

REPORT

Boston Alternative Energy Facility

Outline Ornithology Compensation Implementation and Monitoring Plan

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Planning Inspectorate EN010095

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Acronyms

Acronyms	Description
OCIMP	Ornithology Compensation Implementation and Monitoring Plan
OCP	Ornithology Compensation Plan (which is the 'Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures')
OEG	Ornithology Engagement Group

1 Introduction

- 1.1.1 This document sets out the outline for the Ornithology Compensation Implementation and Monitoring Plan (OCIMP) that will be developed by the Applicant in consultation with the Ornithology Engagement Group (OEG) and submitted to the Secretary of State for approval in the event the Secretary of State determines there is an Adverse Effect on Integrity (AEoI) under the Conservation of Habitats and Species Regulations 2017 and compensatory measures are required.
- 1.1.2 Paragraph 4 of Schedule 11 to the draft Development Consent Order (DCO) (document reference 2.1(4)) requires that the OCIMP submitted for approval must be substantially in accordance with the outline ornithology compensation implementation and monitoring plan.
- 1.1.3 Paragraph 4 of Schedule 11 to the draft DCO sets out the measures the OCIMP must include. The OCIMP must include measures to compensate for [the roosting and foraging habitat loss as a result of the construction of Work No. 4 and] the predicted disturbance to roosting, bathing and loafing waterbirds from The Wash SPA and Ramsar Site [(and functionally linked habitat)], must be based on the criteria set out in paragraph 3.5.5 of the Compensation Measures Document the Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures), must contain the relevant matters set out in paragraph 4.11.4 of the Compensation Measures Document and must include in particular:
- details of location(s) where compensation measures will be delivered and the suitability of the site(s) to deliver the measures (including why the location is appropriate ecologically and likely to support successful compensation);
 - details of landowner agreements demonstrating how the land will be bought or leased and assurances that the land management will deliver the ecology objectives of the OCIMP;
 - details of designs of the compensation measures and how risks from avian or mammalian predation and unauthorised human access will be mitigated;
 - an implementation timetable for delivery of the compensation measures that ensures all compensation measures are in place prior to the impact occurring ([for habitat loss as a result of the construction of Work No. 4, the measures will be in place prior to any dredging or construction works on the intertidal habitat and] for the compensation for disturbance by the increased number of vessels, the measures will be in place for at least two years prior to the hot commissioning of line 2 of Work No. 1A) (as discussed in the Without Prejudice Habitats Regulations

Assessment Derogation Case: Compensation Measures (document reference 9.30(2));

- criteria for assessing the effectiveness of the compensation measures;
- details of the proposed ongoing monitoring and reporting on the effectiveness of the measures, including: survey methods; success criteria; adaptive management measures; timescales for the monitoring and monitoring reports to be delivered; and details of the factors used to trigger alternative compensation measures and/or adaptive management measures;
- details of any adaptive management measures;
- provision for annual reporting to the Secretary of State, to include details of the use of each site by waterbirds (split into species accounts) to identify barriers to success and target the adaptive management measures. This would include the number of birds using the site; evidence of birds roosting, foraging and bathing around high tide periods and any evidence of continued disturbance from vessels at the authorised development and at the mouth of The Haven;
- details of the management and maintenance prescriptions and a maintenance schedule appropriate to the habitats to be created at each compensation location; and
- minutes from all consultations with the OEG and copies of any written consultation responses from the OEG on matters relating to the development of the OCIMP.

1.1.4 The OCIMP will be structured as follows:

- Background
- Consultation
- Scale and location of compensation
- Design of compensation measures
- Consent and approvals for implementation
- Routine management
- Criteria for assessing the effectiveness of the compensation measures
- Monitoring and adaptive management
- Reporting
- Programme for implementation and delivery
- Discharge of consent condition

2 Background

2.1.1 This section will provide context to the OCIMP, confirming the reason for its need, its aims and objectives, and the latest project status.

3 Consultation

3.1.1 This section will summarise all relevant consultation that has taken place through the OEG in the development of the OCIMP. It will capture any key decisions, agreements, and where relevant any outstanding issues under discussion (with clarity as to the steps necessary to resolve any such matters). Ongoing engagement, for example to provide updates on monitoring, (post-discharge of the OCIMP) will be outlined here.

4 Pre-construction

4.1 Scale and location of compensation

4.1.1 This section will identify the scale of compensation provided and how this relates to the consent decision made by the Secretary of State. This section will then also detail the history of the searches undertaken for compensation sites, the specific locations at which the compensation will be delivered, the suitability of the sites to deliver the compensation measures, and how the necessary land rights to those locations has been secured. The evidence base included in support of the Compensation Measures Document will help inform these aspects. The results of any monitoring carried out pre-construction will also be detailed here as this may influence the locations.

4.2 Design of compensation measures

4.2.1 This section will identify the designs for compensation measures provided within the compensation package, including the detailed design of the habitat creation measures and the ornithological ecological design considerations which have been integrated to ensure the compensation measure has the maximum potential for success. The evidence base provided in the Compensation Measures Document and engagement with the OEG will be important in informing the specific design aspects of the measures.

4.3 Routine management

4.3.1 This section will describe the management and maintenance responsibilities for the compensation measures, including anticipated routine maintenance and set out a maintenance schedule appropriate to the habitats to be created at each

compensation site.

4.4 Consent and approvals for implementation

4.4.1 This section will confirm the nature and status of all consents, land access agreements, and any other relevant approvals that were necessary to secure the implementation of the compensation measures and include a programme for delivery on any outstanding consents.

5 Post-Construction

5.1 Criteria for assessing the effectiveness of the compensation measures

5.1.1 This section will set out the criteria for assessing the effectiveness of the compensation measures and will be used to inform the ongoing monitoring, adaptive management and reporting requirements.

5.2 Monitoring and adaptive management

5.2.1 This section will identify the monitoring and adaptive management principles and processes that have been agreed with the OEG, including the scenarios under which adaptive management measures are required. It will be developed in line with the evidence base that has been provided in support of the Compensation Measures Document. Following discharge of the OCIMP, the OEG will be engaged in relation to implementing adaptive management as outlined in the Consultation section above.

5.3 Reporting

5.3.1 This section will set out the reporting requirements associated with the monitoring and adaptive management. In doing so, it will confirm the necessary objectives and timescales for the reporting.

6 Programme for implementation and delivery

6.1.1 This section will confirm the programme for the implementation and long-term delivery of the compensation.

7 Discharge of consent condition

7.1.1 This section will confirm how, based on the content of this report, the Secretary of State can discharge the condition relating to the delivery of the compensation

required for [the roosting and foraging habitat loss as a result of the construction of Work No. 4 and] the predicted disturbance to roosting, bathing and loafing waterbirds from The Wash SPA and Ramsar Site [(and any functionally linked habitat)] as a result of the authorised development.