

Your Ref:

Our Ref: SXT/SJG/BOS0104-0004

Date: 24/03/2022

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Dear Sirs

Boston Alternative Energy Facility

We write further to previous correspondence in relation to the above matter and on behalf of The Boston Fosdyke Fishing Society (“BFFS”). We understand that today is the deadline for submitting an agreed Statement of Common Ground (“SoCG”) between the promoters of the Boston Alternative Energy Facility (“BAEF”) and our clients. We write to make the Examiner aware that such agreement has not been possible.

We wish to make clear that correspondence with the BAEF consultant and legal team is seen by BFFS as little more than token attempts to try and get the BFFS to agree to a position that they are not prepared to accept. As the Examiner is aware, we have submitted a Report commissioned by specialist marine consultants, Marico, and this was forwarded under cover of our letter dated 8th March 2022. This Report has clearly identified numerous errors and omissions within the Applicant’s NRA and while we have been informed that Anatec are going to address some of the concerns we have raised, we are not aware of any real progress in this respect.

We would simply like to re-iterate that at present we consider the Applicant’s proposals to be based on flawed and inaccurate data and therefore the whole assessment methodology and the underlying assumptions made are considered to be challengeable. The Applicant also continues to insist that matters can be postponed to post-consent, which is entirely unacceptable to BFFS as has been highlighted in previous correspondence and most recently in our letter dated 8th March 2022. We would clarify that Counsel’s advice has been sought in this respect and that the representations made on behalf of BFFS are believed to be robust and legally sound.

We would also like to re-iterate a request for the Examiner to consider hearing the BFFS case in person. BFFS feel that they are being essentially browbeaten to agree to the scheme, which they cannot consent to given the above factors and the severity of their objections.

Recent discussions with BAEF representatives indicate that BAEF are now taking the stance that they cannot do anymore to alleviate the fishermen’s concerns but will be providing the Examiner with further versions of their NRA, still asking for the

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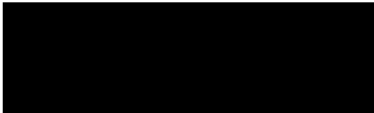


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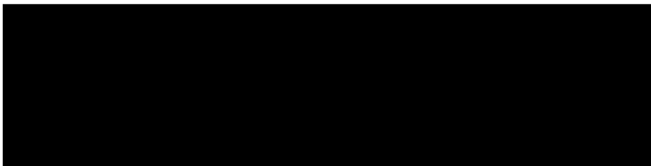
Navigation Management Plan (“NMP”) to be something that is finalised post consent. They have also suggested that the Port of Boston will be the relevant authority to ensure that the fishermen are not prejudiced. However, BFFS have no confidence in this as there is no current enforceable mechanism that has been put forward to ensure that their position will be protected. In fact, BFFS maintain their objections, including those on human rights grounds and are still of the opinion that their way of life and livelihood is in serious jeopardy due to this scheme. The mitigation proposed continues to be inadequate and there has been no real meaningful attempt to negotiate a position with BFFS. The Port appear to have a pecuniary interest so they cannot be the appropriate body without any further checks and balances to ensure that the BFFS members have comfort that they can continue to operate their business and way of life and also that the scheme proposed does not cause unacceptable safety impact.

We look forward to hearing from the Examiner in due course as to whether a hearing in person will be possible or whether the Examiner is content to continue to rely on these written presentations.

Yours faithfully

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