

Boston Alternative Energy Facility



**Final (Not Agreed) Statement of Common
Ground between
Alternative Use Boston Projects Limited
and
Boston and Fosdyke Fishing Society**

Planning Inspectorate Reference Number: EN010095

Date: ~~November 7~~ April 2021

Revision: ~~Version 0~~ Final

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1 Introduction

1.1 Purpose of the Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed Boston Alternative Energy Facility (the Facility) made by Alternative Use Boston Projects Limited (AUBP) to the Planning Inspectorate under section 37 of the Planning Act 2008 (Planning Act).

1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents are available on the Planning Inspectorate website.

1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties named in **Section 1.3**, and where agreement has not ~~(yet)~~ been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

~~1.1.4 It may be subject to further updates and revisions during the examination process.~~

1.1.4 Please note that this version of the SoCG has not been agreed by Boston and Fosdyke Fishing Society, who have provided comments on the draft SoCG (submitted at Deadline 2) but have not reviewed or accepted the final copy prior to this submission. Therefore the Applicant has assumed Boston and Fosdyke Fishing Society's position has not changed on the issues detailed in Table 3-1.

1.2 Description of the Proposed Development

1.2.1 The Facility covers 26.8 hectares (ha) and is split in to two components: the area containing operational infrastructure for the Facility (the 'Principal Application Site'); and an area containing habitat mitigation works for wading birds (the 'Habitat Mitigation Area'). The Facility will generate power from Refuse Derived Fuel (RDF) with the 'thermal treatment' process for generating power converting the solid fuel into steam, which is then used to generate power using steam turbine generators. It will have a total gross generating capacity of 102 megawatts electric (MWe) and it will deliver approximately 80 MWe to the National Grid. The Facility will be designed to operate for at least 25 years, after which it may be decommissioned.

1.2.2 The Principal Application Site covers 25.3 ha and is located at the Riverside Industrial Estate, Boston, Lincolnshire. This site is next to the tidal River Witham (known as The Haven) and down-river from the Port of Boston. The

Habitat Mitigation Area covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven.

1.2.3 The main elements of the Facility will be:

- Wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
- RDF bale storage area, including sealed drainage with automated crane system for transferring bales;
- Conveyor system between the RDF storage area and the RDF bale shredding plant, part of which is open and part of which is under cover;
- Bale shredding plant;
- RDF bunker building;
- Thermal Treatment Plant comprising three separate 34 MWe combustion lines and three stacks;
- Turbine plant comprising three steam turbine generators and make-up water facility;
- Air-cooled condenser structure, transformer pen and associated piping and ductwork;
- Lightweight aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos, a dedicated berthing point at the wharf, and storage (and drainage) facilities for silt and clay;
- Electrical export infrastructure;
- Two carbon dioxide (CO₂) recovery plants and associated infrastructure;
- Associated site infrastructure, including site roads and car parking, site workshop and storage, security gate, and control room with visitor centre; and
- Habitat mitigation works for Redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders within the Habitat Mitigation Area.

1.3 Parties to this Statement of Common Ground

1.3.1 This SoCG has been prepared in respect of the Facility by (1) AUBP, and (2) Boston and Fosdyke Fishing Society, together the Parties.

1.3.2 **AUBP** is a privately-owned company, established for the purpose of securing development consent for the Facility and then developing and operating the Facility. The company team has been involved in industrial development at the site in Boston, Lincolnshire since 2004.

1.3.3 **The Boston and Fosdyke Fishing Society** (“BFFS”) was incorporated in 1970 and are an organisation formed to collectively represent a body of fishermen which comprises the fishing fleet present within Boston. BFFS members have been fishing out of the Port of Boston for generations and for most, if not all fishermen in the Society, fishing has been their sole way of life and livelihood and is a multi-generational enterprise.

1.4 Terminology

1.4.1 In **Table 3-1** in the Issues section of this SoCG:

- a) “Agreed” indicates area(s) of agreement; and
- ~~b) “Under discussion” indicates area(s) of current disagreement where resolution could be possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination but the Statement intends to clearly reflect the current principal points of disagreement.~~
- e)b) “Not agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.4.2 There may well be other matters prevalent within the case being presented by AUBP in respect of the Proposed Development which may be areas that BFFS may be in disagreement with and if so and if not covered within this Statement, BFFS reserve their right in due course to make appropriate representations to the Examination on any such areas of concern to them that are not resolved to their satisfaction.

2 Overview of Previous Engagement

2.1.1 A summary of the meetings and correspondence undertaken between the Parties in relation to the Facility is outlined in **Table 2-1** below, this is also shown in **Appendix A**.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

Table 2-1 Engagement activities between AUBP and Boston and Fosdyke Fishing Society

Date	Form of contact/correspondence	Key topics discussed and key outcomes
1 April 2019	Meeting	Meeting with BFFS to confirm the baseline for the fishermen and go over the definitions for the impact assessment methodology. No meeting minutes available.

Date	Form of contact/correspondence	Key topics discussed and key outcomes
		<i>Post meeting note: Both The Applicant and BFFS note that the fishing vessel numbers working from Boston identified in the 'Description of Fishing Activities' Technical Note are inaccurate. BFFS responded on 10/04/2019 with updated information on the fishing fleet and fishing activities.</i>
26 July 2019	Meeting	Meeting with BFFS to discuss the navigation risk assessment, construction and operation phase vessel movements.
14 August 2020	Meeting	Presentation about the proposed changes to the scheme and potential changes to vessel numbers. The fishermen raised the subject of relocation of their operating base. No meeting minutes available.
30 June 2021	Email received	Indicative location for wharf relocation provided to AUBP from BFFS.
6 July 2021	Meeting	Update meeting with Roythornes (solicitors). Overview of scheme, EIA overview, Boston and Fosdyke Fishing Society's relevant representation and key outstanding concerns, and costs were discussed.
02 September 2021	Email received	Email from BFFS outlining views in relation to the proposed mitigation and their disagreement with the mitigation measures proposed.
29 September 2021	Virtual Meeting	Discussion between BFFS, Anatec (leading the Applicant's Navigation Risk Assessment) and Royal HaskoningDHV (Environmental Impact Assessment lead for the Applicant) to clarify fishing vessel movements and ongoing concerns.
<u>9 November 2021</u>	<u>Email</u>	<u>Email exchange between BFFS's solicitors and AUBP's consultants Royal HaskoningDHV relating to the latest Statement of Common Ground.</u>
<u>15 November 2021</u>	<u>Email</u>	<u>Email from AUBP's consultants Royal HaskoningDHV to BFFS's solicitors enclosing Navigation Risk Assessment.</u>
<u>17 November 2021</u>	<u>Email</u>	<u>Email from BFFS's solicitors explaining that they are working on a detailed response to the NRA, to be sent over and then discussed at a meeting.</u>
<u>29 November 2021</u>	<u>Email</u>	<u>Email exchange between BFFS's solicitors and AUBP's consultants. AUBP's consultants request meeting date, BFFS's solicitors' response is that they have misgivings about what is being proposed, counsel instructed, little point in meeting until BFFS have carried out further work. BFFS to respond in new year once they have consolidated the position on their objection.</u>
<u>20 January 2022</u>	<u>Email/Call</u>	<u>Call and follow up email from AUBP's solicitors to BFFS's solicitors relating to BFFS objection.</u>

