



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Boston Alternative Energy Facility

Appendix B8 to Natural England's Deadline 9 Submission

**Natural England's Comments on Outline Ornithology Compensation Implementation
and Monitoring Plan [REP8-012] and Final Waterbird Survey Report Summary of Data
[REP8-018]**

For:

The construction and operation of Boston Alternative Energy Facility (AEF) that would generate approximately 102 MW of renewable energy and is located immediately south of Boston town, Lincolnshire.

Planning Inspectorate Reference: EN010095

24th March 2022

Natural England's Comments on Outline Ornithology Compensation Implementation and Monitoring Plan [REP8-012] and Final Waterbird Survey Report Summary of Data [REP8-018]

Introduction

This document provides Natural England's response in relation to the following documents submitted by the Applicant at Deadline 8:

- Outline Ornithology Compensation Implementation and Monitoring Plan [REP8-012]
- Final Waterbird Survey Report Summary of Data [REP8-018]

This response should be read alongside our Deadline 8 responses [REP8-021 and REP8 – 024] as our advice remains unchanged.

1. Outline Ornithology Compensation Implementation and Monitoring Plan [REP8-012]

Natural England's Comments are substantively the same as what was submitted at Deadline 8 [REP8-021]. The document has not significantly changed apart from the addition of section 1.1.2 & 1.1.3.

We note that this document constitutes an outline of what a plan will contain. Whilst we advise that the scope is reasonable, there are some improvements which should be made:

- It will be necessary to state how the Ornithology Engagement Group (OEG) will be constituted, its membership and how it will have governance powers such that it can ensure suitable management is secured. Without this the OEG and Ornithology Compensation Implementation and Monitoring Plan cannot be relied upon to secure HRA requirements.
- It is important to identify initial monitoring post-establishment including both bird numbers and the development of the physical attributes of the site(s) to ensure delivery of Statutory requirements. As part of this a success criteria will need to be agreed.

2. Final Waterbird Survey Report Summary of Data [REP8-018]

Similarly, Natural England's comments remain the same as those submitted at Deadline 8 [REP8-024]. NE advise there are some improvements to be made:

- The study should be for at least two years, anything less is only a partial study.

- Natural England acknowledges that this only a partial report in such that it provides data but we advise that it will require more detailed analysis and assessment of the outcomes.
- We welcome the provision of this information and the suggestion that the intermediate stretches of The Wash are less utilized is reassuring.
- Although, sector by sector, the intermediate areas are less well utilized than the MOTH or development site, it should be remembered that the sector-by-sector totals need to be added together to clarify total number of birds at risk. So, although some individual sectors do not exceed 1%, the newly surveyed ones are additive on already surveyed sites. This is of particularly of relevance for redshank and ruff.

Detailed Comments

No.	Paragraph No/Section	Comment	RAG status
1.	2.1.2	While the additional information welcome, we advise that this remains a single season survey and therefore it is only indicative.	
2.	4.1.2	NE advises that while sector C totals are presented as low, these numbers are additional to those recorded in other sectors and should be factored into considerations of disturbance impact.	
3.	4.1.4	Again, impacts are additional to those already reported and the impact in sector C.	
4.	5.1.1 & Fig 5.1	Natural England agrees that the presence of roost site adjacent to the proposed compensatory site suggests increased likelihood that the potential compensation site will be adopted rapidly once available.	

Natural England's key to RAG status	Risk
<p>Purple</p> <p>Note for Examiners and/or competent authority. May relate to DCO/DML.</p>	
<p>Red</p> <p>Natural England considers that unless these issues are resolved it will have to advise that (in relation to any one of them, and as appropriate) it is not possible to ascertain that the project will not affect the integrity of an SAC/SPA and/or comply fully with the Environmental Impact Assessment requirements and/or avoid significant adverse effect on landscape/seascape, unless the following are satisfactorily provided:</p> <ul style="list-style-type: none"> new baseline data; significant design changes; and/or significant mitigation; <p>Natural England feels that issues given Red status are so complex, or require the provision of so much outstanding information, that they are unlikely to be resolved during examination, and respectfully suggests that they be addressed beforehand.</p>	
<p>Amber</p> <p>Natural England considers that if these issues are not addressed or resolved by the end of examination then they would become a Red risk as set out above. Likely to relate to fundamental issues with assessment or methodology which could be rectified; preferably before examination.</p>	
<p>Yellow</p> <p>These are issues/comments where Natural England doesn't agree with the Applicant's position or approach. We would flag these at the PEI stage with the view that they would be addressed in the Application. But otherwise we are satisfied for <u>this particular project</u> that it will not make a material difference to our advice or the outcome of the decision-making process. However, it should be noted that this may not be the case for other projects. Therefore it should be noted by interested parties that just because these issues/comments are not raised as part of our Relevant Representations in this instance it should not be understood or inferred that in other cases or circumstances Natural England will take this approach. Furthermore, these may become issues should further evidence be presented.</p>	
<p>Green</p> <p>Natural England supports the Applicant's approach.</p>	