

**Your Ref:**

**Our Ref:** SXT/SJG/BOS0104-0004

**Date:** 05/04/2022

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**By email only:** [BostonAlternativeEnergyFacility@planninginspectorate.gov.uk](mailto:BostonAlternativeEnergyFacility@planninginspectorate.gov.uk)

Dear Sirs

### **Boston Alternative Energy Facility**

We write further to previous correspondence in relation to the above matter on behalf of The Boston and Fosdyke Fishing Society ("BFFS"). We write further enclosing our latest correspondence with the legal team acting on behalf of the promoters of The Boston Alternative Energy Facility ("BAEF"). The intention behind enclosing this latest email correspondence is to bring to the Examination's attention the latest position in respect of the lack of agreement on the Statement of Common Ground ("SoCG") and generally in relation to attempting to seek negotiated settlement with the promoters of the BAEF. The Examiner will note from this that there is an equivocal refusal by the BAEF team to meet a client's reasonable legal costs that would be incurred in any work done in respect of the SoCG. The Fishermen are again left in an untenable position as they are being expected to agree documentation in the absence of any of their costs being met.

We therefore wish to advise the Examiner that it continues to not be possible to reach an agreed position in respect of the SoCG. We do not propose to reiterate our detailed objections made in respect of the BAEF DCO, but would simply highlight that there has been no substantive response that can reassure BFFS that the significant concerns highlighted through the Marico report are being addressed, there is still a total lack of certainty as to how any future NMP will be affectively enforced and regulated and there is also no provisions made for providing a fallback position for the Fishermen should any NMP be found to be deficient. BFFS have made clear that they have an objection in principle to the NMP being postponed to post consent, as the details of important matters that NMP should enshrine should be fixed at this stage and not after a DCO has been confirmed, and there is also no clarity provided as to how the suggested regulatory body who are named to be the Port of Boston will be affectively policing any NMP that is put in place.

We appreciate that the deadline for the Examination process to conclude is the 7<sup>th</sup> April and it appears unlikely that a hearing in person will be allowed for BFFS and

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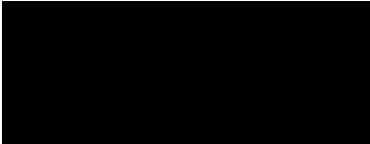


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their representatives. However in the circumstances, we think it important that the Examiner understands the up to date current position in respect of the BFFS and is therefore able to take that into account in reaching his decision as to the confirmation of the DCO.

We trust that the above is helpful but if there are any queries or concerns please do not hesitate to contact Shruti Trivedi of this office.

Yours faithfully

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**Roythornes Limited**

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