



**Application by Alternative Use Boston Projects Limited for Boston Alternative Energy Facility**

**The Examining Authority's written questions and requests for information (ExQ1)**

**Issued on 14 October 2021**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 17 August 2021. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table is available in Microsoft Word.

**Responses are due by Deadline 2: Thursday, 11 November 2021.**



### Abbreviations used:

<b>APCr</b>	Air Pollution Control Residues	<b>LNA</b>	Local Nature Reserve
<b>Art</b>	Article	<b>LSE</b>	Likely Significant Effect
<b>DCO</b>	Development Consent Order	<b>LWA</b>	Lightweight Aggregate
<b>dDCO</b>	Draft Development Consent Order	<b>MMO</b>	Marine Management Organisation
<b>EA</b>	Environment Agency	<b>NE</b>	Natural England
<b>EN</b>	Evidence Note	<b>NMP</b>	Navigational Management Plan
<b>EP</b>	Environmental Permit	<b>NPS</b>	National Policy Statement
<b>ES</b>	Environmental Statement	<b>NRA</b>	Navigation Risk Assessment
<b>ExA</b>	Examining Authority	<b>OLEMS</b>	Outline Landscape and Ecological Mitigation Strategy
<b>FRA</b>	Flood Risk Assessment	<b>PHE</b>	Public Health England
<b>FRA</b>	Flood Risk Assessment	<b>RDF</b>	Refuse Derived Fuel
<b>HRA</b>	Habitats Regulations Assessment	<b>RR</b>	Relevant Representation
<b>LCC</b>	Lincolnshire County Council		

### The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000547-Boston%20\(AEF\)%20Examination%20Library%20\(pdf%20version\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000547-Boston%20(AEF)%20Examination%20Library%20(pdf%20version).pdf)

It will be updated as the Examination progresses.

### Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1 1.0.1 – refers to question 1 in this table.



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
<b>1. General and Cross-topic Questions</b>		
Q1.0.1	The Applicant	The works plans are hard to read; please show size of buildings and limits of deviation on the plans.
Q1.0.2	The Applicant	Please provide lower resolution plans suitable for use in the virtual environment.
Q1.0.3	The Applicant and Lincolnshire CC (LCC)	LCC have queried the s42 consultation on the revised technology for the plant. Please detail the differences between the processes; gasification (the original proposal) and thermal treatment; and any mitigation proposed.
Q1.0.4	The Applicant	In the Funding Statement please confirm details of the timing and availability of funding.
Q1.0.5	The Applicant	Detail whether the on-site fire prevention plan addresses risks associated with fires that could occur on ships transporting refuse-derived fuel or at berth; and if not included, what additional measures may be needed to reduce fire risk and mitigate local impacts in the event of fires on vessels associated with the proposed facility.
<b>2. Air Quality and Emissions</b>		
Q2.0.1	The Applicant	What dust monitoring is proposed at boundary locations to ensure the dust management controls are being effective and to provide quantifiable evidence in the event of complaints? What measures are proposed to address any concerns?
Q2.0.2	The Applicant	Detail how emissions from the Proposed Development will be stringently regulated to not exceed the required national standards and where possible seek to better those standards.
Q2.0.3	The Applicant	Please provide details of the assessment conclusions of the significance of effects of predicted concentrations of dioxins and furans. Please also provide details of the quantitative assessment of deposition of pollutants (both dioxins and other pollutants, such as metals). In addition please also answer the specific points contained in Public Health England's RR under the heading 'Air Quality' [RR-023].
Q2.0.4	Natural England (NE)	Environmental Statement (ES) Chapter 14: Air Quality [APP-052] paragraph 14.4.61 states the nitrogen deposition was quantified at all habitats in locally designated sites within the study area (Table 14.10), "however, only the deposition at the Havenside Local Nature Reserve (LNR) was compared to a Critical Load value. Similar to The Wash, the saltmarsh was only considered in relation to nitrogen deposition, as the habitat is not sensitive to acid deposition." Can NE confirm that they agree with the statement by the Applicant that the

