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Classification:	Project related		
Project Reference:	EN010095		

Alternative Use Boston Projects Limited (the Applicant) Deadline 9 submission – 24 March 2022

Dear Sir,

Further to the Examining Authority's (ExA's) Rule 8(3) letter dated 11 February 2022, please find enclosed with this letter the following documents which have been requested from the Applicant at Deadline 9 (24 March 2022):

1. An **updated Application Guide** (document reference 1.2(8)).
2. **The Applicant's Comments on the Report on Implications on European Sites (RIES)** (document reference 9.93).
3. **Final Development Consent Order in the SI template** (document reference 2.1(5), (clean and tracked)).
4. **Validation report in the SI template** (document reference 2.3(1)).
5. **Finalised Schedule of Changes to the Draft Development Consent Order** (document reference 9.94).
6. **Final updated Book of Reference** (document reference 3.3(2)).
7. **Book of Reference Schedule of Changes** (document reference 9.95).
8. **Final land negotiations tracker** including **s127 Statutory Undertakers' Land and Rights Schedule** and **s138 Statutory Undertakers' Apparatus Schedule** (clean and tracked) (document reference 9.38(2)).
9. **Statement of Commonality of Statements of Common Ground** (document reference 9.3(3)). Noting that several of the statements of common ground will be finalised for Deadline 10 (see below), a final Statement of Commonality will be submitted at this deadline too to capture the finally agreed versions.

10. Draft Statements of Common Ground (clean and tracked):

- Statement of Common Ground between Alternative Use Boston Projects Limited and Boston Borough Council (document reference 8.7(2)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and Anglian Water (document reference 8.8(2)).

11. Final Statements of Common Ground (clean and tracked):

- Statement of Common Ground between Alternative Use Boston Projects Limited and Lincolnshire County Council (document reference 8.1(3)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and Historic England (document reference 8.3(3)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and Port of Boston (document reference 8.4(3)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and UK Health Security Agency (formerly Public Health England) (document reference 8.5(3)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and Western Power Distribution (document reference 8.6(2)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and Marine Management Organisation (document reference 8.10(2)).
- Statement of Common Ground between Alternative Use Boston Projects Limited and the Royal Society for the Protection of Birds (document reference 8.13(1)).

The following Final Statements of Common Ground will be submitted at Deadline 10:

- Statement of Common Ground between Alternative Use Boston Projects Limited and Boston Borough Council (document reference 8.7(3)), following finalisation of the Section 106 agreement.
- Statement of Common Ground between Alternative Use Boston Projects Limited and the Environment Agency (document reference 8.2(3)), following further updated documents submitted at Deadline 9.
- Statement of Common Ground between Alternative Use Boston Projects Limited and Boston and Fosdyke Fishing Society (document reference 8.9(1)) due to difficulties in getting inputs from their representatives; noting that communications are ongoing.
- Statement of Common Ground between Alternative Use Boston Projects Limited and Natural England (document reference 8.11(1)) as unfortunately due to resourcing constraints Natural England were unable to agree the final SoCG for Deadline 9.
- Statement of Common Ground between Alternative Use Boston Projects Limited and Lincolnshire Wildlife Trust (document reference 8.12(1)) as due to last minute unexpected absence of key staff, Lincolnshire Wildlife Trust were unable to agree the final SoCG for Deadline 9.

In addition, the following documents have been provided in response to additional comments by interested parties and questions from the ExA:

12. **Register of Environmental Actions and Commitments** clean (document reference 7.6(2)) and tracked (document reference 7.6(2)) as the Port of Boston has advised they would not accept any speed restrictions on The Haven, therefore references to vessel speed limits have been amended.

13. **Outline Written Scheme of Investigation** clean (document reference 7.3(2)) and tracked (document reference 7.3(2)) which was updated based on the updated geoarchaeological borehole survey (which was submitted at Deadline 8 (document reference 9.52(1), REP8-009)).

14. Updated **Deadline 3 Response to Environment Agency's queries on Estuarine Processes** clean (document reference 9.44(1)) and tracked (document reference 9.44(1)) as requested by the Environment Agency in their Deadline 8 submission (REP8-019).

15. Updated **Worst Case Assessment for Lands Raising** clean (document reference 9.77(1)) and tracked (document reference 9.77(1)) in response to the Environment Agency's Deadline 8 submission (REP8-019).

The following three documents (numbers 16, 17 and 18) have all been updated in light of the Marine Mammal Mitigation Protocol (document reference 9.12(2), REP7-003), specifically changes due to the removal of the 6 knot speed limit previously referenced, and minor changes to monitoring proposals:

16. Updated **Environmental Statement Chapter 17 Marine and Coastal Ecology** clean (document reference 6.2.17(1)) and tracked (document reference 6.2.17(1)).

17. Updated **Environmental Statement Appendix 17.1 Habitats Regulations Assessment** clean (document reference 6.4.18(1)) and tracked (document reference 6.4.18(1)).

18. Updated **Addendum to Environmental Statement Chapter 17 and Appendix 17.1 – Marine Mammals** clean (document reference 9.14(1)) and tracked (document reference 9.14(1)).

19. **Schedule of Errata** (document reference 9.96).

20. **Navigation Summary** (document reference 9.97) has been provided as a signposting document for navigational issues, bringing key elements of the various documents referencing such matters in to a single volume for ease of reading and understanding.

21. **Final Waterbird Survey Report** (document reference 9.98) in order to provide further information to Natural England and the RSPB.

22. **Fifth Report on Outstanding Submissions** (document reference 9.99) to respond to additional submissions at Deadline 8.

23. **Draft Section 106 Agreement** (document reference 9.100) is provided in response to the Examining Authority's request in the Commentary on the draft Development Consent Order (PD-011). Included are Appendices B, C and D. Appendix A, the plan of land subject to the Section 106 agreement, is currently being finalised. All parties to this agreement have agreed this draft version may be submitted to the Examination on a without prejudice basis, in order to demonstrate to the Examiner that the matter is progressing at pace, with a view to submit a satisfactory, completed version at the earliest opportunity. The Applicant will endeavour to submit an agreed version by Deadline 10 (7 April 2022).

24. **Roman Bank within the Order limits** (document reference 4.12) is a plan showing the location of the Roman Bank produced with agreement of the Environment Agency for the purposes of defining the Roman Bank in the protective provisions in Part 4 of Schedule 8 to the draft DCO.

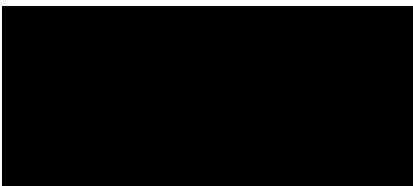
25. **The Applicant's response to the Marico Review of the Navigation Risk Assessment** (document reference 9.101).

The Applicant would like to inform the ExA that it intends to submit updated plans at Deadline 10. The amendments will illustrate a minor correction to the wharf alignment. The updated plans will be amended to ensure consistency with the Indicative Wharf Plans (document reference 4.11, APP-021). The Applicant confirms that all environmental assessments set out within the Environmental Statement and other Application documents remain accurate as they were completed in line with the Indicative Wharf Plans (document reference 4.11, APP-021) and on a worst-case basis.

I should be grateful if you would acknowledge safe receipt of this letter and arrange for a copy of it and its enclosures to be placed before the Examining Authority.

Yours sincerely,

For and on Behalf of HaskoningDHV UK Ltd, on behalf of Alternative Use Boston Projects Ltd.



Paul Salmon
Technical Director
Industry & Renewables UK