



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Boston Alternative Energy Facility

Appendix C5 to Natural England's Deadline 10 Submission

Natural England's Comments on Vessel Speed Limits

For:

The construction and operation of Boston Alternative Energy Facility (AEF) that would generate approximately 102 MW of renewable energy and is located immediately south of Boston town, Lincolnshire.

Planning Inspectorate Reference: EN010095

7th April 2022

Natural England's Comments on Vessel Speed Limits

Introduction

In the production of this response Natural England have reviewed the following documents:

- Boston Alternative Energy Facility – Environmental Statement Chapter 17 Marine and Coastal Ecology (tracked) [REP9-010]
- Boston Alternative Energy Facility Addendum to chapter 17 and Appendix 17.1 Marine Mammals (tracked) [REP9-019]
- Boston Alternative Energy Facility – Environmental Statement Appendix 17.1 Habitats Regulation Assessment (tracked) [AS-005]
- Boston alternative Energy Facility Navigational Management Plan template [REP8-010]

Summary

Natural England maintains its fundamental concern regarding the ambiguity surrounding this key project design parameter. We advise that, based on the information provided, a worst-case scenario of vessel speed of 12 knots should be used to determine the scale and significance of the impacts. However, it remains unclear if the Applicant's environmental impact assessment has used this figure.

Furthermore at 12 knots mitigation measures as presented by the Applicant couldn't be relied upon to suitably minimise impacts.

Detailed Comments

Natural England has noted that the changes within the documents listed above are all related to a removal of a vessel speed limit of 4 or 6 knots. The documents now refer to the maintaining of a 'safe speed' as defined by the COLREGS and the Port of Boston. Firstly, Natural England draws the ExA attention to the principle of safe speed considered under the COLREGS which is in regard to safety of navigation and does not require any consideration of the ecological impacts. Secondly the documents make it clear that there will be no specified speed limit, but that a general aim for vessel speeds should be below 10 knots or as low as reasonably practicable. However, several sections of the documents also state that the vessels will be travelling at a speed of 12 knots, for example para 17.8.123 of the updated Chapter 17 of the Environmental Statement. This appears to be contradictory and could lead to confusion on what has specifically been assessed, committed too and/or permitted.

Furthermore, the 12 knots would represent an increase of double the speed originally considered and consulted upon for vessels within the shipping channel and triple the 4-knot speed limit within The Haven. The securing of vessel speeds is noted as to be controlled through the Navigational Management Plan, condition 14 of the Deemed Marine Licence, schedule 9 of the DCO. Natural England notes and welcomes that we will be consulted on this plan, but also notes that that the current template plan has no details on a speed limit or how it will be enforced. The reduction of vessel speeds was noted within these updated documents as a mitigating factor. However, the assessments have been updated to state the new vessel speeds, but there has been no update on the assessment to show that the impacts of this change has been appropriately considered within the assessment documents. Given the ambiguity and lack of sufficient security on the vessel speeds, a worst-case scenario should consider vessels moving at 12 knots.

Given the concerns outlined above, and Natural England's comments on vessel speed in Appendix C4 [REP8-025] and Appendix F5 [REP8-026], our position remains that the vessel speed restrictions cannot be relied upon as mitigation. This also applies to the concerns on the intertidal habitats from the effect of vessel wash on Saltmarsh, as noted in our updated Risks and Issues Log [REP8-025]. Additionally, the Marine Mammal Addendum to Chapter 17 Page 3 Para 1.1.8 final line, states that the mitigations listed will be secured through requirement 14 of the DCO. This is incorrect as this is the Flood Risk Emergency Plan, it should refer to condition 14 of the Deemed Marine Licence which forms schedule 9 of the DCO.