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		saltmarsh at The Wash is not sensitive to acid deposition?
Q2.0.5	The Applicant	Can the Applicant clarify whether the effect on receptor R37 would be moderate adverse or minor adverse, given that paragraph 14.8.7 [APP-052] identifies a moderate adverse effect and paragraph 14.13.3 states the overall effects would be minor adverse?
Q2.0.6	The Applicant	ES Chapter 17: Marine and Coastal Ecology [APP-055] paragraphs 17.8.240 – 17.8.246 provide a dialogue on the effects of deposition on saltmarsh habitats and concludes that the overall effect is minor adverse. Can the Applicant explain what the predicted effect for the Havenside LNR is, given that this would experience an exceedance of the Critical Load?
Q2.0.7	NE	ES Chapter 17: Marine and Coastal Ecology [APP-055] paragraphs 17.8.240 – 17.8.246 provide a dialogue on the effects of deposition on saltmarsh habitats and concludes that the overall effect is minor adverse. Can NE confirm if it is satisfied with the conclusion regarding deposition on designated sites?
Q2.0.8	The Applicant	With regard to the impacts from air quality on saltmarsh; from reading the ES Air Quality chapter it appears that the assessment only considered saltmarsh in designated sites and not the saltmarsh adjacent to the site and in part of the proposed Habitat Mitigation Area. Please provide an assessment which covers all saltmarsh areas impacted by the Proposed Development, including the proposed Habitat Mitigation Area.
Q2.0.9	The Applicant	Can the Applicant confirm that there would be significant effects on designated sites due to the potential deposition of nitrogen oxides, sulphur dioxide, nitrogen, acid and ammonia? If so, can the Applicant explain how this would be mitigated?
Q2.0.10	The Applicant	Can the Applicant explain what the cumulative air quality impacts on human receptors and ecological receptors are from the facility off Lealand Way?
Q2.0.11	The Applicant	Can the Applicant provide a copy of the Air Quality and Dust Management Plan to the Examination?
Q2.0.12	The Applicant	Can the Applicant explain what the 'other emissions' are which are highlighted in the draft Code of Construction Practice?
Q2.0.13	The Applicant	Can the Applicant explain how they have taken into account emissions from the vehicles which will not be able to comply with Euro VI and can they confirm if they have assessed the worst case scenario in this instance?

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q2.0.14	The Applicant	Can the Applicant provide an update on progress with securing an Environmental Permit from the Environment Agency and explain any requirements for ongoing monitoring of air quality?
Q2.0.15	The Applicant	Can the Applicant confirm if the Environmental Permit will contain a requirement for monitoring levels of heavy metals?
<b>3. Environmental Statement</b>		
Q3.0.1	The Applicant	Sections 5.5 and 5.6 of the ES contain conflicting statements about whether a new pylon would be constructed on the application site to export power to the grid. Please can the Applicant confirm the position and if one is proposed state whether the assessment includes consideration of its potential effects.
Q3.0.2	The Applicant	Please can the Applicant explain the status of any discussions with Anglian Water about the route of the proposed foul drainage mains connection and explain how its construction would fit into the construction programme.
Q3.0.3	The Applicant	The maximum height of the stacks is set out in the draft Development Consent Order (dDCO), however the minimum height is not specified, which could have implications for the adequate dispersal of pollutants. Please can the Applicant explain what provision has been made to secure a minimum stack height.
Q3.0.4	The Applicant	There are conflicting statements in the ES about whether floating plant would be required to complete the excavation of the berthing pocket towards the edge of the main channel in the Haven due to the distance from the wharf edge. Please can the Applicant confirm the position and explain how this has been considered in the assessments. In addition, the distance from the wharf edge is identified as both 40m and 50m. Please confirm which is correct.
Q3.0.5	The Applicant	Please can the Applicant provide examples of the scour protection methods that are likely to be used in order to avoid loss of habitats and disturbance, as stated.
Q3.0.6	The Applicant	Please can the Applicant confirm both the total number of ships and number of movements that would be needed annually to deliver the Refuse Derived Fuel (RDF) and export the manufactured aggregate and also the figure that has been used to inform the assessments. It is stated in ES Chapter 5 (and other ES chapters) that approximately 580 ships/year would be required but also that there would be 10 deliveries/week and two exports/week,

