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The Boston Alternative Energy Facility
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MMO Reference: DCO/2019/00006
Planning Inspectorate Reference: EN010095
Identification Number: 20028136

7 April 2022

Dear Sir or Madam,

Planning Act 2008 – Application by Alternative Use Boston Projects, for an Order Granting Development Consent for the Boston Alternative Energy Facility

Deadline 10 Submission

On 20 April 2021, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Alternative Use Boston Projects Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Boston Alternative Energy Facility (BAEF) (the “DCO Application”) (MMO ref: DCO/2019/00006; PINS ref: EN010095).

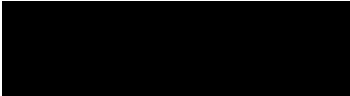
The Applicant seeks authorisation for the construction, operation and maintenance of an ‘Energy from Waste’ (EfW) plant which will have a generating capacity of approximately 102 megawatts electric (MWe) delivering 80 MWe to the National Grid, including an electrical connection, a new site access, and other associated development (together the Proposed Development) on land at or near Riverside Industrial Estate, Bittern Road, Boston, Lincolnshire (Application Site).

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 9, including responses to the Rule 17 letter dated 19 November 2021.

- 1. Final comments on the DCO**
- 2. Comments on any information submitted by the Applicant or Interested Parties at Deadline 9**
- 3. The MMO’s Closing Position**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully




Emma Shore
Marine Licensing Case Officer



Copies to:

Christie Powell (MMO) – Case Manager: 

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1. Final comments on the DCO

Provision	DCO Rev 2.1(5) Date 24 March 2022	MMO Deadline 10 Comments
	DCO	
9(5)		<p>This provision should be revised to read: - “The Secretary of State must consult the MMO before giving consent under paragraph (1)”.</p> <p>The MMO requires the Secretary of State to consult them in the event of a transfer or a grant of the Order under paragraph 1 because of the implications that this would have for the deemed marine licence. However, once the Order is granted, the deemed marine licence at Schedule 9, is then regulated by the MMO under the Marine and Coastal Access Act 2009.</p>
	Schedule 9	
	PART 1	
1(1)	“Marine Noise Registry”	Replace “Department for Environment, Food and Rural Affairs” with “Defra” as term has been defined.
	PART 2	
4(1)(k)		Replace “,” at the end of the line with “;”
	PART 3	
13(2)		Insert “piling” before “method statement”
13(2)(c)		Should “inclusive” be inserted following “1 June and 30 September”?
18	<i>“Landscape and Ecological Mitigation Strategy”</i>	Other than “Landscape” the title of the condition should be lower case, for consistency within the Schedule
18(1)		Due to the number of times the phrase is used, it may be prudent to adopt the acronym “LEMS” for Landscape and ecological mitigation strategy – if this is adopted, it should be inserted after “landscape and ecological mitigation strategy” on line 1. The

		acronym should then be adopted throughout the remainder for the schedule
18(4)(d)		Insert "sub-paragraph" before (c) on line 1
18(4)(e)		Insert "sub-paragraph" before (d) on line 2
25	"Sediment Sampling"	"Sampling" should be lower case, for consistency within the Schedule
25(1)		Deleted the word "request" on line 1 Delete "of a sample plan" on line 2
25(2)		Deleted the word "request" on line 1
25(2)(a)		"Six" to be replaced with "6"
25(3)		Deleted the word "request" on line 1
25(4)		Insert "in writing" after "MMO,"
28		Place "local" after "MMO" rather than before for consistency with Part 1 2(1)(b)
	PART 4	
29		If LEMS is adopted at Condition 18, amendment must be made here.

2. Comments on any information submitted by the Applicant or Interested Parties at Deadline 9

- 2.1. The MMO has no comments on any of the documents submitted by the Applicant or other Interested Parties at Deadline 9.

3. The MMO's Closing Position

- 3.1. The MMO and the Applicant have reached agreement on a number of issues raised during examination, the outstanding matters of disagreement are:
 - Wording within the DML as detailed in the Statement of Common Ground.
 - The Habitat Mitigation Area should be viewed as compensation and not mitigation.
- 3.2. The Final version of the Statement of Common Ground between the MMO and the Applicant was submitted at Deadline 9 (REP9-053). This reflects the MMO's final position.