



Department for  
Energy Security  
& Net Zero

Web: [www.gov.uk/desnz](http://www.gov.uk/desnz)

1 Victoria Street  
London  
SW1H 0ET

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To:

The Applicant

Our Ref: EN010095

Date: 24 April 2023

Dear Sir or Madam,

**Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Alternative Use Boston Limited (“the Applicant”) for an Order granting Development Consent for the proposed Boston Alternative Energy Facility (“the Proposed Development”)**

1. Following the completion of the Examination on 07 April 2022, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the application for the Proposed Development (the “Application”) to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) on 07 July 2022.
2. The statutory deadline for determining the Application is 06 July 2023.
3. On 14 October 2022, 25 November 2022 and 10 January 2023, the Secretary of State requested further information and updates (“the first information request”, “the second information request” and “the third information request” respectively) from the Applicant, Natural England, the Environment Agency and Lincolnshire Wildlife Trust. All responses to the information requests are published on the Planning Inspectorate Project webpage<sup>1</sup>.
4. The Secretary of State now invites **the Applicant** to provide information or responses to submissions received to the third information request as appropriate and to respond, in particular, to the questions below.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/boston-alternative-energy-facility-baef/?ipcsection=overview>

## Compensation for the Wash Special Protection Area

5. In response to the third information request, and in view of Natural England and the RSPB's concerns regarding the ecological merits and deliverability of The Wash Special Protection Area ("SPA") compensatory measures, Natural England<sup>2</sup> considers that "controls should be put in place potentially through DCO requirements, which ensure that compensation measures are sufficiently delivering prior to construction works commencing" in the event that the Secretary of State were minded to grant consent. The RSPB<sup>3</sup> also proposes amendments to the draft Development Consent Order (DCO). **The Applicant** is invited to respond to Natural England and the RSPB's comments, specifically:
  - The RSPB's suggested amendments<sup>3</sup> (Section 3) to the DCO.
  - The Applicant is invited to suggest alternative amendments it considers may provide the assurance which Natural England consider necessary.
6. The Secretary of State notes the Applicant's Addendum to its Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures (for The Wash SPA)<sup>4</sup> document ("the Compensation Addendum"), which provides further information on the identified compensation sites. Regarding the technical feasibility of wetland habitat creation at Corporation Point, the Applicant (in paragraph 2.1.9 of the Compensation Addendum) refers to the Landscape Engineers Report on Compensation Sites (Appendix A). However, Corporation Point is not discussed in Appendix A. **The Applicant** is therefore invited to confirm whether this is an omission, and if so to provide an updated Appendix A to include Corporation Point, to support its position that wetland habitat creation is feasible at this site.
7. In response to the first information request, the Applicant<sup>5</sup> refers to the inclusion of a 12 ha site at the eastern boundary of the Wyberton Roads (South) site, referred to as plot 1A in [REP10-22]. However, in the Compensation Addendum (Figure 2-4 and paragraph 2.1.21), this additional site is located at the western boundary. **The Applicant** is invited to comment on this change. It is also invited to confirm whether the assessments in Appendix A (Figure A2.2) and the Field Survey Maps and Summaries from Compensation Sites (Appendix B, Section 4.5) cover the same area of land as shown in Figure 2-4 of the Compensation Addendum for Wyberton Roads (South), as the extent of the site appears to differ between these assessments and the Compensation Addendum.

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<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010095/EN010095-001407-Natural-England-updated-advice-on-outstanding-concerns.pdf>

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010095/EN010095-001410-RSPB-updated-summary-of-position-and-key-concerns-March-2023.pdf>

<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010095/EN010095-001425-9.112-Addendum-to-Without-Prejudice-HRA-Derogation-Case-Compensation-Measures-for-The-Wash-SPA.pdf>

<sup>5</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010095/EN010095-001394-9.107-Applicants-Response-to-Secretary-of-States-Letter-of-14th-October-2022.pdf>

### **Air quality**

8. Natural England<sup>6</sup> considers that substantial progress has been made towards being able to advise that an adverse effect on integrity resulting from changes in air quality can be excluded, but that a few issues remain. **The Applicant** is invited to respond to Natural England's remaining concerns regarding possible impacts on protected sites and priority habitats.

### **Impacts on priority habitats**

9. Natural England requests<sup>2</sup> the insertion of a requirement for 'implementation plans' to be provided by the Applicant and signed off by the competent authority prior to works commencing, which detail how impacts to priority habitats will be avoided and/or reduced. **The Applicant** is invited to propose wording to secure this in the DCO, ideally drafted in consultation with the competent authority.

### **Waste policy**

10. **The Applicant** is invited to respond to the emails from UKWIN sent to the Planning Inspectorate on 2 March 2023 and 11 April 2023.
11. **Responses should be submitted by email only to:**  
[BostonAlternativeEnergyFacility@planninginspectorate.gov.uk](mailto:BostonAlternativeEnergyFacility@planninginspectorate.gov.uk) **by 23.59 on 15 May 2023.**
12. Responses will be published on the Boston Alternative Energy Facility project page of the National Infrastructure Planning website as soon as possible after the deadline:  
<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/boston-alternative-energy-facility-baef/>
13. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Boston Alternative Energy Facility or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully



David Wagstaff OBE  
Head of Energy Infrastructure Planning

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<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-001408-Natural-England-updated-Air-Quality-Advice.pdf>