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ExQ1	Question to:	Question:
		which equates to 624 ships/year. Please can the Applicant also confirm whether the figures include the pilot boats that would be required.
Q3.0.7	The Applicant	It is stated in ES paragraph 5.6.75 that the ships that would deliver clay to the wharf could also be used to remove the aggregate. It is not clear whether any additional separate deliveries of clay by ship would be required, in which case the total required number of ships would be higher than the figure given. In addition, paragraph 5.6.85 explains that the silt used in the manufacture of the Lightweight Aggregate (LWA) would be from dredged material obtained from The Haven from maintenance dredging of the wharf berthing pocket or from other maintenance dredging on The Haven. If additional ships were required to transport material obtained from dredging outwith the site this also could increase the total number of ships required. Please can the Applicant confirm the position and explain how these movements have been considered in the assessments.
Q3.0.8	The Applicant	ES Chapter 5 paragraph 5.6.28 states that a quarantine area would be provided in the damaged bale store for any detected prohibited waste or bales found to be hot. However, a 'bale quarantine zone' and a 'damaged bale store' are shown in separate locations on ES Figure 5.1 (General Layout Drawing Plan). Please can the Applicant confirm the location of these elements.
Q3.0.9	The Applicant	<p>I note that the Environment Agency (EA) state, in their RR, that they are unlikely to be in a position to provide any assurance before the end of the Examination on whether they can grant a permit for the Proposed Development. Please can the Applicant provide an update on progress with each of the Environmental Permit (EP) applications referenced in the ES. Please could it also confirm whether the applications include a bespoke application for the discharge of surface water during construction, as suggested in ES Chapter 5.</p> <p>If the Applicant considers that any of the EPs are not required, please detail what alternative form of protection are proposed to satisfy the EA's concerns.</p>
Q3.0.10	The Applicant	Please can the Applicant provide a photomontage that depicts the visible plumes that would be produced by the five stacks that form part of the Proposed Development.
Q3.0.11	The Applicant	ES paragraph 5.6.73 anticipates that the thermal process would produce residual material of approximately 200,000 tonnes of ash and just under 17,000 tonnes of Air Pollution Control Residues (APCr), which would then be processed in the LWA facility onsite to produce aggregate that would be exported offsite by ship. However, paragraph 5.6.19

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ExQ1	Question to:	Question:
		refers to just over 200,000 tonnes of ash and just under 100,000 tonnes of APCr, which is consistent with Work No. 2 in the dDCO that refers to up to 300,000 tonnes of aggregate in total. Please can the Applicant confirm which are the correct figures and which have informed the assessments in the ES.
Q3.0.12	The Applicant	The turbine building is identified as 53m long in the ES but up to 55m long in the dDCO. Please can the Applicant confirm which is correct and which figure has been used to inform the assessments in the ES.
Q3.0.13	The Applicant	Chapter 7 Table 7-3 states that if the Applicant and LCC can agree that waste currently being received at the Slippery Gowt transfer station can be received by the Proposed Development it would then take this material. It is explained that the waste quantity is approximately 50,000 tonnes, which is less than 5% of the intended input received by ship, and that therefore this would not affect the ability of the Proposed Development to manage RDF "delivered in this manner". It is not explained how the waste would be delivered, and the information contained in the ES, including the Traffic and Transport chapter, does not appear to include any estimates of transport movements associated with the delivery of such waste. Please can the Applicant explain how this has been addressed in the ES.
Q3.0.14	The Applicant	In relation to light spillage across the estuary during the hours of darkness and potential impacts on the photo-tactic behaviour of any European smelt larvae present, it is stated that effects of lighting on ecological receptors have been considered within Chapter 12. However, Chapter 12 makes no reference to European smelt and although Chapter 17 considers impacts on smelt this is not in relation to lighting. Please can the Applicant identify the location in the application documents of such an assessment or provide one.
Q3.0.15	The Applicant	The EA, in their RR, note that the application site is located within 250m of a landfill site that is potentially producing landfill gas and that the application does not currently include measures to investigate or mitigate this risk. Please can the Applicant explain how they have addressed this in the assessments or how they intend to consider this matter.
Q3.0.16	The Applicant	It is assumed in ES Chapter 13 and the Flood Risk Assessment (FRA) that the Haven Banks Project (Phase 5 of the Boston Combined Strategy) will have been completed before the Proposed Development would be constructed, and it is stated that the Haven Banks Project was scheduled to be completed in Winter 2020. However, no confirmation is provided that the works have been completed. Please can the Applicant confirm the position. If the works are yet to be completed and there is a possibility that they could overlap with the



