

Application by Alternative Use Boston Projects Limited for Boston Alternative Energy Facility
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 11 January 2022

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – 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.

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.

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.

Responses are due by Deadline 5: Tuesday, 25 January 2022.



Abbreviations used:

APCr	Air Pollution Control Residues	LNA	Local Nature Reserve
Art	Article	LSE	Likely Significant Effect
BBC	Boston Borough Council	LWA	Lightweight Aggregate
D	Deadline	LWT	Lincolnshire Wildlife Trust
DCO	Development Consent Order	MMO	Marine Management Organisation
dDCO	Draft Development Consent Order	NE	Natural England
EA	Environment Agency	NMP	Navigational Management Plan
EN	Evidence Note	NPS	National Policy Statement
EP	Environmental Permit	NRA	Navigation Risk Assessment
ES	Environmental Statement	OLEMS	Outline Landscape and Ecological Mitigation Strategy
ExA	Examining Authority	PHE	Public Health England
FRA	Flood Risk Assessment	RDF	Refuse Derived Fuel
FRA	Flood Risk Assessment	RR	Relevant Representation
HRA	Habitats Regulations Assessment	RSPB	Royal Society for the Protection of Birds
ISH	Interested Party	SPA	Special Protection Area
IP	Issue Specific Hearing		
LCC	Lincolnshire County Council		

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ2 1.0.1 – refers to question 1 in this table. Question numbers from First Written Questions are maintained for consistency but prefixed Q2, to indicate the question is from ExQ2.



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ExQ2	Question to:	Question:
1. General and Cross-topic Questions		
Q2.1.0.1		No further question.
Q2.1.0.2		No further question.
Q2.1.0.3	The Applicant	<p>With reference to LCC's response to Q1.0.3 [REP2-039], please answer LCC's point regarding gasification technology being higher up the waste hierarchy than just waste incineration:</p> <p><i>'The original gasification technology was favourable to the County Council given its recycling opportunities and was perceived to be higher up the waste hierarchy than just waste incineration. The change to 'energy from waste' technology was disappointing as incineration is lower down the waste hierarchy. The Gasification proposal would have allowed material suitable for recycling to be removed from the feedstock and recycled contributing to improving the County's recycling rates.'</i></p>
Q2.1.0.4	The Applicant	Regarding funding, please provide a response to the RSPB's comment concerning the ability to secure, deliver and maintain in perpetuity the appropriate mitigation and compensation measures to address any adverse effects on The Wash SPA/Ramsar [REP3-033].
Q2.1.0.5	The Applicant	<p>With reference to the Applicant's response to Q1.0.5 regarding fire prevention [REP2-008], please provide an update regarding the following statements:</p> <p><i>'At this stage the legal boundary of the Facility relating to the EP has not been agreed by the EA.'</i>, and</p> <p><i>'The Applicant will discuss with the MCA whether a specific fire prevention plan for vessels is needed'.</i></p>
Q2.1.0.6	The Applicant	<p>Please provide responses to the following:</p> <ul style="list-style-type: none"> • Kevin Blanchard. Deadline 2 Submission - Comments on Written Representations [REP2-056]; • Please provide a response to any unanswered points raised by IPs in DL2, 3 and 4 submissions.
Q2.1.0.7	The Applicant	Please provide a single response to all the points raised in the various submissions by the United Kingdom Without Incineration Network (UKWIN). It would assist the ExA if this document also contained a summary section stating each main issue raised by UKWIN,

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ExQ2	Question to:	Question:
		along with the Applicant's position on that issue, highlighting conformance with the NPSs, or other relevant policies, where applicable.
Q2.1.0.8	Applicant	Further to NE's request [REP4-023], please would the Applicant confirm what specific documents they will be submitting and when.
2. Air Quality and Emissions		
Q2.2.0.1		No further question.
Q2.2.0.2		No further question.
Q2.2.0.3		No further question.
Q2.2.0.4	The Applicant	Please would the Applicant provide further details regarding the number and locations for monitoring effects of deposition on the saltmarsh and designated sites. The Air Quality Deposition Monitoring Plan states that the aim is for one monitoring point within each area, but it is not clear from Figure 1, how many discrete areas of saltmarsh and designated sites there are and therefore how many monitoring points there will be.
Q2.2.0.5	The Applicant	It is noted that within the Outline Air Quality and Dust Management Plan [REP3-015] Table 2 suggests a variety of example mitigation measures which could be used to reduce adverse effects on air quality. Can the Applicant provide clarification on which of these measures will be required and therefore how they will be secured? This relates specifically to the issue of significant adverse effects identified at Receptor 37.
Q2.2.0.6 - Q2.2.0.15		No further questions.
3. Environmental Statement		
Q2.3.0.1		No further question.
Q2.3.0.2	The Applicant	Please would the Applicant provide an update regarding discussions with Anglian Water to resolve the issue regarding the new route for the diverted high pressure potable water main.
Q2.3.0.3		No further question.
Q2.3.0.4		No further question.

