

REPORT

Boston Alternative Energy Facility - Preliminary Environmental Information Report

Chapter 7 Consultation

Client: Alternative Use Boston Projects Ltd

Reference: PB6934-RHD-01-ZZ-RP-N-2007

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7 Consultation

7.1 Introduction

7.1.1 This chapter of the Preliminary Environmental Information Report (PEIR) outlines the approach taken to consultation on the Boston Alternative Energy Facility project (herein ‘the Facility’).

7.1.2 This chapter outlines the technical consultation which has taken place to inform the Development Consent Order (DCO) application. Using the term ‘technical consultation’ distinguishes it from all other aspects of consultation that have taken place in relation to the Facility, and specifically focuses on consultation that has taken place in relation to the PEIR.

7.1.3 Whilst it is not considered to constitute ‘technical consultation’, two rounds of Public Information Days (PIDs) have been undertaken to date. The second round included details of the initial findings of technical assessments carried out for the PEIR. The approach to public consultation is captured within in the Statement of Community Consultation (SoCC) (discussed in further detail below). Some responses which were of relevance to the technical chapters were received from members of the public, and stakeholders who attended the PIDs. These responses will be included in the Consultation Report submitted with the DCO application.

7.1.4 Consulting and engaging with statutory and non-statutory stakeholders on Environmental Impact Assessment (EIA) matters is likely to result in benefits for the project and stakeholders, through drawing out information which may not otherwise have been revealed, and providing the Applicant, Alternative Use Boston Projects Ltd (AUBP), with an opportunity to address potential concerns at an early stage. It also provides a mechanism for consultees to help shape the project.

7.2 Legislative Requirements

7.2.1 Consultation in relation to the EIA includes statutory consultation (i.e. scoping and consultation undertaken in accordance with the Planning Act 2008 (as amended)) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (herein known as ‘the EIA Regulations’) (HMSO, 2017), and non-statutory consultation.

7.2.2 The Applicant has therefore undertaken pre-application consultation in accordance with the requirements of the Planning Act 2008 and the EIA Regulations. This consultation is ongoing.

7.2.3 The relevant sections of Part 5, Chapter 2 of the Planning Act 2008 are:

- Section 42 – Duty to consult;
- Section 43 – Local authorities for the purpose of section 42(1)(b);
- Section 44 – Categories for purposes of section 42(1)(d);
- Section 45 – Timetable for consultation under section 42;
- Section 46 – Duty to notify the Secretary of State of proposed application;
- Section 47 – Duty to consult local community;
- Section 48 – Duty to publicise; and
- Section 49 – Duty to take account of responses to consultation and publicity.

7.2.4 In accordance with Section 49 of the Planning Act 2008, the Applicant will have regard to any consultation responses and feedback it has and will receive in the process of the Facility's design development and the assessment of the likely significant environmental effects.

7.2.5 The EIA Regulations set out the process whereby statutory stakeholders are to be notified about the intention to submit an Environmental Statement (ES) and consulted on the information to be provided therein. The Regulations place a duty on these stakeholders to enter into consultation with the Applicant and to provide any environmental information they hold that is relevant to the preparation of the ES. The EIA Regulations also make provisions for the local community to be informed and consulted about the development.

7.2.6 The relevant sections of the EIA Regulations (HMSO, 2017) relating to pre-application consultation are:

- Regulation 6(a) – Notify the Secretary of State in writing that the person proposes to provide an ES;
- Regulation 10 – Application for a Scoping Opinion;
- Regulation 11 – Procedure to facilitate preparation of ES;
- Regulation 12 – Consultation statement requirements;
- Regulation 13 – Pre-application publicity under section 48 (duty to publicise); and
- Regulation 32 – Development with significant transboundary effects (this does not apply to the Facility).

7.3 Planning Inspectorate Advice Notes

7.3.1 A series of non-statutory advice notes¹ have been published by the Planning Inspectorate which provide advice and information for applicants, consultees and the public in relation to Nationally Significant Infrastructure Projects (NSIPs).

