



**Alternative Use Boston Projects
Boston Alternative Energy Facility Order**

Planning Inspectorate Reference: EN010095

**Deadline 10 Representations by
the Environment Agency
Unique Reference Number: 20028344**

7 April 2022

Submitted on behalf of the
Environment Agency by:
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1. Scope of these representations

- 1.1. This letter provides a final update on the Environment Agency's position on issues which remain outstanding in relation to the application. References in the *subheadings* relate to the SoCG Reference in 'Table 3-1 Issues' of REP6-008 (Statement of Common Ground between Alternative Use Boston Projects Limited and the Environment Agency).
- 1.2. We have agreed a final SoCG with the applicant which we understand will be submitted at Deadline 10. The ExA can consider any issues formerly raised as resolved if they are not mentioned in this submission.

2. Outstanding Issues

Side Legal Agreement (EA 1.3, EA 11.1)

- 2.1. We remain in discussions with the applicant regarding a side legal agreement in relation to works affecting flood defences.
- 2.2. Until this work is complete, we cannot approve the disapplication of the legislation as proposed in document ref REP9-004 (Draft Development Consent Order), Part 6, Article 40 (1) (d).
- 2.3. We therefore maintain our **OBJECTION** to the proposed DCO.

Habitat Mitigation (EA 3.1 and EA 7.1)

- 2.4. We maintain our **OBJECTION** to the loss of habitat from the development until such a time as Natural England confirm that the proposed scheme of mitigation/compensation is suitable.

Environmental Permit (EA 13.1)

- 2.5. No further evidence has been provided to overcome our concerns regarding the likelihood of an Environmental Permit being granted for the development as proposed.
- 2.6. We can only provide assurance as to our likely position on a permit application once we can publish a draft decision on that permit application.
- 2.7. From a permitting perspective, there are three distinct processes within the proposed design: the Energy from Waste (EfW) plant, the Carbon Capture Plant (CCP) and the Lightweight Aggregate Plant (LWA).
- 2.8. We acknowledge that the proposed EfW plant will utilise recognised technology, typical of what has been permitted previously in the UK. The proposed CCP plant would utilise a process which is proven on a smaller scale and for which permits have been issued. However, the exact

design would need to be assessed through the environmental permitting process given the large scale of the proposals.

2.9. Whilst we acknowledge the possible benefits of the proposed LWA process, it would be a novel process and require careful consideration of the potential environmental impacts that may arise from it.

2.10. The EA cannot therefore confirm that the facility as proposed is of a type and nature which could be permitted 'in-principle'.

Draft DCO amendment (EA 11.4)

2.11. For clarity and to ensure the protection of controlled waters, we request that the wording in Requirement 6(3) and Requirement 9(2) of document ref REP9-004 (Draft Development Consent Order), is amended from 'substantially in accordance with' to 'in accordance with'.