The Planning Inspectorate

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To:
Applicant
Natural England
Royal Society for the Protection of Birds
Lincolnshire Wildlife Trust

Your Ref:

Our Ref: EN010095

Date: 30 March 2022

Dear Sir/ Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Alternative Use Boston Projects Limited for an Order Granting Development Consent for the Boston Alternative Energy Facility Project

Request for further information

I am writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to request further information from the Applicant, Natural England (NE), the Royal Society for the Protection of Birds (RSPB) and Lincolnshire Wildlife Trust (LWT).

Question to:	**Question:**
	Compensation sites
Applicant, NE and RSPB	In order to provide more certainty that the proposed in principle compensation measures are deliverable and can be secured please: i) provide a 'letter of comfort' from the landowners who have agreed in principle that their land may be used as compensatory sites; and ii) provide a plan that more clearly identifies the location of the proposed sites in relation to the application site and the European sites. NE and RSPB may wish to comment.
NE	It is noted that NE consider that the two compensation sites identified by the Applicant have the potential to compensate effects on some but not all of the impacted features at the application site and at the mouth of The Haven [REP9-058]. Please confirm the features for which the proposed

Question to:	**Question:**
	compensation is unsuitable and that an adverse effect on integrity (AEoI) cannot be ruled out.
NE	It is unclear from differing comments in documents submitted at Deadline 9 whether NE consider the Habitat Mitigation Area to comprise a mitigation or compensation measure [REP9-063 and REP9-058]. Please confirm the position.
NE and RSPB	**Golden plover** The RSPB consider that golden plover should be listed as a feature of The Wash Special Protection Area (SPA) in its own right according to the 2001 SPA Review Site Account for The Wash [REP9-065]. It is not listed as a qualifying feature in the Conservation Objectives document, last updated in February 2019, on NE's website. Please would NE confirm the position. RSPB may wish to comment.
	Seals
Applicant and NE	In the absence of powers to enforce a vessel speed limit in The Haven to avoid/reduce collision risk for harbour seals please provide a joint statement on an agreed position on mitigation measures. If you are unable to arrive at a joint position, please confirm what your individual positions are.
NE	In relation to Annex 1 of REP8-021, please identify the locations where there would be an AEoI in relation to seal.
Applicant and NE	**Draft Development Consent Order (dDCO) Schedule 11** REP9-033 states that dDCO Sch 11 paragraph 11 provides that "*Unless otherwise agreed in writing by the Secretary of State, the compensation measures in place for habitat loss as a result of the construction of Work No. 4 must be maintained following the decommissioning of Work No. 4, unless the intertidal habitat is reinstated to an acceptable condition to enable waterbirds to return to use this area for roosting*." How would it be determined that the intertidal habitat had been sufficiently restored and who would be involved in the decision? NE may wish to comment.
	Applicant's Deadline 9 submissions
NE, RSPB and LWT	The Applicant made a number of submissions at Deadline 9, for example the Final Waterbird Survey Report [REP9-032] and the Fifth Report on Outstanding Submissions [REP9-033]. Please comment on these submissions identifying specific points of agreement, as well as specific points of disagreement. In the case of points of disagreement it would assist the Examining Authority if you would state clearly your position.

The information requested above is to be submitted no later than the last day of the Examination which is **Deadline 10** [Thursday 7 April 2022].

Yours faithfully

Max Wiltshire

Max Wiltshire
Examining Authority

This communication does not constitute legal advice.
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