7.3.2 The approach to consultation for this project was informed by the following advice notes:

- Advice Note 3: EIA Consultation and Notification (The Planning Inspectorate, 2017a);
- Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (The Planning Inspectorate, 2017b);
- Advice Note 10: Habitat Regulations Assessment (HRA) relevant to Nationally Significant Infrastructure Projects (The Planning Inspectorate, 2017c); and
- Advice Note 14: Compiling the Consultation Report (The Planning Inspectorate, 2012).

7.3.3 The Planning Inspectorate's guidance on the pre-application process advocates early involvement of local communities, local authorities and statutory consultees, bringing about significant benefits for all parties by:

- Helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line; as it becomes more difficult to make changes once an application has been submitted;
- Enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;
- Helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;
- Enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;
- Enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- Identifying ways in which the project could without significant costs to promoters; support wider strategic or local objectives.

7.4 Consultation Carried Out to Date

7.4.1 A summary of the technical consultation carried out to date is provided in **Table 7.1**. A Consultation Report will be submitted with the DCO Application which will include detail on all consultation carried out.

Table 7.1 Stakeholder Consultation Carried Out to Date

Date	Stakeholder / Consultee	Topic of Discussion
25 January 2018	The Planning Inspectorate	Inception meeting with the Planning Inspectorate to introduce the scheme.
8 February 2018	Port of Boston	An introduction to the overall project was provided including discussion of the wharf features and turning the vessels. Next steps of the project were also described. Included a visit to Application Site with representatives of the Port of Boston.
1 March 2018	Lincolnshire County Council	Introduction to the scheme and to discuss public rights of way, timescales and consultation.
22 March 2018	Western Power Distribution	Meeting with Western Power Distribution to discuss the Facility and the on-site grid connection.
3 April 2018	Boston Borough Council	Meeting to present the scheme, discuss details and the involvement of Boston Borough Council.
6 April 2018	Environment Agency	Introductory presentation to the scheme and discussion.
19 June 2018	Boston Borough Council Local Communities Development Officer	Meeting to discuss plans for engaging with local communities as part of the consultation, particularly hard to reach groups.
30 May 2018	The Planning Inspectorate	Scoping Report submitted to the Planning Inspectorate for consultation (amended report submitted 7 June clarifying 'confidential' references)
18 July 2018	The Planning Inspectorate	The Planning Inspectorate published its Scoping Opinion.
6 September 2018	Lincolnshire County Council	Stakeholder briefing and discussion on the project with Elected Member and Officer representatives of Lincolnshire County Council. There was time for questions and answers.

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Date	Stakeholder / Consultee	Topic of Discussion
5 September and 7 September 2018	Councillors from Boston Borough Council.	Meetings explaining the project and consultation process, time for questions, answers and discussion.
17 September 2019	Lincolnshire Fire and Rescue Service	Site meeting with representatives from the Fire and Rescue service. Introduction of the scheme was provided with a specific focus on safety.
8 October 2018	South Holland District Council	Presentation and discussion on the project with a councillor and member of South Holland District Council.
16 November 2018	The Crown Estate	Meeting with The Crown Estate to outline the project including wharf construction, timescales and procedure.
13 December 2018	Environment Agency	Meeting to discuss flood defence for the Facility. Environment Agency provided information on the Boston Barrier and the Haven Bank Schemes.
24 January 2019	The Planning Inspectorate	Project update meeting with presentation on project developments and next steps.
5 February 2019	Ward Councillor and Economic Development Manager for Boston Borough Council	Project update meeting with presentation on project developments and next steps. Update on forthcoming public information days
6 February 2019	Boston Ward Councillors; Boston representative on Lincolnshire County Council	Project update meeting with presentation on project developments and next steps. Update on forthcoming public information days
11 February 2019	Natural England	Project update meeting with presentation on project developments and next steps. Focus on terrestrial and marine ecology issues and the HRA
1 March 2019	Lincolnshire County Council	Meeting to discuss impacts on public rights of way across the Application Site.
14 March 2019	Boston Borough Council	Meeting to discuss potential cumulative schemes to be considered
27 March 2019	Port of Boston	Meeting to discuss the Navigation Risk Assessment chapter of the PEIR.