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		construction of the Proposed Development in the event that the Development Consent Order (DCO) is granted please provide an assessment of potential cumulative effects.
Q3.0.17	The Applicant	Please can the Applicant include an amendment to Requirement 8 in the next iteration of the dDCO so that all of the references therein to the strategy include 'foul water' in its title.
Q3.0.18	The Applicant	It is stated that a surface and foul water drainage strategy for the operational phase would be prepared based on the information in the FRA, however an outline version was not provided with the application documents. Please can the Applicant provide an outline version to the Examination.
<b>3.1 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>		
Q3.1.1	The Applicant	Net gain is only sought in connection with the saltmarsh and mudflats habitats and the bird species that use them. The National Planning Policy Framework and South East Lincolnshire Plan seek to secure overall net gain. What net gain is proposed in relation to the terrestrial habitats and the marine environment?
Q3.1.2	The Applicant	The HRA does not include a description of the Proposed Development. Please can the Applicant confirm whether the assessment set out in the HRA is based on the Proposed Development as described in ES Chapter 5 and the dDCO.
Q3.1.3	The Applicant	Please can the Applicant update the HRA to include specific references to where the information to support its conclusions, such as species and habitats surveys, can be found in other application documents.
Q3.1.4	The Applicant	Please can the Applicant provide an update on the additional bird surveys due to be undertaken between March and June 2021, as stated in ES Chapter 5 paragraph 17.4.3, and indicate when they will be made available to the Examination. Please confirm when the assessments in the HRA and the ES will be updated to take account of the results.
Q3.1.5	The Applicant	Please can the Applicant respond to NE's comments regarding the appropriateness of the 250m monitoring zone used to assess disturbance effects on Ruff and Redshank.
Q3.1.6	The Applicant	The HRA refers to both 2017 and 2018 data in relation to potential effects on seals. A number of the conclusions of the assessment appear to be based on the 2017 data, although it is stated in paragraph A17.6.95 that the 2018 data was used. Please can the Applicant clarify which data was used to inform the assessment, and where the 2017 data

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ExQ1	Question to:	Question:
		was used justify why the more recent data was not used.
Q3.1.7	The Applicant	Please can the Applicant confirm if the list of plans and projects to be considered in the in-combination assessment was agreed with key consultees, eg NE, Marine Management Organisation (MMO), the local authority.
Q3.1.8	The Applicant	Please can the Applicant update the HRA screening and integrity matrices to include habitat loss and include Evidence Notes (ENs) that identify the location of the supporting information.
Q3.1.9	The Applicant	If it is confirmed, in response to ExQ 3.0.6, that the number of vessels required annually during operation is 624 please can the Applicant explain if this has any implications for the conclusions of the HRA, which appear to have been based on 580 vessels/year.
Q3.1.10	Natural England	Please can NE confirm whether it is satisfied that the Applicant has identified all of the relevant European sites and features in the HRA.
Q3.1.11	The Applicant	Please can the Applicant provide further justification for the conclusion that effects on harbour seal due to vessel disturbance from presence and noise during operation would be the same as during the construction phase, despite stating that the numbers of vessels and movements would be much higher during operation than during construction.
Q3.1.12	The Applicant	It is unclear from the explanation provided in HRA paragraph A17.6.141 why it is considered that the potential for increased risk of collision from vessels during the operational phase would be the same as for the construction phase. In addition, it is unclear whether it is concluded that 5% or up to 10% of the number of individuals that could be present in the shipping channel and anchorage location could be at risk. Please can the Applicant explain the approach and confirm the conclusion.
Q3.1.13	The Applicant	The HRA does not identify the conservation status of the European designated sites carried forward to Stage 2 of the assessment, nor does it indicate whether any of the qualifying features are in an unfavourable condition. Please can the Applicant provide an updated version of the HRA that identifies the conservation status of the European sites and explains how the Proposed Development could affect the conditions of the features.
Q3.1.14	The Applicant	HRA para A17.6.26 (and ES Chapter 5 para 5.5.42) refers to the creation of four pools/scrapes in the Habitat Mitigation Area (whereas Outline Landscape and Ecological Mitigation Strategy (OLEMS) paragraph A1.2.1 refers to three, as shown on OLEMS Plate

