

Date: 15 May 2023
Our ref: Boston Alternative Energy Facility
Your ref: EN010095



Secretary of State
Head of Energy Infrastructure Planning Delivery
Department for Business, Energy & Industrial Strategy
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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 have been requested by the applicants of the Boston Alternative Energy Facility to provide advice to their answers to the Secretary of State's further questions regarding the Boston Alternative Energy Facility (BAEF).

Unfortunately the deadline of 15 May 2023 has provided insufficient time for Natural England to engage with BAEF, other than higher level comments on the draft condition wording. From the communications we have had with Applicant, and other interest parties, Natural England's advice, in relation to the uncertainties in relation to the scale of the compensation measures required and the deliverability of the proposed measures remains unchanged. Whilst we agree that the creation of wetland habitat is a proven science, it is matter of creating the right conditions for the species of bird for which compensation measures are required. And whilst these conditions *could* be created within 2 years, the evidence in relation to maintaining water levels and having the necessary permits to do so on a secured area of land remains an outstanding area of concern for Natural England, as does the levels of potential disturbance and the necessary scale of the required compensation due to the uncertainties relating to the impact assessment.

It is these uncertainties and lack of agreed adaptive management should the compensation not be delivering, which is the foundation of our statutory advice regarding the compensation measures delivering prior to 'hot commissioning occurring' and it would be for Applicant to identify what success looked like in terms of what would be sufficient delivery to demonstrate the compensation measures are

functioning. However, we remain concerned about the significance of the impacts that are likely to occur to SPA features should the compensation measures be found to not be functioning; and the agreement and implementation of remediation measures and/or adaptive management. Whilst we have suggested the below wording to the Applicant, they have indicated that this is not agreeable to them as the birds are unlikely to use the compensation area prior to disturbance occurring. We believe that as with Frampton and Freiston Nature reserves, birds will utilise the optimum location with the least amount of disturbance. However, we advise that an alternative option would be to include disturbance stop measures in any compensation condition which would be implemented should monitoring demonstrate that compensation measures are not delivering, but again any condition wording would need to be agreed with the regulator in consultation with Natural England and the RSPB.

Timing of compensation requirement

In communications with the Applicant, they have proposed the following condition wording to address our concerns in relation to the timing of the compensation delivery:


*The DCO states that (d) an implementation timetable for delivery of the compensation measures that ensures **all compensation measures are in place prior to the impact occurring** ([for habitat loss as a result of the construction of Work No. 4, the measures will be in place prior to any dredging or construction works on the intertidal habitat and] for the compensation for disturbance by the increased number of vessels, **the measures will be in place for at least two years prior to the hot commissioning of line 2 of Work No. 1A**);*

However, Natural England advises that our recent statutory advice raised the point that the compensation should be delivering prior to commencement of development due to the remaining uncertainties associated with delivery of the required compensation.

As written the condition doesn't include '...in place prior to the impact occurring **and delivering compensation**...'. and therefore doesn't allay our concerns in regards to the outstanding uncertainties. The requirement is for the successful provision of compensation measures. Otherwise impacts may well be occurring when there is no mechanism to address through adaptive management. Natural England has queried with the Applicant what the stop mechanism is for 'hot commissioning' if the compensation is not delivering?

In addition to the above, interested parties have raised concern with Natural England in relation to the proposed placement of rock berms in order to create alternative roosts within The Wash SPA, The Wash Ramsar, The Wash SSSI and The Wash and North Norfolk Coast SAC as compensation. Natural England highlights that this has not been discussed in detail with Natural England and/or the potential impacts fully assessed under the HRA. We advise that there is potential for these berms to have an Adverse Effect on Integrity in their own right on Annex I intertidal mudflats and sandflats, Salicornia and Other annuals colonising mud and sand and Atlantic salt meadows, due to direct habitat loss/change and disruption to coastal processes resulting in habitat loss/change. There could also be further impacts on supporting habitats for Annex I birds and/or Annex II seals. In addition we also draw the Secretary of States attention to the recent Hornsea Project Three decision which concluded that 2.77 ha of rock armouring within The Wash and North Norfolk Coast SAC, which is already has a restore conservation objective, would be an Adverse Effect of Integrity and therefore compensation measures are required for

that project. Therefore, we advise that a similar proposal such as this would require a detailed HRA assessment.

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

Yours faithfully

Andy Stubbs
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