Date	Form of contact/correspondence	Key topics discussed and key outcomes
<u>25 January 2022</u>	<u>Email</u>	<u>Email from BFFS's solicitors to AUBP's solicitors, explaining that Marico report will not be available until 21 February 2022 at the earliest, BFFS costs not settled,</u>
<u>16 February 2022</u>	<u>Email</u>	<u>Email sent to BFFS's solicitors re: third round of questions</u>
<u>17 February 2022</u>	<u>Email received</u>	<u>From Roythornes confirming that Marico will be undertaking a review of the Navigation Risk Assessment prepared by AUBP's consultants.</u>
<u>21 February 2022</u>	<u>Email</u>	<u>Email from AUBP's solicitors to BFFS's solicitors re: costs and need for narratives</u>
<u>24 February 2022</u>	<u>Email</u>	<u>Email from BFFS's solicitors to AUBP's solicitors, no further narrative information will be provided, invoice to be provided</u>
<u>3 March 2022</u>	<u>Email</u>	<u>BFFS's solicitors email their invoice to AUBP's solicitors and confirm that Marico report is not yet available but will be in the next few days</u>
<u>8 March 2022</u>	<u>Email</u>	<u>BFFS's solicitors share Marico report (response to NRA) and their comments with AUBP's solicitors</u>

3 Issues

3.1 Introduction and General Matters

3.1.1 This document sets out the principal matters which are agreed, or not agreed, ~~or are under discussion~~ between Boston and Fosdyke Fishing Society and AUBP.

3.1.2 On 17 August 2021, the Examining Authority issued a letter under Section 88 of the Planning Act and Rules 4 and 6 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex E of the Rule 6 Letter set out a request for SoCGs between AUBP and various parties, including BFFS. For BFFS the Rule 6 Letter suggests that the following issues should be in the SoCG:

- a) Navigational issues resulting from increased shipping
- b) Proposed mitigation

3.1.3 The Rule 6 Letter also advises that all of the SoCGs should cover the Articles and Requirements in the draft Development Consent Order and that any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.

3.1.4 **Table 3-1** details the matters which are agreed, or not agreed ~~and under discussion~~ between the Parties, including a reference number for each matter.

Table 3-1 Issues (as per Boston and Fosdyke Fishing Society’s Relevant Representation RR-010)

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society’s Position	AUBP’s Position	Status
1.0 Navigational issues resulting from increased shipping					
BFFS 1.1	Chapter 18 Navigational Issues (document reference 6.2.18, APP-056)	Navigational hazards and concerns over proposed activities by AUBP vessels	<p>BFFS have significant concerns over navigational hazards associated with (non exhaustively):</p> <ul style="list-style-type: none"> • Vessels within the Haven channel and the volume of such vessels; • Vessels present earlier in the tidal cycle when the channel is narrower; • Vessels turning on arrival; • Vessels crossing the river to the Facility wharf, with the specific concern that the AUBP vessels will be on the wrong side of the river against the flow of traffic and to severe detriment to the fishing vessels; • Delays to fishers departing and the possibility of lost days; and • Generally, in respect of navigation safety and manoeuvring and long term impact from the vessels making the fishermen’s business unviable. <p>The NMP to be relied upon by AUBP is at present not in existence (and in turn</p>	<p>A Navigation Management Plan (NMP) <u>Template has been produced and submitted to the Examination at Deadline 8 (document reference 9.80(1)), to inform all stakeholders on the intended contents of the NMP by identifying the content, structure and information which will be contained within the plan. The NMP will be secured via Condition 14 of the deemed Marine Licence within the Development Consent Order, with the Marine Management Organisation (MMO) being the discharging authority. The document states that the views of BFFS can be sought in the development of this plan and that the draft Navigation Risk Assessment (NRA) will be updated as part of the process to inform the NMP. The Applicant feels that the above along with the draft NRA and Environmental Impact Assessment suitably characterise risks and outline potential mitigation measures.</u></p> <p>is proposed which will be produced in consultation with the fishers to ensure that</p>	Under discussion Not Agreed

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
			<p>depends on the NRA which is being prepared) and until it is and has been carefully reviewed and considered by BFFS, they cannot be satisfied it provides any appropriate mitigation. While it is noted that AUBP propose consultation on the NRA with BFFS, BFFS would like there to be sufficient time allowed to review any such document before it is suggested as finalised by AUBP and in any event, expect to see the concerns they have expressed over methodology and assumptions fully addressed.</p>	<p>safety on the Haven is maintained and there is no operational impact on the fishers. The Applicant is confident that the Port of Boston, which has thea responsibility as Statutory Harbour Authority (SHA), will be able to manage navigation in a safe and efficient manner with little adverse effect on the fishing fleet or other river traffic (as per the Pilotage Statement (REP6-036), to ensure the navigational safety of all river users and therefore navigational safety on The Haven will be managed on a daily basis, as is the current situation.</p> <p>A <u>draft</u> Navigation Risk Assessment (NRA) is has been being undertaken compiled to inform this process with submission to the Examination at Deadline 2 and updated at <u>Deadline 6 (REP6-023)</u>. The Applicant will <u>take account of the BFFS's consultant's (Marico) review of this work when updating the NRA as set out above.</u> This document will be subject to consultation with BFFS and the Port of Boston before finalisation which is firmly anticipated to be before the Issue Specific Hearing on Navigation and Fishing matters.</p>	

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
BFFS 1.2	Chapter 18 Navigational Issues (document reference 6.2.18, APP-056)	Delayed timing	BFFS have concerns over Facility vessels in the turning circle preventing BFFS vessels from leaving or returning. Dispute on the timescales set out by AUBP for vessels turning and/or returning to port. These concerns have been highlighted in detail to AUBP and the information used to inform the current projections suggested by AUBP has been challenged by BFFS. BFFS are strongly disputing the currently suggested mitigation measures AUBP rely on – the correspondence between the parties details the objections and why the mitigation is entirely unsatisfactory in its current form. As the NRA is not even available or prepared at the time this Statement is being prepared and agreed, BFFS have grave concerns over it and any subsequent mitigation and will need to be reassured as to the accuracy of the information relied on by AUBP, which at present is totally deficient according to BFFS. The issue for BFFS goes beyond an “effective communication channel” as it will be logistically impossible to achieve a workable	The increase in the number of vessels using The Haven and the turning circle as a result of the operation of the Facility, can be mitigated through the implementation of effective communication channels between the Port, the fishermen and all other users of The Haven within an agreed NMP. The A draft NRA (REP6-023) sets out a number of potential mitigation measures to help ensure navigational efficiency. Such measures will be agreed as part of developing the NMP (as set out in the NMP Template). is being undertaken to investigate potential impacts and provide solutions (mitigation) which will be captured within the NMP, in consultation with BFFS. This document will be subject to consultation with BFFS and the Port of Boston before finalisation which is firmly anticipated to be before the Issue Specific Hearing on Navigation and Fishing matters.	Under discussion Not Agreed

