



A12 - Planning Statement

We are the Environment Agency. We protect and improve the environment.

Acting to reduce the impacts of a changing climate on people and wildlife is at the heart of everything we do.

We reduce the risks to people, properties and businesses from flooding and coastal erosion.

We protect and improve the quality of water, making sure there is enough for people, businesses, agriculture and the environment. Our work helps to ensure people can enjoy the water environment through angling and navigation.

We look after land quality, promote sustainable land management and help protect and enhance wildlife habitats. And we work closely with businesses to help them comply with environmental regulations.

We can't do this alone. We work with government, local councils, businesses, civil society groups and communities to make our environment a better place for people and wildlife.

Published by:

Environment Agency
Horizon House, Deanery Road,
Bristol BS1 5AH
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency

Further copies of this report are available
from our publications catalogue:
www.gov.uk/government/publications

or our National Customer Contact Centre:
T: 03708 506506

Email: enquiries@environment-agency.gov.uk.

© Environment Agency 2014

All rights reserved. This document may be
reproduced with prior permission of the
Environment Agency.

Quality Assurance

<i>Project name</i>	<i>Boston Barrier Tidal Project</i>
<i>Project 1B1S reference</i>	<i>IMAN001472</i>
<i>Date</i>	<i>12 August 2016</i>
<i>Version number</i>	<i>1</i>
<i>Author</i>	<i>SR; BM</i>

Approvals

<i>Name</i>	<i>Title</i>	<i>Date</i>	<i>Version</i>
<i>SH</i>	<i>Principal Town Planner</i>	<i>12/08/2016</i>	<i>1</i>
<i>EL</i>	<i>EIA Project Director</i>	<i>12/08/2016</i>	<i>1</i>

EIA Quality Mark



This Environmental Statement, and the Environmental Impact Assessment (EIA) carried out to identify the significant environmental effects of the proposed development, was undertaken in line with the EIA Quality Mark Commitments.

The EIA Quality Mark is a voluntary scheme, operated by the Institute of Environmental Management and Assessment (IEMA), through which EIA activity is independently reviewed, on an annual basis, to ensure it delivers excellence in the following areas:

- EIA Management
- EIA Team Capabilities
- EIA Regulatory Compliance
- EIA Context & Influence
- EIA Content
- EIA Presentation
- Improving EIA practice

To find out more about the EIA Quality Mark please visit:
www.iema.net/qmark

This page has been left intentionally blank.

Contents

Chapter	Title	Page
1	Introduction	1
1.1	Introduction _____	1
2	Background	3
2.1	Introduction _____	3
2.2	The need for the Project _____	3
2.3	Objectives _____	5
2.4	Consultation _____	5
3	The Site	7
3.1	Location of the Project _____	7
4	The Proposed Development	9
4.1	Overview _____	9
4.2	Proposed planning conditions _____	9
5	Planning Policy Context	11
5.1	Introduction _____	11
5.2	National planning policy _____	11
5.3	East Inshore and Offshore Marine Plans 2014 _____	15
5.4	Local Planning Policy _____	21
5.5	Lincolnshire Minerals and Waste Local Plan _____	31
5.6	Summary _____	32
6	Conclusions	33
7	Abbreviations	35

Boston Tidal Barrier Project

A12 – Planning Statement

This page has been left intentionally blank.

