

# REPORT

## **Boston Alternative Energy Facility**

### Statement of Commonality

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Classification

Project related

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## Glossary of Acronyms

Acronym	Definition
AEoI	Assessment of Adverse Effect on Integrity
AUBP Ltd	Alternative Use Boston Projects Limited
BFFS	Boston and Fosdyke Fishing Society
DCO	Development Consent Order
DML	Deemed Marine Licence
EA	Environment Agency
EfW	Energy from Waste
EIA	Environment Impact Assessment
EPP	Evidence Plan Process
HRA	Habitats Regulations Assessment
LVIA	Landscape and Visual Impact Assessment
LWT	Lincolnshire Wildlife Trust
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
NE	Natural England
OLEMS	Outline Landscape and Ecology Mitigation Strategy
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
UKHSA	United Kingdom Health Security Agency

## 1 Introduction

### 1.1 Project Background

1.1.1 Alternative Use Boston Projects Limited (the Applicant) is seeking a Development Consent Order (DCO) for Boston Alternative Energy Facility, an Energy from Waste (EfW) facility in Boston, Lincolnshire.

### 1.2 Purpose of the Statement of Commonality

1.2.1 This document provides the Examining Authority with an overview of the position of each Statement of Common Ground (SoCG) between the Applicant and the interested parties in relation to Boston Alternative Energy Facility at Deadline 10.

1.2.2 Each SoCG reflects discussions which took place throughout pre-application consultation as well as the post-application consultation.

### 1.3 Structure

1.3.1 This report is structured as follows:

- Section 2 Summary of commonality of each topic covered – provides an overview of all topics covered and each stakeholder's position.
- Section 3 Tables of commonality – this provides further detail on the aspects of each topic that are covered by the SoCG and each stakeholder's position.

## 1.4 List of Statements of Common Ground

1.4.1 **Table 1-1** provides the list of SoCGs that have been prepared by AUBP and the respective regulative authority in accordance with the list as requested by the Planning Inspectorate in the Rule 8 letter (Annex B part 4) issued on 14<sup>th</sup> October 2021.

## 1.5 Summary of Current Position

1.5.1 This section provides the current position of each SoCG. Where applicable, the final version of each SoCG (as at Deadline 10 on 7 April 2022) has been submitted alongside this Statement.

1.5.2 **Table 1-1** provides a high-level position and where necessary includes further detail to assist the Examining Authority. The high-level positions used in the table are:

- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.

1.5.3 **Table 1-1** provides an overview of the status of each SoCG at Deadline 10.

**Table 1-1 Position of SoCG's at Specific Deadlines**

Party	Position at Each Deadline
<b>Final Signed SoCG all matters agreed</b>	
None to date	
<b>Final Signed SoCG with matters outstanding</b>	
None to date	
<b>SoCG submitted in draft at Deadline 1</b>	
Lincolnshire County Council	The following issues have been <b>agreed</b> : the location of the application site is within an allocated waste management site, including Energy from Waste; incorporation of a wharf and use of vessels to import waste is a significant benefit of the project; the development is being undertaken in the light of commercial and policy factors which may change in the future; loss of habitat; appropriateness of the DCO; procedures for discharging requirements; the need to draw up a policy matrix.
Environment Agency	The following issues have been <b>agreed</b> : Construction stage drainage and associated permits; the disposal of surface and waste water; the Definition of Waste: Code of Practice (DoWCoP) is to be applied; landfill (ground) gases; protection of groundwater sources; bale splitting to be carried out indoors; construction phase noise; requirement for the EA to be a consultee for various documents.
Historic England	The following matters have been <b>agreed</b> : DCO articles are appropriate; there is a suitable framework for securing environmental mitigation and other environmental control measures.
Port of Boston	The only one issue within the document, 'Navigational Safety' is <b>agreed</b> . However, the SoCG will be updated at Deadline 2 to include statements on: dredging; marine consent; navigational lighting and aids to navigation; form and design of new wharf and approaches; and operational plans.
UK Health Security Agency (UKHSA) (formerly Public Health England)	The following matters have been <b>agreed</b> : air quality mitigation measures for vessels; the health impact assessment methodology; and technical aspects of the assessment.
Western Power Distribution	The single issue in this SoCG relates to agreeing protective provisions for Western Power Distribution.