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
			solution when BFFS vessels need to fish the waters during certain times and are going to be delayed or blocked by the AUBP vessels.		
2.0 Water Quality and Impacts On Fisheries					
BFFS 2.1		Vessel pollution and unloading	Pollution caused by the vessels when they are washed out into the river after unloading the waste they are carrying and off-loading. The application by AUBP states that any fluids or run off from the waste will be drained into a sealed system once unloaded on to the new wharf but all fluids and runoff that has occurred during transit will be washed out straight into the river, which is of concern.	<p>Wharf drainage will be directed away from The Haven in to a sealed system. Additionally, fluids that have accumulated in the vessels transporting Refuse Derived Fuel to the Facility will be pumped to the onshore sealed system <u>and used in the Lightweight Aggregate plant</u>, and not flushed in to The Haven or any other watercourse.</p> <p>Discharges and pollution from the Application Site will be controlled under the Environmental Permitting Regulations 2016 (as amended).</p> <p>In order to ensure appropriate measures are secured, a Marine Pollution Contingency Plan (condition 16 of the deemed marine licence) has been included in the version of the draft DCO (document reference 2.1(1), REP1-003) submitted at Deadline 1.</p>	<u>Not agreed</u> Under discussion

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
BFFS 2.2		Dredging and fisheries	Increased dredging activity into the river alongside the new facility causing silt plumes to go downstream and possibly on to the mussel lays and cockle beds at the end of the river.	<p>AUBP maintain that the assessment of impacts on water quality from both construction and maintenance dredging as set out in ES Chapter 15 Water Quality and Sediments (document reference 6.2.15, APP-053) are valid and no likely significant effects are forecast. <u>AUBP is not aware of any evidence from BFFS to suggest otherwise.</u></p> <p>AUBP also maintain that the assessment of impacts on fish and benthic ecology from both construction and maintenance dredging as set out in ES Chapter 16 Water Quality and Sediments (document reference 6.2.17, APP-055) are valid. <u>AUBP is not aware of any evidence from BFFS to suggest otherwise.</u></p> <p><u>Capital and maintenance dredging is controlled by the deemed Marine Licence including sampling plan for assessing the level of contaminants in any dredged material and a monitoring and action plan in</u></p>	Under discussion <u>Not Agreed</u>

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
				<p>relation to the potential release of contaminants into the watercourse.</p> <p>Further evidence will be submitted to the Examination on this matter and a new condition relating to the sampling of any material dredged will be included in an updated draft DCO submitted at a later deadline.</p>	
3.0 Proposed mitigation					
BFFS 3.1	Chapter 18 Navigational Issues (document reference 6.2.18, APP-056)	Mitigation measures	<p>Concerns over mitigation measures proposed (Navigational Management Plan), suggestion of relocation of fishing wharf down river of the Facility. Please see above and further the correspondence sent to AUBP detailing the BFFS concerns. It was made clear to AUBP from early discussions that it is BFFS's view that the mitigation proposed is entirely unworkable and ineffective for the reasons highlighted by BFFS (including challenging the underlying assumptions that have been relied upon to inform the proposed mitigation) and a proposed relocation would be an effective way of ensuring</p>	<p>A-The NRA (REP6-023) sets out a number of mitigation measures to ensure risk is reduced to As Low As Is Reasonably Practical (ALARP). navigation risk assessment is being undertaken to further investigate any operational impacts to the fishers which will form the basis of the NMP. This work will be submitted to the Examination at deadline 2 and shared as soon as it is available with BFFS.</p> <p>The possibility of relocatingRelocation of the fishers downstream of The Haven <u>has been studied by the Applicant and is not included within the DCO application owing to several reasons, including EIA, habitat and land issues.</u></p>	<p>Under discussion<u>Not Agreed</u></p>

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
			the fishermen are not put out of business. This was suggested to be a serious consideration initially but has since been dismissed by AUBP. While separate consents would be needed, it is denied that these cannot be obtained. BFFS have already once been relocated due to unacceptable impacts from the Boston Barrier project and it is believed this would be a workable solution.	AUBP's position is that a NMP (as informed by <u>an updated NRA</u> the Navigation Risk Assessment) would be more proportionate mitigation, <u>as supported by the Port of Boston</u> .	
BFFS 3.2		Impact on livelihood and business and way of life	BFFS have detailed how their long standing way of business (which is multi-generational) and indeed, entire way of life, is threatened by the proposed scheme unless appropriate solutions are found which prevent the unacceptable and disproportionate impact that will result. BFFS do not believe that the current proposals are workable, and the mitigation is challenged as being ineffective in preventing disastrous working conditions for them.	<p><u>AUBP disagrees that the entire way of life of BFFS's members is threatened by the proposed scheme. The Haven is a working estuary and co-existence for all users is supported, through management of risk and issues with the Port of Boston as the Statutory Harbour Authority.</u></p> <p><u>AUBP have taken several steps, including producing a template NMP and a draft NRA to explain how the scheme will mitigate the impacts on BFFS. The mitigation proposed by AUBP is supported by the Port of Boston, the statutory harbour authority.</u></p> <p><u>AUBP maintain that the proposed mitigation, set out in the draft NRA (and to</u></p>	<u>Under discussion</u> <u>Not Agreed</u>

SoCG Reference	Document Reference	Topic	Boston and Fosdyke Fishing Society's Position	AUBP's Position	Status
				be further informed by the Navigation Risk Assessment-NRA update (ibid)) will provide appropriate measures to allow the fishing vessels from Boston to maintain their operations and continue their business.	

4 Agreement of this Statement of Common Ground

4.1 Statement of Common Ground

4.1.1 This Statement of Common Ground has been prepared and agreed by the Parties.

Signed.....

[NAME]
[POSITION]
on behalf of Alternative Use Boston Projects Limited
Date: [DATE]

Signed.....

[NAME]
[POSITION]
on behalf of Boston and Fosdyke Fishing Society
Date: [DATE]

Appendix A Previous Engagement

Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Representatives of Boston and Fosdyke Fishermen (Jim Geelhoed, Wayne Brewster, Roy Brewster, Jamie Lee, Ken Bagley, Lee Doughty, Mick Kettleboro)
Gary Bower (Royal HaskoningDHV)
Helen Scar (Athene)

Apologies:

From: Gary Bower
Date: Friday, 26 July 2019
Location: Black Sluice Cottage, Boston
Copy: Project records
Our reference: PB6934-RHD-ZZ-XX-MI-Z-20182
Classification: Project related

Subject: Boston Alternative Energy Facility EIA - Navigational impacts discussion

1 Navigation risk assessment

The purpose of the meeting was to carry out a navigation risk assessment with the fishing fleet on construction and operational impacts arising from the project. This approach is also being followed with the Port independently of the fishermen, so that both views can be obtained without influencing each other to ensure both approaches will be given equal weight.

The approach to navigation risk assessment is described in chapter 18 of the preliminary environmental impact report (PEIR). This is the first stage report of the environmental impact assessment.

The next stage is to develop the full Navigation risk assessment and this will be influenced by the consultation process involving the river users.

