (as amended)
- M.S. (Port State Control) Regulations 2011 (SI No. 2601)
- M.S. (Small Work Boats and Pilot Boats) Regulations 1998 (SI No. 1069)
- M.S. (Pilot Transfer Arrangements) Regulations 1999 (SI No. 17)
- Pilot Boat Code of Practice
- Local Government Act 1972 (as amended)
- M.S. (Distress and Prevention of Collision) Regulations 1996 (SI No. 75 as amended)
- Boston Harbour Revision Order 1989 (SI No. 2036)
- Port of Boston Byelaws 1947
- 1812 Act for improving the Port and Harbour of Boston
- 1881 Boston Dock Act
- 1935 Boston Corporation Act
- International Ship and Port Facility Security code (ISPS)
- Port Waste Reception Facilities Regulations 2003
- MGN, MSN & MIN Notices

3 Navigation Management – Construction

3.1 Introduction

This section will set out the procedures for managing navigation within the spatial area of the NMP during the construction of the Facility.

3.2 Construction phase works

This section will include a description of the construction works, and timelines, which will have been confirmed following detailed design and the appointment of a principal contractor.

3.3 Responsibilities

This section will describe the roles, responsibilities and obligations for AUBP, the PoB and the contractor with regards to navigational safety during construction.

The PoB retains statutory authority over navigation in the Haven. They will issue Notices to Mariners during the course of the works to manage navigation around the contractor's works based on the construction activities being undertaken. The PoB has the authority to place constraints on construction activities being carried out that may have an unacceptable impact on navigation depending on prevailing conditions and vessel movements planned.

3.4 Navigation mitigation measures

The marine aspects of the construction works for the Facility (notably the wharf) will then be broken down into activities and navigation risk mitigation measures required during each activity will be clearly set out. These will be established and finalised during the generation of an appropriately detailed design and the selection of a principal contractor.

The mitigation measures set out in this section will relate to those recommended in the Navigation Risk Assessment (NRA). Any relevant mitigation measures identified within the MMMP will also be identified here.

Example subheadings are set out below along with a common structure.

Capital dredging

To include measures recommended in the NRA, such as

- Communication, including Notice to Mariners and information boards
- Lighting and marking of structures/construction vessels
- Vessel management measures
- Monitoring and reporting

Wharf construction

As above

Delivery of construction materials

As above

In addition, the documents set out in Section 1.6 will be fully taken account of within the finally agreed mitigation measures.

4 Navigation Management – Operation

4.1 Introduction

This section will set out the procedures for managing navigation on the Haven during the operation of the Facility.

4.2 Responsibilities

This section will describe the roles, responsibilities and obligations for AUBP, the PoB and other river users with regards to navigational safety during operation.

The PoB will continue to have statutory authority over vessels navigating the Haven, and therefore vessels using the new wharf.

The PoB will issue a Notice to Mariners describing the aids to navigation and any berthing procedures, which will subsequently be incorporated into the annual standing Notices to Mariners issued by the PoB.

4.3 Operational phases

Once constructed the Facility will not come ‘online’ and operate at full capacity immediately but will be started up in phases. Details of these phases and the associated vessel requirements will be set out in this section.

4.4 Management measures

This section will set out the specific mitigation measures to manage navigational safety in the Haven during operation of the Facility (developed from mitigation measures identified in the NRA). Any relevant mitigation measures identified within the MMMP will also be identified here.

Sections will include (but are not limited to) the following:

Aids to navigation

To include details of new aids to navigation, digital information boards, lighting and marking etc.

Communication methods

This section will set out how the vessel movements associated with the Facility will be communicated with the PoB and how this will be passed on to other river users. It will also include information such as VHF radio monitoring requirements, use of Notice to Mariners, AIS transmission, etc.

Management of vessel movements

This section will include specific measures for the management of commercial vessel movements within the Haven, including consideration of CCTV of the Facility linked to Boston Port Control, encouragement to fit AIS onto non-compulsory vessels, radar coverage and upgrade Local Port Service to a VTS system.

In addition, the documents set out in Section 1.6 will be fully taken account of within the finally agreed mitigation measures.

5 Implementation of the NMP

5.1 Introduction

This section will describe the various methods that will be used to disseminate the information in the Navigation Management Plan.

5.2 Dissemination of the NMP

This section will describe how the NMP, and any subsequent revisions, will be advertised to the different users of the Haven, i.e. through provision of the document on the PoB and BAEF web sites, notice to mariners or workshops where appropriate.

Additionally, a member of staff at the Facility will be designated as a dedicated point of contact for the BFFS and other users of the Haven who will disseminate information and share views between parties.

5.3 Adaptive Management of the NMP

Throughout the construction and eventual operational life of the proposed development the NMP will be updated as required as part of an adaptive management process to ensure changes in vessel activities are captured and measures are updated appropriately to maintain navigational safety on the Haven (Figure 5.1).

The updating process will be set out here and could result from (inter alia):

- Observations from, or new statutory requirements imposed on the PoB to improve navigational safety and efficiency;
- any review and recommendations from accidents or near misses the PoB wish to incorporate in to the NMP;
- changes to operations by 3rd parties (e.g. BFFS or other commercial operators) that may change the navigational environment in The Haven which needs to be taken account of;
- yearly reviews of ornithological monitoring data and any subsequent recommendations;
- changes to the statutory conservation designations affecting birds in The Haven including, but not limited to, changes in site boundaries and changes to the citations of each site;
- changes to the Habitats Regulations or any replacement regulations (if applicable); and
- proposals put forward by the Environment Agency, Natural England, the RSPB and users of the river;
- Any written submission by relevant organisations will be considered.

As such, once the initial version of the NMP is approved for use, each following update will be consulted on, as per the feedback loop below.

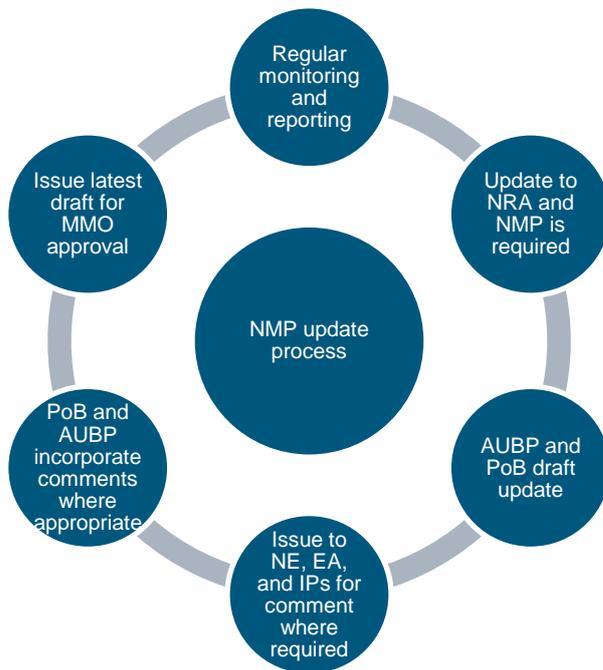


Figure 5.1 Process for updating the NMP



Appendix A Biosecurity Risk Assessment

Appendix B Navigation Risk Assessment (NRA)