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ExQ1	Question to:	Question:
		A1-3). Please can the Applicant confirm the proposed number of pools/scrapes.
Q3.1.15	The Applicant	Please could the Applicant update the HRA to include an assessment of the potential effects on the features of the European sites of the construction and operational existence of the Habitat Mitigation Area. This should include consideration of potential effects on Redshank using the proposed Habitat Mitigation Area resulting from visual disturbance arising from users of the English Coast Path.
Q3.1.16	The Applicant	It is proposed in para HRA A17.6.51 that control of speed restrictions in The Haven/approach to the Haven for vessels serving the Proposed Development "could" be used to mitigate disturbances caused by ship wash. No reference is made to where this is secured and it does not appear to be included in the dDCO. Please could the Applicant confirm how this measure is secured.
Q3.1.17	The Applicant	HRA paras A17.6.115 and A17.6.35 state that best practice measures put in place to minimise disturbance to marine mammals from the presence of and noise from vessel traffic serving the Proposed Development during construction and operation are secured by dDCO R14, which requires that a NMP must be approved prior to construction which must include measures for managing potential risks to marine mammals. Please can the Applicant provide an outline version of the NMP.
Q3.1.18	The Applicant	In addition to the 18 out of 22 features of The Wash Special Protection Area for which a Likely Significant Effect (LSE) was identified at screening stage, Common Tern and the Little Tern are included in the integrity matrices, in relation to disturbance effects and changes to noise levels, although no LSE was identified at screening stage. A LSE is identified on the waterbird assemblage in the screening matrix for both disturbance and changes to noise levels during both construction and operation, however only operational effects are considered in the integrity matrix and the EN states that a LSE was excluded at screening stage for the construction phase. Please can the Applicant provide updated matrices and ENs to address these apparent errors.
Q3.1.19	The Applicant	In combination effects on harbour seal during construction and operation are greyed out (i.e., indicating that a specified effect is not relevant to a particular feature) in The Wash and North Norfolk Coast integrity matrix (A17.1.2.2), although a relevant EN (e) is provided for both; however, in combination operational effects on seal were not identified in the screening matrix (A17.1.1.2). Please can the Applicant provide corrected matrices.

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q3.1.20	The Applicant	Please can the Applicant provide revised ENs to the screening and integrity matrices that include explicit cross-references to the location of the supporting information, including in relation to proposed mitigation measures, which are not currently described in the ENs.
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
Q4.0.1	The Applicant	Please provide an update on the status of negotiations regarding each plot of land.
<b>5. Draft Development Consent Order (dDCO)</b>		
Q5.0.1	The Applicant	Article (Art)13 Temporary closure, alteration, diversion and restriction of use of streets and private means of access. The Applicant is invited to edit the wording of draft Art13 to remove all reference to "private means of access". The period specified in draft Art13, paragraph (8) of the Order, being 28 days, is shorter than those in other precedents.
Q5.0.2	The Applicant	Please provide a schedule of Protective Provisions contained in the dDCO, including details of: <ul style="list-style-type: none"> <li>• Body Protective Provision concerns;</li> <li>• Brief title summarising Protective Provision;</li> <li>• Progress status; and</li> <li>• Outstanding issues.</li> </ul>
Q5.0.3	The Applicant	Please can the Applicant provide an update on consultation with the EA regarding protective provisions and legal agreement in relation to the disapplication of the requirement to obtain a flood risk activity permit.
Q5.0.4	The Applicant	Please can the Applicant include an amendment to Schedule 10 in the next iteration of the dDCO to correct the reference to the FRA to Document 6.4.13, as on the document itself, rather than Document 6.4.11.
<b>6. Contaminated Land and Waste</b>		
Q6.0.1	The Applicant	Please provide details of the measures to ensure that the Proposed Development (and its loading, unloading, holding etc) does not result in waste entering the local environment around the site including the river. How are these commitments secured in the dDCO?