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Party	Position at Each Deadline
Boston Borough Council	The following matters have been <b>agreed</b> : approach to archaeological investigations; reduction to highways impacts due to use of vessels; scope and content of the DCO; inclusion of tree works within documents required by the DCO; notice period to commence on site; jobs/training to be addressed through direct agreement with the Council; and collection of details on sources of waste material.
Anglian Water	The following matter has been <b>agreed</b> : no compulsory acquisition of any assets and Anglian Water's interests can be protected through appropriate Protective Provisions.
Marine Management Organisation	The matters that have been <b>agreed</b> all relate to deferral to other statutory bodies: Habitats Regulation matters to Natural England; matters associated with the Water Framework Directive, matters pertaining to flood risk, advice in relation to impacts to migratory fish species and Environmental Permitting requirements to the Environment Agency; Historic England for views on such matters; and navigational safety to appropriate bodies.
<b>SoCG submitted in draft at Deadline 2</b>	
Boston and Fosdyke Fishing Society (BFFS)	All matters remain under discussion with BFFS including (but not limited to): navigational hazards, timing, vessel pollution, dredging activity and mitigation measures.
Port of Boston	Additional issues were added to the SoCG at Deadline 2 which are <b>all agreed</b> , including: dredging, marine consent, navigational lighting and aids to navigation, form and design of the new wharf and approaches, operational plans and notices to mariners.
<b>SoCG submitted in draft at Deadline 4</b>	
Boston Borough Council	<p>In addition to the matters agreed at Deadline 1, the following matters have been <b>agreed</b> for Deadline 4:</p> <ul style="list-style-type: none"> <li>• Dust monitoring and management measures, following issue of the Outline Air Quality and Dust Management Plan (document reference 9.39, REP3-015).</li> <li>• Improved access to Marsh Lane Industrial Estate would not be a deliverable output of the scheme.</li> <li>• Monitoring of the Spirit of Endeavour Roundabout is not included as mitigation.</li> <li>• Road adoption will not form part of the scheme.</li> <li>• A bus route through the industrial estate is not a deliverable output from the scheme.</li> <li>• The tourism assessment scope.</li> </ul>

Party	Position at Each Deadline
	There are several outstanding points to be agreed with the Section 106 agreement. The Applicant will continue discussions with Boston Borough Council and is confident that agreement can be reached on the matters that remain under discussion.
Lincolnshire County Council	<p>In addition to the matters agreed at Deadline 1, the following matters have been <b>agreed</b> for Deadline 4:</p> <ul style="list-style-type: none"> <li>• The need for the Facility to include Policy W1 of the Lincolnshire Minerals and Waste Local Plan.</li> <li>• Local waste arisings.</li> <li>• Stopping up and diversions of Public Rights of Way.</li> <li>• Combined Heat and Power.</li> </ul>
Environment Agency	<p>In addition to the matters agreed at Deadline 1, the following matters have been <b>agreed</b> for Deadline 4:</p> <ul style="list-style-type: none"> <li>• The Expert Geomorphological Assessment is embedded within the Environmental Statement.</li> <li>• Matters regarding air quality (in relation to the DCO examination).</li> <li>• Visible plumes.</li> <li>• Noise requirements (in relation to the DCO examination).</li> </ul>
Historic England	<p>In addition to the matters agreed at Deadline 1, the following matter has been <b>agreed</b> for Deadline 4:</p> <ul style="list-style-type: none"> <li>• The Outline Written Scheme of Investigation (document reference 7.3(1), REP1-012) is suitable following amendments.</li> </ul> <p>There is one outstanding point on piling to be discussed and agreed. The Applicant has arranged a meeting to discuss this point on 6<sup>th</sup> January 2022. The Applicant is confident that agreement can be reached.</p>
UKHSA (formerly Public Health England)	<p>In addition to the matters agreed at Deadline 1, the following matter has been <b>agreed</b> for Deadline 4:</p> <ul style="list-style-type: none"> <li>• The air quality impact assessment conclusions will be reviewed by the Environment Agency as part of the environmental permit application.</li> </ul> <p>There is one outstanding point on fire prevention on vessels which is intended to be confirmed through discussions with the Maritime and Coastguard Agency (MCA), with a meeting planned on 16<sup>th</sup> December 2021. The Applicant is confident that agreement can be reached.</p>
<b>SoCG submitted in draft at Deadline 6</b>	
Lincolnshire County Council	<p>In addition to the points agreed at previous deadlines, the following points are now <b>agreed</b> at Deadline 6:</p> <ul style="list-style-type: none"> <li>• Proximity Principle;</li> <li>• Requirement 17 regarding vehicle movements;</li> </ul>