1.1 Overview of the EIA impact assessment process

The sensitivity and magnitude of each impact are used to determine the significance of an impact. The significance would then determine the need for mitigation.

Impacts of moderate or major significance would require mitigation to reduce this to minor/negligible.

Impacts of minor significance do not generally require mitigation, but if mitigation is available to reduce this it will be included.

Types of impacts:

- Safety impact – a safety impact is classified as any impact that may influence the navigational safety of the receptor;
- Operational impact – is defined as any impact that affects the receptor's day to day operation; and,

- Business impact – is defined as any impact that affects the receptor’s business and is considered in two ways – financial loss and loss of business reputation.

Receptors = users of The Haven, e.g. fishermen, commercial shipping, leisure users

1.2 Scoring criteria

1.2.1 Sensitivity:

Sensitivity	Definition
Very high	Very high level of safety/operational/business impact for navigation receptors. Very limited ability to adapt to impact
High	High level of safety/operational/business impact for navigation receptors. Limited ability to adapt to impact
Medium	Medium level of safety/operational/business impact for navigation receptors Some ability to adapt to impact.
Low	Low level of safety/operational/business impact for navigation receptors. Ability to adapt to majority of impact.
Very low	No impact to navigational receptors.

1.2.2 Magnitude

Magnitude	Definition
High	Impacts a geographical area beyond The Haven. Impact present on a permanent basis, throughout the construction or operation of the Facility. Impact is very likely to occur.
Medium	Impact localised to the geographical area of The Haven. Impact present up to a few months (long duration), throughout the construction or operation of the Facility. Impact likely to occur.
Low	Impact localised to a geographical area limited to a section along The Haven (i.e. the future location of the wharf at the Facility). Impact present up to a few weeks (short duration). Impact unlikely to occur.
Very low	Impact is very unlikely to occur.

1.2.3 Significance:

Table 6.1 Impact Significance Matrix

		Negative magnitude			
		High	Medium	Low	Negligible
Sensitivity	High	Major	Major	Moderate	Minor
	Medium	Major	Moderate	Minor	Minor
	Low	Moderate	Minor	Minor	Negligible
	Negligible	Minor	Negligible	Negligible	Negligible

Table 6.2 Definitions of Impact Significance

Stage	Task
Major adverse	Very large or large change in receptor condition, both adverse or beneficial. Which are likely to be important considerations at a regional or district level because they contribute to achieving national, regional or local objectives, or, could result in exceedance of statutory objectives and/or breaches of legislation.
Moderate adverse	Intermediate change in receptor condition, which are likely to be important considerations at a local level.
Minor adverse	Small change in receptor condition, which may be raised as local issues but are unlikely to be important in the decision-making process.
Negligible	No discernible change in receptor condition.

1.3 Task:

Assess impacts on the fishing fleet according to criteria above for the following risks during both construction and operation; identify significance; and identify where the project needs to determine mitigation for significant impacts.

2 CONSTRUCTION PHASE

- **Capital dredging for the proposed wharf and berths**

The operation of plant on site to create the berthing pocket from land isn't a major issue and is unlikely to cause navigational impacts.

However, managing the sediment that may be released is a key concern for two main reasons:

1. the sediment plume could cause impacts into the river channel by increasing the quantity of sediment in the river, which could have an impact downstream by smothering the cockle beds, and this may also cause an indirect impact on the ecosystem that relies on these beds (feeding birds etc); and

2. The creation of the berthing pocket could mobilise harmful contaminants that are present within the buried sediment, damaging marine life in the Haven and into The Wash, causing significant impact to the livelihood of the fishing fleet.

Sediment dispersion has been covered in the Estuarine Processes, which is chapter 16 of the preliminary environmental impact report (PEIR). Marine water quality issues and the impact on the Haven and the Wash are covered in Chapter 15 – marine water and sediment quality chapter and Chapter 17 Marine and Coastal Ecology

These can be found using the link below, which covers the full PEIR. A copy of the PEIR was circulated at the meeting on usb.

<https://www.bostonaef.co.uk/consultation/preliminary-environmental-information-report/>

The Boston Alternative Energy facility project team considers this impact unlikely because of the behaviour of any sediment plume released and the nature of potential contaminants released means that the impacts associated with this are likely to be localised to the Facility. However, a worst-case view should be taken for the purposes of the potential impact on the fishermen's livelihood, to ensure this is fully investigated.

Outcome:

V high sensitivity

High magnitude

Significance: **Major adverse**

Therefore, mitigation must be provided to prevent it

- **Installation of the proposed wharf structure**

Depends upon timing of piling activities

Piling at high tide could cause impacts to river users potentially from shock waves and noise. This is likely to be short-term.

But no impact anticipated on navigation for construction of the wharf from land.

Impact sensitivity: Low

Magnitude Low

Significance: Minor adverse.

The contractors are likely to provide advance notice to users when piling activities will be taking place.

It would be useful to know whether the piling would take place at high or low tide. To be confirmed in Outline design phase of the wharf, which has just started.

- **Installation of scour protection underneath/ adjacent to the proposed wharf**

Make sure this doesn't affect bottom of the boats.

However, if this involves divers, then this will partially close the river.

So this will cause an impact if this occurs at any time where the tide levels are sufficient to allow access upstream / downstream.

If divers are involved, this will be a high sensitivity, but low magnitude due to localised impact.

Significance: **Moderate** adverse

Therefore, mitigation is required.

If installed at low tide, less of an impact because there won't be traffic on the river, in which case:

Impact sensitivity: Low

Magnitude Low

Significance: Minor adverse.

- **Presence of lighting for construction of the wharf and the main facility**

Lighting impacts are very significant. It will affect the ability to navigate the river

Sensitivity is very high

Medium magnitude due to location affecting navigation within The Haven

Significance: **Major adverse**

Therefore, mitigation needs to be implemented.

Lighting needs to be shielded and also pointing down.

Communication between contractors using the lighting and the river users.

- **Delivery of construction material by ship**

There will be very few ships delivering material to the Port, therefore, this would only provide minimal impact.

Impact sensitivity: Low

Magnitude Low

Significance: Minor adverse.

- **Cumulative impacts with the Boston Barrier project**

Unlikely to occur

Significance: Negligible.

- **Other risks ...**

None identified.

3 OPERATION PHASE

- **Increased number of vessels on The Haven**

11 per week additional.

There will be increases to collision risk.

There will be increased potential for being held up behind boats – any delay in the morning could risk not being able to access the fishing ground on that day – this is a major concern for loss of revenue.

Delays could lead to longer working hours – health and safety concern

The increased number of vessels is major concern in bad weather, notably fog.

Sensitivity – very high

Magnitude = medium

Significance: **Major adverse** impact

Therefore mitigation needs to be implemented

The issue about the fishermen relocating was raised. It was noted that this was a significant issue that required further thought beyond the meeting.

- **Operation of the wharf and berthed vessels**

Distances from berthed vessels to the navigable channel is crucial to allow safe passing. Potential to affect navigation is a major concern

Very high significance,
Magnitude is localised to this area of the river only = low
Significance: **Moderate adverse**

Therefore, mitigation is required.