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
<b>7.</b>	<b>Health</b>	
Q7.0.1	The Applicant	PHE's scoping response recommended that the EIA consider the public health implications of Electromagnetic Fields exposures arising from the development in relation to the International Commission on Non-Ionizing Radiation Protection exposure guidelines (for the full recommendation, refer to PHE's Scoping Response). Please provide details of this consideration.
<b>8.</b>	<b>Historic Environment</b>	
Q8.0.1	The Applicant	The ES acknowledges minor adverse impacts across a number of heritage assets, please provide details of how they will be mitigated?
Q8.0.2	The Applicant	Further to the submitted Outline Written Scheme of Investigation, what further archaeological work is planned, and what further mitigation measures are proposed in response to Historic England's representation [RR-027].
Q8.0.3	The Applicant	What measures are proposed to limit the impacts of piling on the archaeological remains?
<b>9.</b>	<b>Landscape and Visual</b>	
Q9.0.1	The Applicant	ES; Chapter 9 Figures 9.6 - 9.14 contain views of St Botolph's Church (Boston Stump) taken from a considerable distance. Can the Applicant confirm the methodology for assessing the impact of the Proposed Development on this heritage asset.
Q9.0.2	LCC	The South-East Lincolnshire Local Plan states that development must " <i>not obstruct a public view of St Botolph's church, Boston or challenge the visual dominance of the church</i> ". Are the stack heights proposed acceptable to LCC?
<b>10.</b>	<b>Navigation/fishing issues</b>	
Q10.0.1	The Applicant	I note the intention to submit the Navigation Risk Assessment (NRA) at Deadline 2; please provide an update on its progress. Should the agreement of an NRA be secured as a requirement in the dDCO? Should the NRA be cross-referenced in any of the Articles?
Q10.0.2	The Applicant	With regard to the Navigational Management Plan (NMP): Should dDCO Schedule 2 Requirement 14 expressly refer to interruption or disturbance to other navigation users and their consequence (as well as "potential risks to navigation" and "impacts on the safety of navigation" in general)?

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ExQ1	Question to:	Question:
		Should Requirement 14 incorporate the agreement of the harbour-master to the NMP? Should the NMP be cross-referenced in any of the Articles?
Q10.0.3	The Port of Boston The MMO	Do the Port of Boston and The MMO have any comments on the wording in the dDCO Schedule 2 Requirement (R)14 'Navigation Management Plan'?
Q10.0.4	The Applicant	Has a five-day time period for issue of Notice to Mariners been agreed with the Port Authority? Please signpost where this is recorded.
Q10.0.5	The Applicant	Please signpost stakeholder agreement of the assessments of significance of likely effects reported in ES Chapter 18 Executive Summary page v.
Q10.0.6	The MMO The Applicant	Is the MMO satisfied that the Proposed Development complies with the provisions and requirements of the UK Marine Policy Statement and East Marine Plan with regard to impacts of increase in shipping activity due to the Proposed Development, in particular East Marine Plan Policy PS3?
Q10.0.7	The Applicant; The Port of Boston; The Boston and Fosdyke Fishing Society	Are the stakeholders consulted now in agreement with the updated description of the timings of fishing and recreational vessel movements and baseline information including anticipated traffic volumes and vessel type following consultation with the Port of Boston and the Boston and Fosdyke Fishing Society (see ES Section 18.6)?
Q10.0.8	The Applicant	Please provide a figure indicating the location and extent of South Quay, London Road Quay and the Quay by St Ann's Lane (wharf) and the Swing Bridge and Black Sluice.
Q10.0.9	The Applicant	How would the NMP address the concerns expressed by the fishing stakeholders of adverse effects to operation and safety specifically in relation to their time constraints of navigating the tidal waterway and in relation to the anticipated operational timings of the Boston Barrier and Black Sluice lock and swinging of vessels within the river?
Q10.0.10	The Applicant	How would the NMP address the concerns expressed by the fishing stakeholders of adverse effects to operation and safety specifically in relation to vessels arriving at the Proposed Development crossing opposing traffic if not turned before arrival?
Q10.0.11	The Applicant	Are the stakeholders consulted now in agreement with the assessment of the relevant baselines, impacts and receptors with regard to any impacts on local fisheries?
Q10.0.12	The Applicant	Please provide responses to the points raised regarding working fishermen in RR-010.