Party	Position at Each Deadline
	<ul style="list-style-type: none"> <li>• Carbon dioxide emissions;</li> <li>• Carbon capture technology;</li> <li>• Phased approach to cultural heritage; and</li> <li>• Planning policy appendix.</li> </ul> <p>There is one outstanding comment on waste compositions which will be discussed for agreement at the next submission. There is an outstanding point on cultural heritage with regards to post consent evaluation where both parties disagree – this point is a matter of interpretation of the National Planning Policy Framework (NPPF). There is an outstanding point regarding the obligation for future carbon capture which will be finalised through agreement of the Section 106 agreement.</p>
Environment Agency	<p>In addition to the points agreed at previous deadlines, the following points are now <b>agreed</b> at Deadline 6:</p> <ul style="list-style-type: none"> <li>• Pollution management controls captured in the Deemed Marine Licence (DML) subject to MMO’s approval;</li> <li>• Estuarine processes baseline and assessment; and</li> <li>• Drafting of the DCO (including the articles, requirements and schedules) with the exception of specific points outlined in the SoCG.</li> </ul> <p>Following a meeting with the EA on 27<sup>th</sup> January 2022 the EA provided their updated position including the following requests:</p> <ul style="list-style-type: none"> <li>• With regards to flood risk, the EA request a worst case scenario assessment with regards to land raising, the Applicant intends to submit this to the examination at Deadline 7.</li> <li>• With regards to estuarine processes/ geomorphology, the EA accepts the revised geomorphological assessment submitted at Deadline 3. The EA request that the residual risk of increased erosion should be covered by a monitoring and action plan. The Applicant intends to add this into the Outline Ecological Mitigation Strategy (OLEMS) at Deadline 7.</li> </ul> <p>There are other additional outstanding issues which are being progressed with the EA as shown in the SoCG.</p>
Historic England	<p>Following a meeting with Historic England on 20<sup>th</sup> January 2022, the final outstanding point on piling has been <b>agreed</b> within the SoCG.</p>
Port of Boston	<p>A Pilotage Statement has been prepared by the Port of Boston and agreed by the Applicant for submission at Deadline 6. This was added as an additional <b>agreed</b> item to the SoCG.</p>