Could move the wharf further north within the proposed boundary to avoid the narrowest channel point at the southernmost end.

Need to identify what the distance are and inform the fishermen as soon as this is known.

The Outline design work will produce a plan to show berthed vessel, plus two vessels passing to ensure it can be safely managed.

- **Use of the in river turning circle**

This is the most critical concern. Any delays will affect the livelihood.
Turning also will affect safety of operation – the likelihood of a collision will significantly increase.
If the fishermen are allowed out first, it means that they are working longer hours
Doing it after the boats have turned will potentially delay >20 fishing boats that will be loose in the river therefore using fuel; and also potentially delay getting out to the fishing beds AND also delay in getting back to offload – both are crucial.

Very high risk of collision whilst having to wait for turning vessels.

Opening the lock for the Port wet dock will also cause delays and can only be done within a 2 hour window.

Very High sensitivity;
magnitude is high because it will be a permanent issue that is very likely to happen
Significance: **Major adverse**

Therefore, mitigation needs to be implemented.

Relocation was again mentioned. This requires further thought beyond the scope of this meeting.

- **Maintenance dredging at the proposed wharf**

Same as creating the berthing pocket in the first place

Raising of sediment plume
Mobilisation of chemicals in the river from deep 'black' sediment.

Outcome:
V high sensitivity
High magnitude
Significance: **Major adverse**

Therefore, mitigation must be provided to prevent it

Manage in the same way as identified for construction.

- **Presence of lighting for the operation of the wharf and facility**

Lighting is likely to be required 24hrs per day
Lighting will be in fixed positions

Impact assessment is the same as for construction. Lighting impacts are very significant. It will affect the ability to navigate the river

Sensitivity is very high
Medium magnitude due to location affecting navigation within The Haven
Significance: **Major adverse**

Therefore, mitigation is required.

Fixed downlighting – localised to activity.
No lighting pointing downriver or upriver to affect vision.

Review of proposed lighting positions with the fishermen prior to installation.

- **Offloading / loading of material (accidental release of material into the river)**

Bales in the river – blocking navigational access.

Rubbish in the river – impacting fishing boats (wrapping around the propeller causing significant damage to the boats)
Also impact further down river from pollution

Very high sensitivity
High magnitude

Significance: **Major adverse** impact

Therefore mitigation must be implemented.

Potential solutions:
Not removing damaged bales from the boats.
Re-baling facility on site to manage damaged bales.
Litter fences to prevent blown litter.
Rescue craft to remove bales / litter from the berthing pocket / river.

- Other risks ...

None identified.

4 Summary table

Potential Impact	Issues	Sensitivity	Magnitude	Significance	Mitigation
Construction					
Capital dredging for the proposed wharf and berths	Sediment plume; and Mobilisation of harmful contaminants, causing harm to fishing beds in The Wash	V high	High	Major adverse	To be confirmed Data in the PEIR chapters (Chapters 15, 16 and 17) has shown that the plume is likely to be fully dispersed before The Wash; and that any mobilised contamination is likely to be bound to sediment, so impacts are unlikely over the distance from the site to The Wash. This will be further clarified in the Environmental Statement.
Installation of the proposed wharf structure	Impacts to river users potentially from shock waves and noise. But no impact anticipated on navigation for construction of the wharf from land.	Low	Low	Minor adverse	The contractors are likely to provide advance notice to users when piling activities will be taking place. It would be useful to know whether the piling would take place at high or low tide. To be confirmed in Outline design phase of the wharf, which has just started.
Installation of scour protection underneath/ adjacent to the proposed wharf – use of divers to facilitate this	If this involves divers, then this will partially close the river. So, this will cause an impact if this occurs at any time where the tide levels are sufficient to allow access upstream / downstream	High	Low	Moderate adverse	Make sure this doesn't affect bottom of the boats. If installed at low tide, less of an impact because there won't be traffic on the river, in which case: Impact sensitivity: Low Magnitude Low Significance: Minor adverse.

Potential Impact	Issues	Sensitivity	Magnitude	Significance	Mitigation
Presence of lighting for construction of the wharf and the main facility	Lighting impacts affect the ability to navigate the river safely.	V High	Medium	Major adverse	Lighting needs to be shielded and also pointing down. Effective communication between contractors using the lighting and the river users.
Delivery of construction material by ship	There will be very few ships delivering material to the Port	Low	Low	Minor adverse	None required
Cumulative impacts with the Boston Barrier project	Considered unlikely	Negligible	Negligible	Negligible	None required
Operation					
Increased number of vessels on The Haven	Increases to collision risk. There will be increased potential for delay that could prevent access the fishing grounds leading to loss of revenue and / or longer working hours – health and safety concern Congestion in bad weather, notably fog.	V High	Medium	Major adverse	To be confirmed
Operation of the wharf and berthed vessels	Distances from berthed vessels to the navigable channel is crucial to allow safe passing	High	Low	Moderate adverse	Could move the wharf further north within the proposed boundary to avoid the narrowest channel point at the southernmost end. Need to identify what the distances are and inform the fishermen as soon as this is known.

Potential Impact	Issues	Sensitivity	Magnitude	Significance	Mitigation
					The Outline design work will produce a plan to show berthed vessel, plus two vessels passing to ensure it can be safely managed.
Use of the in river turning circle	Delays out and / or return will affect livelihood. Turning also will affect safety of operation – the likelihood of a collision will significantly increase.	V High	High	Major adverse	Opening the lock for the Port wet dock will also cause delays and can only be done within a 2 hour window.
Maintenance dredging at the proposed wharf	Raising of sediment plume Mobilisation of chemicals in the river from deep 'black' sediment.	V high	High	Major adverse	Manage as for capital dredge during construction
Presence of lighting for the operation of the wharf and facility	Lighting impacts are very significant. It will affect the ability to navigate the river	V high	Medium	Major adverse	Lighting is likely to be required 24hrs per day Lighting will be in fixed positions Fixed downlighting – localised to activity. No lighting pointing downriver or upriver to affect vision. Review of proposed lighting positions with the fishermen prior to installation.
Offloading / loading of material (accidental release of material into the river)	Bales in the river – blocking navigational access. Rubbish in the river – impacting fishing boats (wrapping around the	High	High	Major adverse	Not removing damaged bales from the boats. Re-baling facility on site to manage damaged bales. Litter fences to prevent blown litter. Rescue craft to remove bales / litter from the berthing pocket / river.

Potential Impact	Issues	Sensitivity	Magnitude	Significance	Mitigation
	<p>propeller causing significant damage to the boats)</p> <p>River pollution</p>				

Minutes

**HaskoningDHV UK Ltd.
Industry & Buildings**

Present: Paul Salmon (PS), Abbie Garry (AG), Sarah Marjoram (SM) (Royal HaskoningDHV (RHDHV)); Shruti Trivedi (ST), Sarah Whitehurst (SWh), Grace Wiles (GW) (Roythornes); Jim Geelhoed (JG), Shane Bagley (SB), Lee Doughty (LD), Jamie Lee (JL), Wayne Brewster (WB) (Boston and Fosdyke Fishing Society (BFFS)); Richard Woosnam (RW); Sam Williams (SW) (Alternative Use); Richard Marsh (RM) and Rahil Haq (RH) (BDB Pitmans).