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ExQ2	Question to:	Question:
Q2.3.0.5	The Applicant	Please would the Applicant provide an update on the potential need for scour protection to be used for the Proposed Development, and associated assessments? In addition please address the RSPB's comments [REP3-033].
Q2.3.0.6	The Applicant and EA	Please would the EA provide an update on what progress has been made regarding concerns about the Lightweight Aggregate Plant? Please would the Applicant confirm what implications could this mean for number of vessel movements?
Q2.3.0.7		No further question.
Q2.3.0.8		No further question.
Q2.3.0.9	Applicant and EA	Please would the Applicant and the EA provide an update regarding progress of Environmental Permits required for the Proposed Development? Please include details of the timeline for agreeing what permits are required, as well the consultation period(s).
Q2.3.0.10		No further question.
Q2.3.0.11		No further question.
Q2.3.0.12		No further question.
Q2.3.0.13	The Applicant	Please would the Applicant confirm if there have been any outcomes from discussions with BBC and LCC regarding potential future use of local waste as part of the Facility's feedstock?
Q2.3.0.14		No further question.
Q2.3.0.15		No further question.
Q2.3.0.16		No further question.
Q2.3.0.17		No further question.
Q2.3.0.18		No further question.
Q2.3.0.19	The Applicant and MMO	Please update the Examination regarding agreement with the IPs regarding a maximum vessel speed.
3.1 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		

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ExQ2	Question to:	Question:
Q2.3.1.1	The Applicant	Please respond to the RSPB's suggestions regarding the beneficial use that could be made of arisings from dredging operations [REP3-033].
Q2.3.1.2		No further question.
Q2.3.1.3		No further question.
Q2.3.1.4		No further question.
Q2.3.1.5		No further question.
Q2.3.1.6		No further question.
Q2.3.1.7	NE, RSPB, LWT	Following the submission of the ES/HRA Addendums at D1, containing additional information on HRA in-combination effects do the IPs have any outstanding concerns about the scope of the in-combination assessments?
Q2.3.1.8		No further question.
Q2.3.1.9		No further question.
Q2.3.1.10		No further question.
Q2.3.1.11		No further question.
Q2.3.1.12		No further question.
Q2.3.1.13		No further question.
Q2.3.1.14		No further question.
Q2.3.1.15		No further question.
Q2.3.1.16		No further question.
Q2.3.1.17		No further question.
Q2.3.1.18	NE, RSPB, LWT	Please could the IPs state if they consider that the updated screening and integrity matrices submitted at D3 [REP3-018] now include all the features that may be affected by the Proposed Development and reflect the likely effect pathways for effects on those features.
Q2.3.1.19		No further question.

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ExQ2	Question to:	Question:
Q2.3.1.20		No further question.
Q2.3.1.21	The Applicant, NE, RSPB, LWT	Please can the Applicant and IPs provide an update on progress with the respective SoCGs, particularly in relation to HRA matters, and indicate when draft SoCGs will be submitted.
Q2.3.1.22	NE	Please would NE submit their updated Risk and Issues Log at Deadline 5, 25 January 2022.
Q2.3.1.23	EA	Please can the EA state whether the Applicant's Technical Note on Lightweight Aggregate [REP4-018] has addressed the EA's question discussed at ISH Part 1 about alternative treatment for materials in the absence of a permit for the LWA plant.
Q2.3.1.24	Applicant	Please can the Applicant indicate whether it intends to submit an updated HRA derogation case to address the concerns of NE, the RSPB and LWT and if so, when it is likely to be submitted.
Q2.3.1.25	Applicant	Although it is stated in the preamble to the updated screening and integrity matrices submitted at D3 [REP3-018] that tracked changes are shown, they are not. Please can the Applicant provide a tracked changes version of the document.
Q2.3.1.26	NE	The preamble to the updated screening and integrity matrices submitted at D3 include an assessment of the effects of the proposed re-routeing of the England Coast Path on The Wash SPA and Ramsar site and a conclusion of no LSE (although the updated matrices do not include specific reference to the England Coast Path). Please could NE state whether they consider that the assessment of effects is sufficient and whether they agree with the Applicant's conclusion.
Q2.3.1.27	Applicant	Please confirm whether winter bird surveys commenced in November 2021 and whether any further ornithological surveys are planned during the Examination, and if so when the results will be submitted.
Q2.3.1.28	Applicant	Please provide your proposed timeline for agreeing each of the main outstanding environmental and HRA issues with the environmental bodies.
4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q2.4.0.1		No further question.
5. Draft Development Consent Order (dDCO)		
Q2.5.0.1		No further question.

