

Date: 09 November 2022  
Our ref: Boston Alternative Energy Facility  
Your ref: EN010095



Secretary of State  
Head of Energy Infrastructure Planning Delivery  
Department for Business, Energy & Industrial Strategy  
1 Victoria Street London SW1H 0ET

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ  
T 0300 060 3900

## BY EMAIL ONLY

Dear Sir

### **NSIP Reference Name: Boston Alternative Energy Facility (BAEF)**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's answers to the Secretary of State's further questions as requested on 14<sup>th</sup> October 2022 are as follows;

#### **Question 4. Natural England**

**4.1. Is invited to comment on the implications for the Proposed Development of the proposed change to the Conservation Objectives for the harbour seal feature of The Wash and North Norfolk Coast SAC from "maintain" to "restore", with particular regard to when this change may come into effect.**

Natural England's advice remains unchanged to that submitted into examination. However, subsequently we have completed our update to The Wash and North Norfolk Coast (WNNC) Special Area of Conservation supplementary advice on conservation objectives for Harbour (common) seal (*Phoca vitulina*). We hope to publish the updated conservation advice at the next available opportunity in March 2023. However, we have enclosed a copy of our finalised draft advice to aid in the undertaking of any Habitats Regulation Assessment.

**4.2. Is invited to confirm whether it considers that the 'Habitat Mitigation Area' is appropriate to mitigate the effects of the loss of functionally linked land at the Application Site.**

In [REP9 – 058] Natural England advised that

*'...the identified sites are unlikely to support all impacted species but should be sufficient to mitigate development site impacts and would potentially compensate for a substantial part of the impacts at the Mouth of the Haven. Critical to a positive derogation case will be (a) securing the sites and (b) refining site plans and (c) establishing appropriate governance. If options for creating an alternative roost close to the impact site (best option for the SPA looking at this in a birds-only manner) are not going to be considered further, then we advise that the proposed compensation location/s provide a suitable option...'*

We advise that this position remains unchanged and that more detail in the form of a site specific plan is still required to demonstrate that the mitigation/compensation will be sufficient to offset the impacts to Annex I birds

In addition we highlight that much of our advice and queries raised within our detailed comments table provided in Appendix B5 at Deadline 8 [REP8-23] remain unaddressed by the Applicant including points 8, 12 and 13 relating specifically to the mitigation area.

We also reiterate that the functional linked land is also priority habitat and concerns raised by Natural England throughout the examination on impacts to this habitat have not be mitigated for either.

**4.3. Is invited to advise whether an adverse effect on integrity resulting from changes in air quality can be excluded and, if so, for which protected sites and features this advice applies, in light of the Applicant's comments in [REP6-035] and otherwise.**

Natural England cannot advise that an adverse effect on integrity as a result of air quality can be excluded. Insufficient information has been provided on the air quality impacts of the protected sites to be able to rule out such adverse effects. This applies to the European designated sites subject to Habitats Regulations Assessment (HRA) at:

- The Wash SPA (site code UK9008021).
- The Wash and North Norfolk Coast SAC (site code UK0017075).
- The Wash Ramsar site (site number 395).

Whilst the focus of Natural England advice is in response to the Secretary of States Habitats Regulations Assessment query [October 2022] we also highlight that the same omissions are likely to significantly impact habitats at Havenside Local Nature Reserve, Slippery Gowt Sea Bank Local Wildlife Site (LWS), South Forty Foot Drain LWS, the Habitat Mitigation Area, and other areas of priority saltmarsh in The Haven. And, where these habitats support populations of species associated with designated sites (including Annex I SPA birds), any changes in the plant communities caused by pollution could also affect the qualifying features indirectly.

Please see our enclosed detailed comments 'Natural England's updated advice on potential Air Quality impacts'.

If you have any queries relating to the advice in this letter please contact Andy Stubbs at [██████████@naturalengland.org.uk](mailto:██████████@naturalengland.org.uk)

Yours faithfully

Andy Stubbs  
Senior Planning Adviser East Midlands