Apologies:

From: Abbie Garry
Date: 06 July 2021
Location: Teams
Copy:
Our reference: PB6934-RHD-ZZ-XX-MI-Z-1076
Classification: Project related
Enclosures:

Subject: Boston Alternative Energy Facility - Boston and Fosdyke Fishing Society Meeting 06.07.21

Number	Details	Action
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1

Overview of Scheme

PS presented an overview of the scheme including the red line footprint of the scheme. Key points include:

- Refuse derived fuel (1.2 million tonnes per year) will arrive by vessel;
- Red line includes wharf area and dredging area into the Haven;
- Wharf will be used for export of lightweight aggregate product via vessel;
- Wharf will be built early in programme to bring construction materials in to reduce road movements. Lincolnshire County Council (LCC) and Boston Borough Council (BBC) are behind this in order to remove high volumes of traffic.
- South of the new wharf is a Habitat Mitigation Area which includes moving some rocks from their current location of the proposed wharf to the area and creating some shallow pools for bird species using the area.

PS outlined the key areas on a plan including:

- Fishing quay, wet dock, turning circle and Facility downstream in a straight section of the Haven;
- Construction activities will be outside of the navigable channel;

Number	Details	Action
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- Construction vessels won't significantly affect navigation of the channel;
- The number of vessels during the operational phase is the main concern as highlighted in the relevant representation.

LD noted concern with the order limits reaching the centre of the river for dredging. PS noted this is for the option of a dredging vessel where dredging from land is not possible. Noted this would be phased and managed so that the impact on the use of the waterway would be minimised.

PS noted that it is proposed that the Navigational Management Plan (NMP) would cover both construction and operational phases to manage works and vessel movements.

PS noted we could clarify the duration of dredging to the society.

Post meeting note: it is noted that use of floating plant will need to be co-ordinated around traffic in the river to avoid any disruption. The estimated timescale for dredging the berthing pocket and river is 3 months.

Operational vessel movements

PS highlighted the key operational vessel movements, details are outlined on the powerpoint presentation and summarised below:

- 580 vessel movements per year;
- 1.4 vessels per tide (over the year);
- Typically 2 or 3 vessels to be turned each tide;
- Based on Boston Barrier information swinging one vessel takes up to 12 minutes (following the widening of the turning circle);
- MMO and Maritime and Coastguard Agency have not put in objection to the scheme based on safety.

Environmental Impact Assessment (EIA) Overview

PS outlined that the EIA concludes a major adverse effect on fishermen prior to mitigation. The mitigation proposed is the NMP which would reduce this impact to a moderate effect.

PS noted that when the NMP is produced the details will need to account for everyone involved in order to reduce impacts on livelihoods.

Number	Details	Action
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Fishing activity frequency

SM outlined that the cockle fishing season represents the tidal timings where movements could coincide with vessels in the Haven and when turning in the turning circle.

SM noted that the Port of Boston (PoB) is responsible for safe navigation of vessels and the NMP would ensure safety is maintained during construction and operation.

SM noted that we would like to agree principles of the NMP with the fishers to maintain safety. This could include turning vessels in the wet dock rather than the turning circle to reduce the chance of delays.

SM stated that details of the timings of commercial vessel movements can be published or shared in advance to schedule movements and keep all parties informed.

SM confirmed that the NMP is part of the conditions of the Development Consent Order (DCO) and will cover operation and construction (with wording updates).

PS noted we are open to ideas on principles for the NMP.

PS highlighted that the three target species that had been considered were cockles, mussels and shrimp and have identified where the interaction would occur. PS welcomed comments on this information.

WB noted that for mussels it could be early August to December that they could start landing mussels, and relaying mussels could be any time of the year.

ST asked about the source of data and assumptions. PS confirmed that the data was based on conversations with the Port of Boston, Eastern IFCA documents and Marine Stewardship council information (for shrimp).

ST noted that the data was different to what the fishers have mentioned to ST previously and the assumptions of the data may need to be looked into further. PS clarified we would provide the powerpoint with the data for any comments.

Number	Details	Action
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2	BFFS's Relevant Representation	
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ST noted that what will happen in practice is a concern. They also want to understand where the data within the application has come from (and had doubts as to its accuracy). ST noted that previously it was assumed 15 minutes for turning ships which the fisher's did not think was correct, and therefore 12 minutes (appearing on the slides) would also not be right.

SB noted that the assumption of 12 minutes per ship doesn't account for small tides and there is a 3 m difference between tides. SB noted it would take more time; it could be double or treble this time. SB also mentioned that if the ship leaves the Facility berth to turn in the turning circle this will not be at the required 6 knots. SB also noted that a loaded ship would take additional time.

PS noted that we could consider these situations within the NMP and account for worst case scenarios.

ST asked who monitors compliance with the NMP. RM confirmed that Requirement 14 of the draft DCO requires the plan to be produced and submitted to the local planning authority (BBC) for approval following consultation with the Port of Boston.

LD noted that although the (Facility) wharf is on a straight section of the Haven it is just around the corner from the dock head and there could be poor visibility at night time with meeting ships coming towards the dock. It was also mentioned that neap tides mean that there might be a backlog of ships to be turned. LD noted that 12 minutes would more likely be 36 minutes with the number of ships, this time delayed from the ships turning could stop them getting to the fishing grounds, and a lost day fishing. Therefore, the mitigation proposed by the fishing society is for relocation below the BAEF wharf.

ST confirmed that their preferred approach is relocating them south and have shown this on a plan.

PS noted there are concerns of the consentability of such a relocation, particularly as the BAEF scheme have raised concerns with the Habitats Directive and impacts on birds of the Wash designated site. The proposed relocated wharf would be even closer to The Wash designated site.

Number	Details	Action
	<p>PS noted we would like to engage with BFFS on the NMP so as to mitigate as far as possible the potential significant effects on BFFS members.</p>	
	<p>ST noted that despite the number of minutes for turning of vessels it will result in multiple lost days' worth of fishing. ST noted the current NMP wouldn't be of use for the fishers.</p>	
	<p>RM noted we need to look at the pinch points for all parties to establish how a NMP could work. RM confirmed that currently we haven't got the detail of what the NMP will look like.</p>	<p>BFFS to provide key circumstances and scenarios of concern to be inputted into an outline NMP.</p>
	<p>LD confirmed we would like to work together. Noted that the NMP would need to be more concrete than turning vessels in the wet dock 'where possible', if it was 'all vessels' that would alleviate a lot of the problems. LD noted concerns about crossing the flow of traffic when fishing vessels are coming round the corner, which would be dangerous.</p>	
	<p>ST noted that relocation would not be ideal either. ST noted the NMP needs to take into account the reality of the situation for the fishers. If the NMP can't work and still results in fishers losing a day's work, then it will be unworkable. ST confirmed we do need to work on the NMP and from initial conversations with the fishers, if they could make it work without relocation the fishers would like to.</p>	
	<p>PS mentioned we could prepare an outline NMP taking into account details from the fishers. This could enable us to resolve key issues where the BFFS see the issues being.</p>	<p>RHDHV to consider the wharf proposal and prepare a response.</p>
	<p>PS confirmed that if the BFFS could provide scenarios of specific situations which would be issues this would enable us to draft an outline NMP.</p>	
	<p>SW noted that we want to find a solution together where we can both operate successfully and not significantly impact on the fishers' livelihoods.</p>	
	<p>SWh noted that for the Boston Barrier the BFFS quay was relocated as mitigation for the scheme construction effects. SWh requested that we explore the option for relocation further.</p>	
	<p>RM noted we will take the plan away and come back with a response on the proposed relocation of the BFFS wharf.</p>	