Project related



Party	Position at Each Deadline
UKHSA (formerly Public Health England)	<p>In order to address the final point raised by UKHSA on fire prevention on vessels, the Applicant held a meeting with the Maritime and Coastguard Agency (MCA) and Lincolnshire Fire and Rescue on 16<sup>th</sup> December 2021. The MCA confirmed in this meeting that all vessels will require the appropriate firefighting capability (i.e. needing to conform with the Safety of Life at Sea (SOLAS) Regulations) which is the responsibility of the ship’s Master. No specific concerns relating to a fire plan outside of these regulations was identified by MCA. The minutes of this meeting were shared with UKHSA.</p> <p>UKHSA confirmed this has addressed their question on fire prevention plan and therefore the final point in the SoCG is <b>agreed</b>.</p> <p>UKHSA will sign a final copy of the SoCG at Deadline 8.</p>
Boston Borough Council	<p>Progress has been made with Boston Borough Council on the drafting of the Section 106 agreement including a meeting on 31<sup>st</sup> January 2022. Therefore, although currently left “under discussion”, Boston Borough Council have noted they will agree the remaining points in relation to the Section 106 agreement once it has been finalised. This is intended to be completed by the end of the examination.</p> <p>In addition, following the meeting with heritage stakeholders on 20<sup>th</sup> January 2022 the text on the approach to intrusive investigations has been updated however this point is still “under discussion”.</p>
Anglian Water	<p>In addition to the points agreed at Deadline 1, the following points are now <b>agreed</b> at Deadline 6:</p> <ul style="list-style-type: none"> <li>• Protective provisions; and</li> <li>• The surface water and foul water drainage strategy and DCO requirement wording.</li> </ul> <p>The Applicant is discussing outstanding points on discharge consent and applications for potable water and foul water connections for an updated position at a subsequent deadline.</p>
Marine Management Organisation	<p>A meeting was held with MMO on 27<sup>th</sup> January to discuss drafting of the DML and other outstanding points.</p> <p>In addition to the points agreed at previous deadlines, the following points are now <b>agreed</b> at Deadline 6:</p> <ul style="list-style-type: none"> <li>• The articles and schedules of the draft DCO (with the exception of Schedule 9, addressed under the DML); and</li> </ul>

Party	Position at Each Deadline
	<ul style="list-style-type: none"> <li>Mitigation measures within the DML including bathymetric surveys and sediment sampling.</li> </ul> <p>The updated SoCG includes a list of outstanding drafting points for the DML. Following the meeting on 27th January 2022 the Applicant sent a summary of the reasoning for the piling window to the MMO. The MMO have noted via email that if piling works are to be undertaken between June to September (inclusive) then specific mitigation should be secured within the DML (email received from the MMO dated 07/02/22). The Applicant is liaising with the MMO of the wording of this mitigation within the DML. Following discussion, this point will be agreed within the next iteration of the SoCG. Additionally, the use of the term of “Habitat Mitigation Area” is still to be agreed.</p>
<b>SoCG submitted in draft at Deadline 7</b>	
Western Power Distribution	The protective provisions are <b>agreed</b> .
RSPB	There are no agreed matters within the SoCG.
Lincolnshire Wildlife Trust (LWT)	<p>The following matters have been <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>Worst case scenarios presented are appropriate for benthic ecology, fish and habitats; and</li> <li>The assessment of cumulative impacts are agreed for benthic ecology, fish and habitats and marine mammals.</li> </ul> <p>LWT defer a number of matters to Natural England including some ornithology and benthic ecology, fish and habitats matters. There are several matters not agreed.</p>
Natural England	The SoCG with NE submitted at this Deadline was submitted as a “not agreed” version as NE was unable to confirm agreement of the text prior to the Deadline therefore no matters of agreement were able to be confirmed.
<b>SoCG submitted at Deadline 9</b>	
Lincolnshire County Council	A final signed SoCG is submitted with <b>all points agreed</b> apart from one point on cultural heritage, with regards to post consent evaluation as noted above under Deadline 6 submissions.
Boston Borough Council	<p>A draft SoCG has been submitted. However, a final SoCG will be submitted at Deadline 10 following finalisation of the Section 106 agreement. The following matters have been <b>agreed</b> for Deadline 9:</p> <ul style="list-style-type: none"> <li>Concerns regarding views from St Botolph’s Church;</li> <li>Carbon emissions; and</li> </ul>

