



Meeting note

Project name	Boston Alternative Energy Facility
File reference	EN010095
Status	Final
Author	The Planning Inspectorate
Date	7 January 2021
Meeting with	Boston Alternative Energy Facility Project Team
Venue	Telecon
Meeting objectives	Project update
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Acceptance Update

During the statutory acceptance period the Inspectorate identified issues with the Boston Alternative Energy Facility DCO application, which would have led to a non-acceptance of the application on the basis of the overall satisfactory standard. The Applicant took the decision to withdraw the application and revise it, with the intention to resubmit in Q1 2021.

Habitats Regulations Assessment

The Inspectorate had noted the Habitats Regulations Assessment's (Document 6.4.18) apparent reliance on mitigation packages being discussed with the relevant stakeholders to ensure there would be no adverse effect on the integrity of The Wash SPA. The Inspectorate noted more detail could be provided on the technical specifications of these mitigation packages in terms of their efficacy in relation to individual qualifying features and conservation objectives of the SPA in understanding how they would ensure a conclusion of no adverse effect on the integrity of the SPA.

The Inspectorate noted more evidence could be provided which offers support from Natural England (NE) and the Royal Society for the Protection of Birds (RSPB), who would both be involved in the delivery of the mitigation packages, including that they agree measures being discussed with the Applicant can be implemented and will be effective so as to support the Applicant's conclusions.

The Inspectorate also noted that additional evidence would help to support the Applicant's view that the mitigation packages are in fact are "mitigation measures" (to rule out an adverse effect on integrity of the SPA) as opposed to being "compensatory measures" in the sense of the Habitats Regulations.

The Inspectorate also advised that it would be helpful if there was a clearer demarcation between mitigation required to support the HRA and / or EIA conclusions and that which is proposed as part of wider ecological enhancement measures / biodiversity net gain that may be aspirational / desirable.

The Applicant advised that they will be undertaking an additional review of the HRA. They also intend to conduct additional consultation with RSPB and NE to assist with the HRA.

The Inspectorate advised that they understood that the finer detail could be dealt with in the Examination but stated it would be useful to have a draft Statement of Common Ground with NE and RSPB covering these matters as early as possible.

Dredging and Crown Land

The Inspectorate advised that clarity was required over the extent of dredging required for the project and the potential for this to take place beyond the mean high water mark and therefore within Crown Land. The Applicant confirmed that more land will now be included within the Order limits for the dredging pocket. This would not require a lease with the Crown Estate, but an agreement with Crown Estate in relation to dredging would be needed. The Applicant will change the Order limits, update the Environmental Statement and plans. The Inspectorate advised that the Explanatory Memorandum could also be updated to better explain the need for a Deemed Marine Licence and its relationship to any separate agreement needed from the Crown Estate. The Inspectorate advised the Applicant to signpost discussions with the Crown Estate in a draft Statement of Common Ground (or elsewhere in the application) in order to demonstrate the level of agreement reached when the application is resubmitted.

Funding Statement

The Inspectorate stated that the Funding Statement provided by the Applicant in support of the application did not appear to provide the Inspectorate with the assurance that the Applicant has the resources available to meet the compulsory acquisition commitments. The Inspectorate advised the Applicant to provide more information and evidence about how compulsory acquisition funding would be secured. The Inspectorate advised the Applicant to refer to the resubmitted funding statement for Thurrock as an example of a Funding Statement that had been revised following advice from the Inspectorate.

Minor issues

The Inspectorate discussed minor issues and discrepancies identified which were unlikely to have affected the acceptance of the application but were worth addressing in any resubmitted application.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant will submit revised draft documents for review;
- The Applicant and the Inspectorate to have another meeting prior to resubmission.