Number	Details	Action
	<p>ST noted they are open to alternative suggestions on relocation as well.</p> <p>PS noted that we had information previously on the requirements for the wharf and will consider this. <i>Post meeting note: Previous email from JG confirmed a total 580m of quay would be required.</i></p>	
3	<p>Costs</p> <p>RM noted that that we would like to work together to reach an agreement. If it seems likely that we would reach an agreement then RM's recommendation is that reasonable costs would be met (subject to applicant's instructions).</p>	
4	<p>ST noted that they were trying to work with us for a mutually acceptable solution.</p> <p>AOB</p> <p>PS confirmed that timescales are still to be confirmed. But we are potentially holding the Preliminary Meeting on the 28th September with a second meeting on 12th October – however this it to be confirmed. Examination would be 6 months following the Preliminary Meeting.</p> <p>The Planning Inspectorate (PINS) have confirmed that the examination would be mostly virtual with one face to face hearing.</p> <p>Actions confirmed:</p> <ul style="list-style-type: none">• PS requested from the fishers' the key circumstances they are concerned with; and• We will have a look at the plan of the proposed wharf and get a formal response back.	

From:



Subject:

Boston Alternative Energy Facility- Concerns over mitigation proposals Ref Roythornes Limited:MA:BOS0104-0004

Date:

02 September 2021 10:21:08

This message was sent from an **e-mail domain unknown to Royal HaskoningDHV**. Please be cautious.

Dear Paul

Further to recent exchanges, I have now had the opportunity to obtain some views from my clients in relation to the proposed mitigation that has been set out in relation to the project, and I am setting out a summary of these below for your reference. I am setting these out in email format due to the time constraints and the need outlined by you in terms of desiring feedback promptly so we can all work towards the examination timetable as needed.

My clients are strongly of the view that the mitigation suggested as part of the project currently is entirely unrealistic. If a relocation of the fleet is not something that can be achieved, the only potential we see for a continued method of operation for my clients' fleet would be if the AEF vessels would have to allow the fleet to leave and return from their berths and fishing grounds prior to any of the AEF vessels being able to swing. The 12 minutes that has been suggested for swinging those vessels is not long enough, as we have pointed out on numerous occasions and during our detailed meeting, and this should also be viewed in the context that the time frame would be greatly increased for any vessel that would have to be swung before departure. According to my clients, who, you will appreciate, live and work with these waters every day, their estimate is that it will take a minimum of 50 minutes from leaving the proposed AEF quay to reach the swinging hole and to turn. When ships are in transit from the dock at the early start of the tide, there is estimated to be a window of around two hours to high water, and the width of the river at such stage would be such that it will be dangerous for a fishing vessel to pass on the upper half of the river (this is to the point known as the Jolly Sailor corner). Ships leaving this early in the tide would prevent the fishing vessels transiting safely on this stretch of the river while a ship is in transit. On the smaller tides, the river will be shallower and more narrow, thus increasing time pressures on the AEF vessels and, as a result, pressure on the fishing fleet. The navigation mitigation suggests that the fleet could change the time that they leave the fishing grounds to avoid the AEF vessels, as cockle fishery is mainly handwork fishery that involves the fishing vessels drying out on the sand. However, it should be pointed out that this would only be possible if the fishermen were to greatly extend their working day (a huge difference to what they do today) as they could not leave the grounds before the vessels were afloat, and also the only way fishing vessels would be able to successfully avoid ships when leaving port would be to leave before those vessels started to move. If the fishermen were to wait until after the vessels had transited, it would be too late for the fishermen to reach their grounds before the sands dry out and this will also greatly extend their fishing day.

If there was some method whereby the fishing vessels would have priority over the AEF vessels, this could potentially lessen some impact on the fishermen. However, we are not certain that this is within the power of the project team to deliver? If the AEF were to create a swinging area of their own, whereby their ships could turn to swing in that area out of the main channel, this

could potentially lessen the impact of the project on the fishing fleet. My clients are extremely concerned that when the AEF vessels are being swung on arrival, a line of fishing vessels returning from their daily fishing grounds could be behind a ship transiting the river, and as the AEF vessel(s) approaches the proposed facility, all fishing vessels would have to stop and wait for the said AEF vessel(s) to continue to the dock swinging hole. Once there, they would have to allow the AEF vessel to swing and then return to the AEF facility. This simply presents an unworkable practical situation in that where is a line of the fishing vessels supposed to stand by in the river while this process takes place? We are dealing with perhaps at least 26 fishing vessels at any given time waiting for the AEF to transit the distance from their new facility to the swinging hole, swing and return. As you can see, this is clearly demonstrative of the fact that 12 minutes is entirely fanciful and that the real timescales would be far in excess of this. At present, no vessels are ever swung in the swinging hole on arrival, vessels are only turned in the dock basin. Therefore, once the AEF plant is in existence, an entirely new procedure is to be introduced. This, due to the factors above, causes a massive risk of disruption to the entirety of the fishing fleet.

In addition to this, the fishermen have also pointed out the need to put mitigation in place for any vessel that may break down or run around in the area of the facility or swinging hole, be that a fishing vessel or an AEF vessel. I am attaching a picture that the fishermen have forwarded to me, which shows the disastrous effect such potential breakdowns can have and as can be viewed from the present pictorial demonstration, this was a situation at Sutton Bridge a few years ago while a ship was being turned. This ended up blocking the river for months.

I am encapsulating the fishermen's concerns in the context of the discussions we have had as, currently proposed, the mitigation is not only unworkable, even if huge additional mitigation measures were revised and put in place, there is still the potential for causing the fishermen's day at sea to extend greatly, potentially by an extra two hours either side of the tide and we must then take into account the knock on effect this would have for the processors and the transport side of the fishing industry. It does open up the possibility that in many cases it will make it unviable to fish on certain days, for example whilst shrimping, for if you cannot hit the ground at the right state of the tide, the catch would be reduced to a level making it entirely unviable to fish. The fishermen have pointed out to me that the first fishing tows are the best and if this window of opportunity is missed in terms of timing, the day's fishing is effectively lost.

We continue to hope that we can work together to satisfactorily find a solution for both the energy facility proposed and our clients, but I do want to set out the seriousness of the concerns that we have. While it would be desirable to find some mitigating factors, I fear that we will have to enter into some very complicated, costly and time consuming debate in terms of calculating compensation that will be due to the fishermen, unless a satisfactory alternative arrangement is put in place for them, which would allow them to continue to fish without interference from the vessels generated by the proposed facility. You will appreciate that we had a detailed method of compensation agreed in respect of the Environment Agency scheme but that was of course a temporary issue during construction whereas here, the effects have the potential to last throughout the clients' working lives and can also impact their future generations in terms of what it could do to their industry as a whole.