Date	Stakeholder / Consultee	Topic of Discussion
1 April 2019	Fishing Fleet	Meeting with representatives of the local Fishing Fleet to discuss any concerns surrounding Navigational Risk.
3 April 2019	Marine Management Organisation	Meeting to discuss the scheme and potential impacts on the marine environment, including aspects of marine licensing within the DCO.

7.4.2 In June 2018, the Applicant submitted a Scoping Report (Royal HaskoningDHV, 2018) to the Planning Inspectorate, and a Scoping Opinion was received in July 2018 (The Planning Inspectorate, 2018). The relevant technical responses in the Scoping Opinion are addressed in each technical chapter of the PEIR. **Table 7.2** details the more general Scoping Opinion responses which are addressed in the introductory chapters of the PEIR.

Table 7.2 Scoping Opinion Responses

Scoping Opinion Response	Paragraph	Response / Where Addressed
The Applicant should ensure that the ES clearly describes the existing site use and surrounding uses which are relevant to setting the context of the Proposed Development, and to the assessment of cumulative effects.	2.3.1	See Chapter 5 Project Description and Chapter 6 Approach to EIA
The characteristics of the Proposed Development including heights and other dimensions of structures on which the assessments have been based, including temporary structures used during construction, should be provided in the ES.	2.3.2	See Chapter 5 Project Description and Chapter 9 Landscape and Visual Impact Assessment
Appendix 3 also states a gross generating capacity of 96MWe which differs from the 102MWe stated in the main Scoping Report. The Proposed Development should be described consistently throughout the ES and clearly explained in the context of the assessments based on its characteristics.	2.3.3	See Chapter 5 Project Description

Scoping Opinion Response	Paragraph	Response / Where Addressed
It is noted that maximum dimensions for the feedstock stockpiles are estimated in the Scoping Report. The Applicant should make effort to refine this information for inclusion in the ES and information should be provided on the estimated rates of feedstock processing, to ensure it can be understood how these factors have informed the design of the “proposed plant and storage facilities.”	2.3.4	See Chapter 5 Project Description
The ES should provide a description of the access arrangements for the Proposed Development including any works to the local road network.	2.3.6	See Chapter 5 Project Description Chapter 19 Traffic and Transport
Details relating to the grid connection works to be included within the DCO should be described in the ES and assessment of the associated likely significant effects should be provided. Any works subject to separate consent which have been taken into account within the assessment, with respect to cumulative effects, should also be described.	2.3.7	See Chapter 5 Project Description
Information should be included in the ES on site preparation activities including demolition (if required) and earthworks, and any associated likely significant effects.	2.3.8	See Chapter 5 Project Description and construction stage assessments within individual topic chapters
The ES should provide the necessary detail regarding the decommissioning of the Proposed Development and the associated likely significant effects.	2.3.9	See Chapter 6 Approach to EIA
Throughout the Scoping Report refers to ‘the BAEF site’, ‘working areas’, ‘Site 4 and 5’ and ‘the sites’ and it is not clear if these terms are referring to the proposed DCO boundary. The ES should ensure that clear references to the proposed boundary and development area are consistent throughout.	2.3.10	See Glossary of Terms . Within this PEIR, the term ‘Application Site’ refers to the proposed DCO boundary.