Project related



Party	Position at Each Deadline
	<ul style="list-style-type: none"> <li>Draft DCO wording.</li> </ul>
Historic England	The final SoCG is signed will <b>all points agreed</b> . No items were changed since the last submission at Deadline 6.
Port of Boston	The final SoCG is signed will <b>all points agreed</b> . The status of the matters has not changed since the last submission at Deadline 6, however there were some text amendments.
UK Health Security Agency (formerly Public Health England)	The final SoCG is signed will <b>all points agreed</b> . No items were changed since the last submission at Deadline 6.
Western Power Distribution	The final SoCG is signed with <b>all points agreed</b> . No items were changed since the last submission at Deadline 7.
Anglian Water	A draft SoCG has been submitted. However, the Applicant fully intends to submit a final signed SoCG at Deadline 10. The following matters have been <b>agreed</b> for Deadline 9: <ul style="list-style-type: none"> <li>The Applicant will liaise with the IDB prior to submitting a discharge application to Anglian Water</li> </ul>
Marine Management Organisation	<p>The final SoCG is signed with the following additional points <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>The drafting of the wording of the Deemed Marine Licence (DML) with the exceptions noted within the SoCG;</li> <li>Matters relating to marine and coastal ecology.</li> </ul> <p>In addition to the DML drafting points which are not agreed, the only other matter which is not agreed is that the MMO considers the Habitat Mitigation Area should be viewed as compensation not mitigation.</p>
RSPB	The final SoCG is signed however <b>no points are agreed</b> .
SoCG submitted at Deadline 10	
Natural England	<p>The final SoCG is signed with the following additional points <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>The Habitats Regulations Assessment (HRA) for benthic ecology, fish and habitats;</li> <li>The impact assessment methodologies used for the EIA in ES Chapter 12 Terrestrial Ecology provide an appropriate approach to assessing potential impacts of the Project;</li> <li>The worst case scenario presented in the assessment of ES Chapter 12 Terrestrial Ecology is appropriate;</li> </ul>

Party	Position at Each Deadline
	<ul style="list-style-type: none"> <li>• The conclusions of the assessment of cumulative impacts (in terms of onshore ecology) are agreed;</li> <li>• Appropriate mitigation is provided for ES Chapter 12 Terrestrial Ecology; and</li> <li>• The proposed England Coast Path alignment does not affect SPA features.</li> </ul> <p>The worst case scenarios presented for Marine Mammals are “agreed in part” as Natural England agree that the Applicant has considered all of the potential worst case scenarios but do not agree with the outcomes of the assessment.</p> <p>The following points relating to air quality remain outstanding and under discussion due to no Natural England specialist availability following Deadline 4:</p> <ul style="list-style-type: none"> <li>• Sufficient data has been collected to inform the assessment for ES Chapter 14 Air Quality, Air Quality Deposition Monitoring Plan and Outline Air Quality and Dust Management Plan;</li> <li>• The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project;</li> <li>• The worst case scenario presented in the assessment is appropriate;</li> <li>• The conclusions of the assessment of impacts for construction, operation and decommissioning; and</li> <li>• Mitigation provided for Air Quality.</li> </ul> <p>All remaining points within the SoCG are <b>not agreed</b>, this includes the topics of ornithology, benthic ecology, fish and habitats, marine mammals, some points on terrestrial ecology, England Coast Path and the DCO.</p>
Environment Agency	<p>The final SoCG is signed with the following additional points <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>• Information in relation to the description of flood risk;</li> <li>• All matters relating to estuarine processes and erosion; and</li> <li>• Protective Provisions in the DCO.</li> </ul> <p>The flood risk assessment and exception test remain <b>under discussion</b> until final agreement of the disapplication of consent requirements, which will be confirmed once a legal agreement relating to the construction and ongoing maintenance of the flood defence has been entered into. The point on environmental permitting also remains <b>under discussion</b> as this will be discussed further and agreed through the environmental permitting process.</p> <p>The only outstanding points which are <b>not agreed</b> are:</p>