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ExQ2	Question to:	Question:
Q2.5.0.2	The Applicant	With reference to the Response to the ExA's First Written Questions (Q5.0.2) regarding Protective Provisions [REP2-016] please provide an update, including outstanding matters still requiring agreement, on the Protective Provisions included in Schedule 8 of the draft DCO (dDCO) for statutory undertakers affected by the proposal.
Q2.5.0.3	The Applicant	Please can the Applicant provide a further 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, as well as disapplication of parts of the Water Resources Act 1991.
Q2.5.0.4		No further question.
6. Contaminated Land and Waste		
Q2.6.0.1		No further question.
7. Health		
Q2.7.0.1		No further question.
8. Historic Environment		
Q2.8.0.1 – Q2.8.0.3		No further question.
9. Landscape and Visual		
Q2.9.0.1		No further question.
Q2.9.0.2	The Applicant	I note BBC's comments with regard to their residual concerns regarding the prominence of the facility within views of St Botolph's church, and ' <i>... that there are mechanisms to ensure that the wider direct and in-direct residual effects. ... Boston Borough Council has proposed through its Relevant Representation how this could be achieved, ...</i> ' [REP3-024]. Please update the Examination on progress with this matter.
10. Navigation/fishing issues		
Q2.10.0.1	The Applicant	I note that the NMP could contain detailed information that could have implications for the HRA. Please advise when a draft of the NMP will be submitted to the Examination for IPs to review, as well as informing the ExA's Report on Implications for European Sites due for

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ExQ2	Question to:	Question:
		publication 22 February 2022.
Q2.10.0.2		No further question.
Q2.10.0.3		No further question.
Q2.10.0.4		No further question.
Q2.10.0.5	The Applicant	I note the Applicant's response to Q1.10.0.5 [REP2-008] regarding Boston and Fosdyke Fishing Society's, and the Inland Water Association's concerns regarding increased shipping and safety. Please update the Examination on progress with gaining agreement with these parties.
Q2.10.0.6		No further question.
Q2.10.0.7	The Applicant	I note the Applicant's response to Q1.10.0.7 [REP2-008] regarding Boston and Fosdyke Fishing Society's non-agreement on the timings of fishing vessel movements. Please update the Examination on progress regarding agreeing timings.
Q2.10.0.8		No further question.
Q2.10.0.9		No further question.
Q2.10.0.10		No further question.
Q2.10.0.11		No further question.
Q2.10.0.12		No further question.
Q2.10.0.13		No further question.
Q2.10.0.14		No further question.
Q2.10.0.15	The Applicant	Please provide a summary of the outstanding issues of disagreement with the Boston and Fosdyke Fishing Society along with proposals for resolving these.
11. Noise and Vibration		
Q2.11.0.1		No further question.
12. Planning Policy		
Q2.12.0.1		No further question.

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ExQ2	Question to:	Question:
Q2.12.0.2		No further question.
Q2.12.0.3		No further question.
Q2.12.0.4		No further question.
Q2.12.0.5		No further question.
Q2.12.0.6	NE	Are NE in agreement with the realignment of the England Coast Path as detailed by the Applicant in the Written Summary of the Applicant's Oral Case at Issue Specific Hearing 2 (ISH2) on Environmental Matters (Part 1), agenda item 5(d) [REP3-022], and if not please detail any suggested changes.
Q2.12.0.7		No further question.
13. Socio-economic Effects		
Q2.13.0.1 – Q2.13.0.3		No further questions.
14. Transportation and Traffic		
Q2.14.0.1 – Q2.14.0.2		No further questions.
15. Water Environment		
Q2.15.0.1	Applicant/EA	I note the following contained in the Applicant's response to Q1.15.01 [REP2-008]: <i>'The ongoing maintenance of the flood defences will be subject to an agreement with the EA. The Applicant is currently liaising with the EA as to the terms of this agreement.'</i> Please would the parties update the Examination on progress with this agreement. In addition please also respond to the RSPB's comment regarding compensation proposals [REP3-033].
Q2.15.0.2 – Q2.15.0.4		No further questions.

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