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Date:	10 March 2023	Contact name:	Paul Salmon
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Classification:	Project related		
Project Reference:	EN010095		

Alternative Use Boston Projects Limited (the Applicant) 10 March 2023 Submission

Dear Sir,

Further to the Department of Business, Energy & Industrial Strategy (BEIS) letter dated 10th January 2023, please find enclosed with this letter the following documents which have been requested from the Applicant:

1. In response to paragraph 5 of the letter issued by BEIS: a **Without Prejudice Compensation Case for The Wash and North Norfolk SAC for Harbour Seals** (document reference 9.110) is provided.
2. In response to paragraph 6 of the letter issued by BEIS:
 - **The Applicant's Response to Comments Raised by Natural England and the RSPB** during the second consultation response (document reference 9.111); and
 - An updated version of the **Outline Marine Mammal Mitigation Protocol** (tracked and clean) (document reference 9.12(3)) in order to account for additional mitigation measures proposed by Natural England in their most recent response to BEIS.
 - An updated version of the **Outline Landscape and Ecological Mitigation Strategy** (tracked and clean) (document reference 7.4(4)) has been provided to address a comment by Natural England to include real-time monitoring for construction noise disturbance.

In addition, in order to provide further information to BEIS the following has been provided:

3. An **Addendum to Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures (for The Wash SPA)** (document reference 9.112) in order to provide further detail on the sites put forward within the previous document relating to compensation measures relevant to The Wash SPA (document reference 9.30(2)).
4. An updated **Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures** (tracked and clean) (document reference 9.30(4)) has been provided with an update to the programme for implementation of compensation measures in light of the delay to the DCO

decision, and to confirm the proposed compensation sites will be delivered at least two years before adverse effects will occur. In addition this updated version includes criteria for a roosting structure in The Wash and North Norfolk SAC, as further compensation proposed by the Applicant.

5. In order to provide a clear update on the Applicant's case, **The Applicant's Overall Summary of Case – Post-Examination Update** (document reference 9.113) has been provided to set out final position statements on key matters arising during the Examination and post-Examination period, focussing on those matters addressed in the post-Examination period.

During the post-Examination period, the Applicant has through its submissions suggested a number of amendments to the **draft Development Consent Order** (document reference 2.1(6), REP10-004) submitted at Deadline 10. To assist the Secretary of State, the Applicant has tracked these amendments into the draft DCO and now submits a tracked and clean copy of the DCO (document reference 2.1(7)) and an **updated Validation Report** (document reference 2.3(3)). The table below summarises the reasons for each amendment.

Amendment	Reason for amendment
Amendment to sub-paragraph (2)(e) of condition 13 of Schedule 2	This amendment is set out in The Applicant's Response to Comments Raised by Natural England and the RSPB (document reference 9.111). This amendment is necessary as the restriction on simultaneous piling should only relate to impact piling methods. If non-impact piling methods are used simultaneous piling may be required but this would not present the same risks to marine mammals as impact piling methods.
Amendments to sub-paragraph (6) of condition 14 of Schedule 9	This amendment is set out in paragraph 2.2.15 of the Applicant's Response to Secretary of State's Letter of 14 October 2022 (document reference 9.107). This amendment has been suggested on a without prejudice basis should the Secretary of State determine the inclusion of the measure set out in paragraphs 2.2.13 of the Applicant's Response to Secretary of State's Letter of 14 October 2022 is necessary and to add additional certainty that vessel management measures to address potential impacts on designated birds and marine mammals are secured in the Navigation Management Plan and will be implemented.
Amendments to Schedule 10 and paragraph 1 of Schedule 11	These amendments have been added to include reference to the Addendum to Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures (for The Wash SPA) which supplements the Compensation Measures Document; and the Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Harbour Seal Document.
Amendment to paragraph 5(b) of Schedule 11	This amendment is set out in paragraph 2.8.28 of the Applicant's Response to Secretary of State's Letter of 14 October 2022 (document reference 9.107). This amendment is suggested to explicitly cover circumstances where the land has already been acquired or leased at the time the ornithology compensation implementation and monitoring plan is submitted for approval.
Amendments to paragraph 6 of Schedule 11	This amendment is set out in paragraph 2.8.56 of the Applicant's Response to Secretary of State's Letter of 14 October 2022 (document reference 9.107). This amendment is suggested on a without prejudice basis to provide additional certainty that that measures will be implemented prior to the relevant impacts occurring.

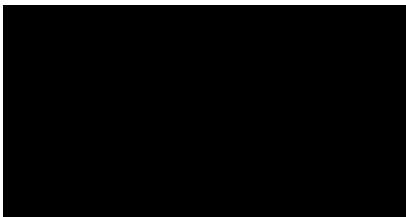
Amendment	Reason for amendment
Addition of article 55 and Schedule 12 and amendment to Schedule 10	As set out in Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Harbour Seal (document reference 9.110), article 55 and Schedule 12 has been added to secure the net-gain/compensation measures for harbour seal. Text has been included in square brackets to provide drafting depending on whether the measures are determined to be compensation or net gain. The text in square brackets would need to be deleted as appropriate. A consequential amendment is required to Schedule 10 (Part 1).

Additionally, as noted in previous submissions whilst it remains the Applicant's position that the habitat at the Principal Application Site is not functionally linked to The Wash SPA, should the Secretary of State determine that there is a functional link Schedule 11 contains drafting to account for this (shown in square brackets). In the event that the Secretary of State agrees with the Applicant's position in this regard that text would need to be deleted.

I should be grateful if you would acknowledge safe receipt of this letter and arrange for a copy of it and its enclosures to be placed before BEIS.

Yours sincerely,

For and on Behalf of HaskoningDHV UK Ltd, on behalf of Alternative Use Boston Projects Ltd.



Paul Salmon
Technical Director
Industry & Renewables UK