Scoping Opinion Response	Paragraph	Response / Where Addressed
The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.	2.3.12	See Chapter 4 Site Selection and Alternatives
The ES should include information to present and explain the methodology applied to determine significance for each aspect assessment included.	3.3.8	Provided in each technical chapter and in summary in Chapter 6 Approach to EIA
The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	3.3.9	Included in each technical chapter
<p>The Scoping Report includes Section 7.3 'Risks of Major Accidental Events', stating that this issue is intended to be scoped out of the ES. The Inspectorate advises that this section does not contain adequate information to allow agreement to scope this issue out at this stage.</p> <p>The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development.</p>	3.3.13 3.3.14	An assessment of the potential impacts associated with major accidents and disasters will be included in the final ES

7.4.3 Since Scoping, the project team has continued to engage in technical consultation with a wide range of external stakeholders. A full account of the wider consultation process (including community and landowner consultation) will also be provided in the Consultation Report, which will be provided as part of the final DCO submission.

7.5 Habitats Regulations Assessment Consultation

7.5.1 The Applicant is also consulting specifically on the Habitat Regulations Assessment (HRA) in accordance with the Planning Inspectorate's Advice Note 10: HRA (The Planning Inspectorate, 2017c). This advises that the applicant commences consultation with the relevant statutory and non-statutory nature conservation bodies as early as possible in the pre-application process.

7.5.2 The Facility HRA Screening Report forms an appendix to **Chapter 17 Marine and**

Coastal Ecology (Appendix 17.1) and will be issued to relevant statutory nature conservation bodies alongside the PEIR. This on-going dialogue will continue as the HRA process progresses.

7.6 Approach to Consultation with the Local Community

7.6.1 A SoCC was issued for formal consultation in October 2018 in accordance with Section 47 of the Planning Act. The SoCC can be viewed at the Facility website².

7.6.2 The SoCC provides information about the proposed strategy for consultation with local communities in accordance with section 47 of the Planning Act 2008 (the Act) in respect of the Facility. It provides information on the nature and extent of the consultation that the Applicant intends to undertake with the communities potentially affected by the Facility before the DCO application is submitted.

7.6.3 The SoCC was issued in December 2018 following a formal consultation process. The original SoCC proposed two rounds of consultation. To enable stakeholders and local communities to have the opportunity to provide opinion on the PEIR, the project team proposed that an additional consultation round (Phase Three) will be introduced, after the PEIR has been issued. A revised SoCC was therefore issued for formal consultation in March 2019.

7.6.4 Statutory consultation will be carried out, in accordance with section 42 of the Planning Act 2008, after the PEIR is published. This is required by law as part of the consultation process for a DCO. This will allow the consultees to see how the first two rounds of consultation influenced the PEIR, and will also allow further comments to be raised to help shape the final ES.

7.6.5 The statutory consultation will include Public Information Days (Phase Three) which will be held following the publication of the PEIR. During these events, attendees will be updated on how the proposals have changed since the previous consultations, demonstrating how the project team has responded to feedback and how these have influenced the development of the final ES.

7.6.6 Consultation is a continuous process throughout the development of the Project, and stakeholders will continue to be consulted post-DCO submission, where appropriate.

7.7 Technical Consultation

7.7.1 Technical consultation responses, and where these have influenced the development and assessment of the project, is detailed in each technical chapter

² <https://www.bostonaef.co.uk/>

of the PEIR. Where feedback has informed the site selection or project design, this is outlined in **Chapter 5 Project Description**.

7.7.2 Further technical feedback will be obtained from stakeholders during the formal consultation process on the PEIR.

7.8 Statements of Common Ground

7.8.1 The Applicant will endeavour to agree Statements of Common Ground (SoCG) on certain key technical issues to aid the Planning Inspectorate in understanding where there is agreement or outstanding points of discussion with stakeholders.

7.9 References

Her Majesty's Stationery Office (HMSO) (2017). Statutory Instruments 2017 No. 572 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. London: HMSO.

Royal HaskoningDHV (2018). Boston Alternative Energy Facility, BAEF – EIA Scoping Report. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000013-BAEF%20Scoping%20Report.pdf> [Accessed: 04/02/2019].

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The Planning Inspectorate (2018). Scoping Opinion: Proposed Boston Alternative Energy Facility, Case Reference: EN010095. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010095/EN010095-000008-BAEF%20-%20Scoping%20Opinion.pdf> [Accessed: 01/02/2019].