Mr Paul Thompson  
Bircham Dyson Bell LLP  
50 Broadway  
London  
NW1H 0BL

Dear Mr Thompson

TRANSPORT AND WORKS ACT 1992 ("TWA")  
TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006 ("the Applications Rules")  
PROPOSED BOSTON BARRIER ORDER – SCOPING OPINION FOR THE  
ENVIRONMENTAL STATEMENT

1. I refer to your letter of 3 November 2014 requesting a scoping opinion under rule 8 of the Applications Rules.

2. You enclosed with your letter an Updated Scoping Report covering the Boston Barrier Order dated October 2014, produced by the Environment Agency which describes the scope of the information that your client intends to provide in the Environmental Statement ("ES") to accompany the application for the above Order.

3. We have considered your request for an opinion on the proposed content of the ES in accordance with rule 8 of the Applications Rules. In formulating this scoping opinion, the following organisations have been consulted:

- Lincolnshire County Council
- Boston Borough Council
- Natural England
- Environment Agency
- English Heritage
- Marine Management Organisation
- Black Sluice Internal Drainage Board
- Witham Fourth Internal Drainage Board
- Port of Boston
- Harbour Master
- Anglian Water
- Eastern Inshore Fisheries and Conservation Authority
- Canal and Rivers Trust, East Midlands
- Maritime and Coastguard Agency
- Trinity House
4. The Secretary of State considers that the environmental issues identified in the Scoping Report are properly ones that should be addressed in the ES to accompany the proposed application for the above proposed Order. In addition, it is considered that the matters raised by consultees and included in Annex A should also be addressed in the ES.

5. This scoping opinion is given without prejudice to our consideration of any such Order application which may be made. The giving of the opinion implies no view on the Department’s part about the merits or otherwise of the Boston Tidal Barrier scheme.

6. Please find attached the responses received to date from consultees (Annex A). Responses from Port of Boston / Harbour Master are outstanding. We advise the Environment Agency to address the issues raised in the responses in the ES and advise that the Environment Agency fully addresses MMO’s points if the Environment Agency intends to apply for a deemed Marine Licence supported by this ES.

7. Please find attached a high level, without prejudice, summary of the consultee responses (see Annex B). Whilst it is not a legal requirement under the TWA, we would encourage the Environment Agency to identify how it intends to address each of the issues raised.

Distribution

8. Copies of this letter are being distributed as set out below.

Yours sincerely,

Karl Hardy
Flood Investment & Assurance Team, Flood Management, Defra

Copies to – Lincolnshire County Council – Mr A Jee
Boston Borough Council – Mr S Lumb
Natural England – Mr R Hildred
English Heritage – Mr T Allen
Marine Management Organisation – M McGoldrick
Black Sluice Internal Drainage Board – Mr I Warsap
Witham Fourth Internal Drainage Board – Mr A Carrot
Port of Boston – Mr N Harris
Harbour Master – Captain R Walker via Mr N Harris
Anglian Water – Ms S Bull
Eastern Inshore Fisheries and Conservation Authority – Ms J Stoutt
Environment Agency – Mr D Burton
Canal and Rivers Trust, East and West Midlands – Mr I Dickinson
Maritime and Coastguard Agency - N Salter
Trinity House – M Thomas