



Meeting note

Project name	Boston Alternative Energy Facility
File reference	EN010095
Status	Final
Author	The Planning Inspectorate
Date	9 February 2021
Meeting with	Alternative Use Boston Projects Ltd
Venue	Microsoft Teams
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.

Project update

Alternative Use Boston Projects Ltd (the Applicant) summarised its further consultation with The Crown Estate (TCE) following the withdrawal of the first iteration of its Development Consent Order (DCO) application. The Applicant had advised TCE of elements of the application affecting Crown land, including the required use of Crown land for dredging of berthing pockets. The Applicant stated that TCE had raised no additional concerns and saw no need to progress towards a Statement of Common Ground at this stage; however, a commercial agreement was being pursued with TCE in respect of granting rights to dredge.

The Applicant summarised its engagement with the Marine Management Organisation (MMO). A revised draft Deemed Marine Licence (DML) has been issued to the MMO for review and comment prior to resubmission. The Applicant also clarified that the statutory licence to undertake dredging would be dealt with within the DML, separate from the commercial agreement with TCE.

The Applicant noted the concerns previously raised by the Inspectorate regarding the level of detail in its funding statement, including that which related to the planned acquisition of land. The previous iteration of the application sought the compulsory acquisition (CA) of all land within the Order limits. However, the Applicant advised that the vast majority of the site is owned by one party and confirmed that the land would not be included for acquisition but would now be dealt with by way of lease, and powers of CA would only be sought in respect of a small section. Its funding statement was being updated to reflect this and would include a revised CA cost estimate. The Applicant

also advised that TCE interests would be illustrated on a Crown land plan and referred to in the Book of Reference.

The Applicant advised that it had reviewed and updated its Habitats Regulations Assessment (HRA), principally to include a more detailed consideration of ornithological data and potential effects on relevant European sites. Some of the outcomes and conclusions of the HRA have been revisited as a result and the Applicant advised that it remains of the view that there would be no adverse effect on the integrity of any National Network site. The Applicant has met with Natural England, Lincolnshire Wildlife Trust, and the Royal Society for the Protection of Birds (RSPB) to present the updated HRA and obtain feedback. It was unclear how long these bodies would need to review the new information, however the Applicant was keen to afford them a reasonable amount of reviewing time to ensure a robust consultation.

The Applicant had discussed the number of additional vessels it would be introducing into the Boston waterways further with the aforementioned environmental bodies (particularly in the context of existing vessel activity in the wider greater wash area). The Applicant proposes to introduce approximately twelve additional vessels per week into The Haven during the operation of the Proposed Development, and this had raised some concerns due to The Haven being a constrained waterway. The Applicant stated that the species-specific effects of the baseline vessel disturbance at the mouth of The Haven were being investigated, and it had also continued (and is currently continuing) to collect bird survey data after withdrawing its previous DCO application.

The Inspectorate observed that the previous iteration of the HRA appeared to place reliance on the delivery of certain environmental mitigation / improvement / enhancement measures at identified foreshore areas and queried whether this was still the case. The Applicant responded that two RSPB reserves were previously included in the HRA as a form of mitigation for the effects on one of the National Network sites identified. The revisions and updates to the HRA conclusions mean that these are no longer necessary in terms of reliance upon them to support the HRA conclusions of no adverse effect on integrity. However, it is still proposed to include the RSPB reserves as part of the wider DCO application as opportunities for enhancement and the Applicant's aspirations towards biodiversity net gain as part of the wider project.

The Applicant confirmed that it had also addressed some minor issues following feedback from the Inspectorate on the first iteration of its DCO application. This comprised:

- removing the private means of access from Article 13 of the DCO;
- updating plans to correct minor errors and omissions;
- ensuring consistency in the Works Plans, clarifying the Limits of Deviation and removing the general arrangement detail to assist with reading the plans;
- additional signposting to relevant guidance; and
- clarifying that three statutory undertakers which had not been previously consulted under section 42(1)(a) of the PA2008 do not have assets in the vicinity of the site and therefore do not need to be consulted.

Submission timeline

The Inspectorate enquired as to whether the Applicant could provide an estimated submission date. The Applicant stated that it would need to take into account the

timescales associated with receiving and responding to feedback on its revised HRA, and aimed to provide a clearer idea of its target submission date shortly. The Applicant queried how much notice the Inspectorate would require prior to submission of the DCO application. The Inspectorate responded that two weeks would be helpful for resourcing purposes.

Specific decisions/ follow-up required

The following actions were agreed:

- It was agreed that the Applicant would issue a copy of its HRA to the Inspectorate once available, and the Inspectorate would highlight any preliminary concerns (as appropriate).
- The Applicant stated that it would form a clearer idea of its submission timeline and advise the Inspectorate of this in due course.