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Party	Position at Each Deadline
	<ul style="list-style-type: none"> <li>• The mitigation in relation to the direct loss of saltmarsh habitat noting the Environment Agency require a suitable scheme of compensation to be agreed with Natural England;</li> <li>• Potential marine ecology impacts to the Witham transitional water body particularly in relation to the outstanding point on the direct loss of habitat as described above; and</li> <li>• Minor drafting points within the DCO.</li> </ul>
Lincolnshire Wildlife Trust	The final SoCG is signed with all points previously under discussion now confirmed as <b>not agreed</b> .
Boston Borough Council	<p>The final SoCG is signed with the following additional points <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>• Mitigation captured in the final Section 106 Agreement.</li> <li>• Landscape</li> <li>• Biodiversity Net Gain</li> <li>• Planting</li> <li>• Electric Vehicles</li> <li>• PRoW Stopping Up</li> <li>• Futureproofing</li> <li>• Community impact and maximising opportunities to create a positive legacy for Boston</li> <li>• Socio-economic benefits</li> </ul> <p>The only point which is <b>not agreed</b> within the SoCG is the timing of further archaeological intrusive investigation.</p>
Anglian Water	<p>The final SoCG is signed with the following additional points <b>agreed</b>:</p> <ul style="list-style-type: none"> <li>• The Applicant confirms that the diverted water asset will be located outside of operational site area.</li> </ul>
Boston and Fosdyke Fishing Society	The final SoCG with BFFS submitted at this Deadline was submitted as “not agreed” as BFFS have not reviewed or accepted the final copy prior to this submission. Therefore, the Applicant has assumed BFFS’s position has not changed on the issues detailed in the SoCG.



## 2 Summary of Commonality of Each Topic Covered

2.1.1 This section provides a summary of the topics covered in each of the SoCGs and shows where there is commonality in the topics or matters being discussed with the stakeholders. Please note this table provides broad categories of agreement however specific subjects of agreement are shown within the individual SoCGs.

2.1.2 **Table 2-1** presents the current summary of commonality on each of the topics discussed between the Applicant and the stakeholder using the following colour code:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed
	Topic not relevant to the stakeholder or deferred

2.1.3 Similar to the tables above, as the SoCGs are progressed, the Applicant will update **Table 2-1**.

Table 2-1 Summary of Commonality with each stakeholder in relation to each topic covered

Document Reference	Party	Project Need	Policy and Legislation	Project Description	Cultural Heritage	Outline WSI	L VIA	Noise and Vibration	Contaminated Land	Terrestrial Ecology	Surface Water and Flood Risk	Flood Risk Assessment	WFD Assessment	Air Quality	Marine Water and Sediment Quality	Estuarine Processes	Marine and Coastal Ecology	Habitats Regulations Assessment (HRA)	Navigational Issues	Navigational Risk Assessment and Navigation Management Plan	Traffic and Transport	Socio-Economics	Climate Change	Health	Waste	Major Accidents	Public Rights of Way	Combined Heat and Power	OLEMS	Draft DCO and DML	Planning Statement	Protective Provisions	Environmental Permit	England Coast Path		
8.1	Lincolnshire County Council	Green	Green		Red	Red					Green						Green				Green	Green	Green		Green		Green	Green	Green	Green						
8.2	Environment Agency			Green			Green	Green	Green		Green	Yellow	Red	Green		Green	Red								Green							Green	Yellow			
8.3	Historic England				Green	Green																														
8.4	Port of Boston																		Green	Green																
8.5	UKHSA (Public Health England)								Green					Green										Green		Green										
8.6	Western Power Distribution																															Green				
8.7	Boston Borough Council			Green	Red	Red	Green							Green							Green	Green	Green			Green										
8.8	Anglian Water									Green																						Green		Green		
8.9	Boston and Fosdyke Fishing Society										Red				Red				Red	Red	Red															
8.10	Marine Management Organisation				Green							Green					Green	Red	Green												Green	Green		Green		
8.11	Natural England									Green				Yellow			Red	Red	Red																Red	
8.12	Lincolnshire Wildlife Trust																Red	Red																		
8.13	RSPB																Red	Red																		

\*Agreed in part, outstanding matters are set out in the SoCG.