I note the intention to agree a Statement of Common Ground and while I am very happy to review a draft and input, I think at present, we will find little in the way of common ground on mitigation proposed so perhaps that can be borne in mind (given the detail I have provided

above) in respect of what can reasonably be agreed at this point. Clearly this is separate to any arrangement we come to on either a rehaul of mitigation proposed or potential relocation.

I hope this assists further to below and will help us further focus our discussions as to what means is found to assist allay these significant concerns. I will also separately write to Richard and yourself in respect of costs as discussed at our previous meeting and in correspondence. Just so you are aware, I shall be on annual leave from 9th September -17 September (inclusive) during which time I will struggle to respond regularly.

Kind regards,
Shruti

From: Paul Salmon [REDACTED]
Sent: 26 August 2021 17:58
To: Shruti Trivedi <[REDACTED]>
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: [EXTERNAL] RE: Boston Alternative Energy - navigation update

Attention: This email originated outside Roythornes Limited. Please be extra vigilant when opening attachments or clicking links

Thanks for the quick reply Shruti – all understood.

We'll await your response but I'd like Sam to progress the assessment quickly so let us know the views of the fishermen as soon as you can and their ability to input to the process.

Many thanks, Paul.

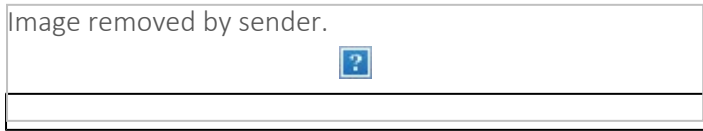
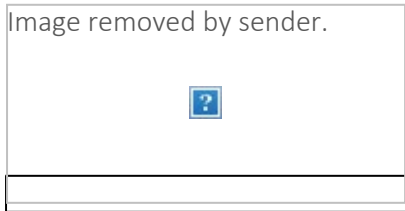
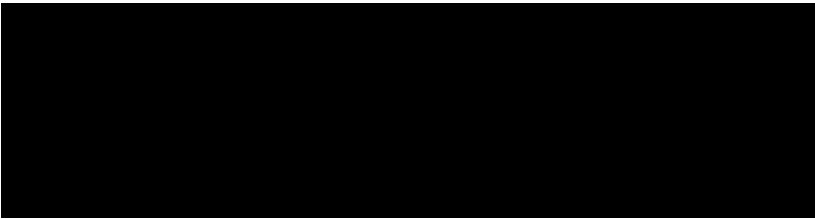
From: Shruti Trivedi [REDACTED]
Sent: 26 August 2021 17:55
To: Paul Salmon [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Boston Alternative Energy - navigation update

This message was sent from an **e-mail domain unknown to Royal HaskoningDHV**. Please be cautious.

Thank you for your email, Paul. I am on leave tomorrow but I'll do my best to consider asap and revert once I have spoken to the fishermen. Incidentally, I've had some information through from my clients in respect of the specific navigational concerns we discussed and that we said we would try and encapsulate. This is with me I confess and I was intending to review it and then consolidate with some thoughts from myself, which I have run out of time on this week unfortunately. I will revert with these too when writing back, which I hope to do next week.

Kind regards
Shruti

Shruti Trivedi | Roythornes Limited
Partner



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From: Paul Salmon [REDACTED]
Sent: Thursday, August 26, 2021 5:38 pm
To: Shruti Trivedi; boston fishing

[REDACTED]

Subject: [EXTERNAL] Boston Alternative Energy - navigation update

Attention: This email originated outside Roythornes Limited. Please be extra vigilant when opening attachments or clicking links

Dear Jim and Shruti,

Following the meeting of 6th July 2021, we have been considering the key points the Boston and Fosdyke Fishing Society raised and we are progressing two pieces of work:

- Given the difference in opinion between the parties on the information used to underpin the conclusions of the Environmental Impact Assessment (EIA), notably the potential for turning vessels to block the passage of fishing vessels transiting The Haven, we have commissioned a navigational risk assessment which will systematically review the information available to more precisely forecast any future issues. This work will be undertaken by a specialist navigational company Anatec and their lead Samantha Westward will be contacting you to set up a further consultation call to ensure your inputs are considered in the work. Samantha will be contacting you shortly by email to arrange your inputs (she's cc'd in to this email).
 - At the last meeting you committed to providing us with your views on specific circumstances which were of concern to you, including the potential issues relating to poor visibility conditions near the bend in the estuary just south of the Port of Boston. I haven't seen anything from you on this and I recommend that this consultation is an opportunity to provide us with this information.
- We have undertaken an appraisal of the potential for the provision of a new wharf downstream of the proposed Boston Alternative Energy Facility in line with the commitment made at the meeting. This is currently being finalised and I will issue this to you very shortly. This will set out our position with respect to the wharf relocation.

Lastly, the timetable for the DCO examination has been published by the Planning Inspectorate here: [EN010095-000578-Boston Rule 4 and Rule 6 letter.pdf \(planninginspectorate.gov.uk\)](#) . We note that the Examining Authority (ExA) has identified a wish to receive the initial Statements of Common Ground by Deadline 1 (October 19th) noting that the SoCG with yourselves should include, "Navigational issues resulting from increased shipping, and Proposed mitigation". My suggestion is that we provide a template of the SoCG to yourselves over the coming weeks with a deadline of Friday 1st October to receive your additions. We can jointly sign off the draft following. Let me know if that is acceptable.

Please call me if any of the above is unclear.

Many thanks,

Paul.

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Appendix B Glossary

Term	Abbreviation	Explanation
Alternative Use Boston Projects Ltd	AUBP	The Applicant.
Boston and Fosdyke Fishing Society	BFFS	The fishing society
Development Consent Order	DCO	The means for obtaining permission for developments of Nationally Significant Infrastructure Projects (NSIP)
Navigation Management Plan Navigation Management Plan	NMP NVP	The NMP to be produced in accordance with condition 14 of the DCO and which may be approved by the MMO in accordance with the procedure in Part 4. A plan intended to outline measures to ensure safe navigation to mitigate the risks to navigation arising from the construction and operation of the Facility.
<u>Navigation Management Plan Template</u>	<u>NMP Template</u>	<u>The document of that description certified by the Secretary of State as the template navigation management plan for the purposes of this Order under article 47 (certification of documents. etc.)</u>
<u>Navigation Risk Assessment</u>	<u>NRA</u>	<u>The document of that description certified by the Secretary of State as the navigation risk assessment for the purposes of this Order under article 47 (certification of documents. etc.).</u>
Principal Application Site	N/A	A 26.8 hectare site where the industrial infrastructure will be constructed and operated. It is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven.
Refuse Derived Fuel	RDF	The fuel produced from various types of waste, such as paper, plastics and wood from the municipal or commercial waste stream.
Statement of Common Ground	SoCG	This document.