**ExQ1: 14 October 2021****Responses due by Deadline 2: Thursday 11 November 2021**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q10.0.13	The Applicant	Please provide details of stakeholders' agreement with the terms of Art42 in the dDCO including the time period for response to notification.
Q10.0.14	The Applicant	This development, because of its scale and form, will result in significant landscape and visual changes. What consideration has been given to forms of mitigation other than those identified in the ES?
<b>11. Noise and Vibration</b>		
Q11.0.1	The Applicant	Please provide details of the Construction Phase Noise and Vibration Monitoring and Management Plan that will form part of the CoCP. Please reference the Construction Phase Noise and Vibration Monitoring and Management Plan in dDCO R10.
<b>12. Planning Policy</b>		
Q12.0.1	The Applicant	Please detail the need for the proposed additional incineration capacity in light of Government policies such as the December 2018 Resources and Waste Strategy, and local plans such as: the 2016 Minerals and Waste Local Plan; and the latest Lincolnshire Waste Needs Assessment (June 2021).
Q12.0.2	The Applicant	Please explain how the how the proposed additional incineration capacity supports the achievement of government recycling targets in light of its competition for feedstock with recycling, composting and anaerobic digestion.
Q12.0.3	The Applicant	Please provide details of how the proposed incinerator would not exacerbate climate change by giving rise to unacceptable levels of greenhouse gas emissions.
Q12.0.4	The Applicant	Please provide details of the anticipated carbon capture process from the proposed development during the construction and operational phases; including addressing the specific points relating to carbon capture in Boston Borough Council's RR [RR-019].
Q12.0.5	The Applicant	What consideration is being given to the use of localised residual waste as part of the feedstock?
Q12.0.6	The Applicant	Please provide detailed assessment of the proposals for permanently closing Public Rights of Way and the mitigation proposed, paying particular note to the detailed points raised in Boston BC's RR [RR-019].

**ExQ1: 14 October 2021****Responses due by Deadline 2: Thursday 11 November 2021**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q12.0.7	The Applicant	<p>Following publication of the following:</p> <ul style="list-style-type: none"> <li>• the National Infrastructure Strategy (November 2020);</li> <li>• the Energy White Paper (December 2020); and</li> <li>• the Sixth Carbon Budget (December 2020)</li> </ul> <p>the Government is currently undertaking a review of the existing energy National Policy Statements (NPSs). Drafts for consultation were published on 6 September 2021. Any emerging draft NPSs are potentially capable of being important and relevant considerations in the decision-making process. Identify any aspects of the proposed development which could be affected by wording in the draft energy NPSs, which are currently at consultation stage, by comparison to the currently designated energy NPSs.</p>
<b>13. Socio-economic Effects</b>		
Q13.0.1	The Applicant	Detail the consideration which has been given to the promotion of renewable energy use locally.
Q13.0.2	The Applicant	Provide details of the local connection to the local grid, and how it will improve local capacity issues.
Q13.0.3	The Applicant	Provide details of how the Proposed Development will utilise the opportunities for socio-economic benefits presented by the scheme, including addressing the specific points raised in Boston BC's RR [RR-019].
<b>14. Transportation and Traffic</b>		
Q14.0.1	The Applicant	Where is there a firm commitment that the RDF can only be brought to site by ship?
Q14.0.2	The Applicant	What measures are proposed to ensure that indirect impacts do not arise on the highways in the construction and operational phases?
<b>15. Water Environment</b>		
Q15.0.1	The Applicant	The Proposed Development will make use of the existing flood defences. Please provide details of the current condition of these assets, and proposals for maintaining them in the future.
Q15.0.2	The Applicant/The MMO	Please provide details of proposals for dredging and maintaining the berthing pocket that forms part of the Proposed Development including sampling of the dredged product.



**ExQ1: 14 October 2021****Responses due by Deadline 2: Thursday 11 November 2021**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q15.0.3	The Applicant	With reference to the EA's representation [RR-013]. Please provide an update on the PPs sought to ensure that harm to flood management infrastructure does not arise as a result of the proposed development.
Q15.0.4	The Applicant	Please provide details of how any mitigation discussed in the ES is secured through conditions in the Deemed Marine Licence, taking account of the MMO's points raised in their RR [RR-008].