



**Alternative Use Boston Projects
Boston Alternative Energy Facility Order**

Planning Inspectorate Reference: EN010095

**Deadline 8 Representations by
the Environment Agency
Unique Reference Number: 20028344**

15 March 2022

Submitted on behalf of the
Environment Agency by:
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1. Scope of these representations

- 1.1. This letter provides an update on the Environment Agency's position on issues which remain outstanding in relation to the application. References in the *subheadings* relate to the SoCG Reference in 'Table 3-1 Issues' of REP6-008 (Statement of Common Ground between Alternative Use Boston Projects Limited and the Environment Agency).

2. Outstanding Issues

Protective Provisions and Side Legal Agreement (EA 1.3, EA 11.1, EA 11.4, EA 11.5 and EA 12.1)

- 2.1. We continue to be in discussions with the applicant regarding the final wording of the Protective Provisions set out in REP6-002 (Draft Development Consent Order), Schedule 8, Part 4. Subject to agreement on final wording, we anticipate that these could be agreed by Deadline 9.
- 2.2. We also remain in discussions with the applicant regarding a side legal agreement in relation to works affecting flood defences.
- 2.3. Until both pieces of work are complete we cannot approve the disapplication of the legislation as proposed in document ref REP6-002 (Draft Development Consent Order), Part 6, Article 40 (1) (d).

Flood Risk (EA 1.1)

- 2.4. We have reviewed document ref REP7-009 (Worst Case Assessment for Land Raising). We consider the document is a reasonable assessment of the possible impacts on flood flows as a result of land raising and has addressed some of our concerns. However, the assessment does not include an assessment of works taking place in the area between the proposed wharf and Roman Bank. The assessment must be updated to see what impact (if any) may arise as a result of works in this area.

Effect of Ship Wash (EA 1.2 and EA 2.3)

- 2.5. We are concerned to note that Paragraphs 3.3.5 and 3.3.6 in document ref REP7-003 (Outline Mammal Mitigation Protocol) states that the speed of ships cannot be effectively regulated to 4-6 knots as stated in document ref REP3-020 (Response to Environment Agency's Queries on Estuarine Processes), and is more likely to be in the order of 12 knots in places along the Haven.
- 2.6. We consider that the evidence in document REP3-020 is therefore out of date and must be revised to demonstrate that the impact of ship wash at these speeds will not lead to increased rates of erosion affecting the ecological quality of the water body and/or undermining the toe of the flood defences.

Habitat Mitigation (EA 3.1 and EA 7.1)

- 2.7. We maintain our objection to the loss of habitat from the development until such a time as Natural England confirm that the proposed scheme of mitigation/compensation is suitable.

Environmental Permit (EA 13.1)

- 2.8. No further evidence has been provided to overcome our concerns regarding the likelihood of an Environmental Permit being granted for the development as proposed.
- 2.9. We note that Requirement 24 of the updated DCO (REP6-002) allows for an increase in energy output beyond 300MW subject to an assessment of the impacts by the relevant planning authority. Please note that this would not supercede the need for any amendments to the Environmental Permit, should one be granted.