1 Introduction

1.1 Introduction

- 1.1.1 This Planning Statement has been commissioned by the Environment Agency in support of its application under the Transport and Works Act 1992 for a Transport and Works Act Order (TWAo) to authorise the construction, operation and maintenance of the proposed Boston Tidal Barrier Project (the 'Project'). The TWAo application includes an associated request for a direction that planning permission be deemed to be granted for the Project pursuant to section 90(2A) of the Town and Country Planning Act 1990.
- 1.1.2 The purpose of this Planning Statement (PS) is to identify relevant national, regional and local planning policy and explain how the Project complies with and is supported by that policy.
- 1.1.3 This PS is supported by the following documents which accompany the request for a planning direction:
- Letter of Application;
 - Draft TWA Order;
 - Explanatory Memorandum (explains purpose and effect of each Article and Schedule in Draft Order);
 - Statement of Aims;
 - List of Consents (all permissions/licenses required for the purposes of the powers sought in the application);
 - Environmental Statement (ES) (the ES documents the outputs of the Environmental Impact Assessment (EIA) for the Project, which identifies the potential environmental effects of the Project and recommends measures to mitigate identified adverse effects);
 - Consultation Report (this sets out the consultation that has taken place with regard to the proposed Project, including schedule 5 and 6 parties);
 - Design and Access Statement (this explains and justifies the design and access principles and concepts on which the Project is based, and explains how these will be reflected in individual aspects of the Project);
 - Estimate of Costs (this details the estimate cost of carrying out the works provided for in the proposed Order);
 - Proposal for Funding (this details the applicants proposals for funding the cost of implementing the Order);
 - Request for Direction under section 90(2A) of the Town and Country Planning Act 1990 and proposed planning conditions;
 - Book of Reference (identifies all landowners within the Site Application Boundary);
 - Order Plans (these comprise of a Location Plan, Works Plans and Sections, Land Plan and Rights of Way map); and
 - Planning Direction Drawings (these which, amongst other things, the boundaries of the planning application, and illustrate the design of the Project).

This page has been left intentionally blank.

2 Background

2.1 Introduction

- 2.1.1 The Environment Agency, is seeking to manage the flood risk from the tidal River Witham (known as the Haven, in this location) in Boston, Lincolnshire. The Environment Agency is proposing to provide protection against a 0.33% (1 in 300) annual probability of flooding over the 100 year project life in this location.
- 2.1.2 The works required to achieve this are outlined in the Boston Combined Strategy (BCS) (2008), and comprise of a tidal barrier along with flood risk management structures (flood walls and flood gates) along both banks of the Haven.
- 2.1.3 The Project works comprise the construction of a tidal barrier which can be raised when extreme high tides are predicted within the Haven, along with land-based flood risk management structures that tie into the barrier structure and improvements to existing flood management structures including the Wet Dock Entrance on the Port of Boston (PoB) Estate (known as ‘the Project’). The barrier has a large moveable flood gate which, when not in use, would lie flat on the river bed, to be raised occasionally to prevent flooding in Boston during extreme tides (by acting as a tidal barrier). The gate and concrete side walls would sit on a reinforced concrete base slab, supported by deep steel piled foundations.
- 2.1.4 The Project area is located within and adjacent to the Haven, approximately 100m downstream of Black Sluice. The barrier structure is located adjacent to the Starch Berth (on the PoB Estate - left bank) and existing residential properties (along Wyberton Low Road - the right bank) (National Grid Reference TF 32836 42826). The flood defences extend from Black Sluice to the Western Power Distribution (WPD) site on the right bank, and from the barrier structure to Maud Foster Sluice on the left bank.

2.2 The need for the Project

- 2.2.1 Boston is a historic market town with an important maritime history. It is set in the low-lying, flat landscape of the Lincolnshire fens, much of which is below the level of the mean high water spring tides of the Haven. The tidal river presents a potential flood risk to Boston, particularly during extreme tides, such as those which occurred in December 2010 and 2013.
- 2.2.2 As stated in the BCS (2008), Boston is particularly vulnerable to extreme tides and subsequent flooding. Extensive damage was caused in the last serious flood incident in December 2013, causing extensive flooding to 800 properties and 100 businesses, when an extreme tide breached the town’s flood defences at a recorded level of 6.08m AOD (Above Ordnance Datum).
- 2.2.3 The existing flood risk management measures along the Haven are maintained by the Environment Agency. The existing standard of protection through the town of Boston itself is for a 2% (1 in 50 years) annual probability of flooding. The existing flood risk management

- structures consist of flood gates and flood walls within Boston town centre; along with a raised embankment on the right bank of the Haven from Black Sluice down to the operational WPD electricity substation. However, these flood risk management assets are subject to overtopping during high tides or high storm tides.
- 2.2.4 The BCS (2008) is a major strategy being delivered by the Environment Agency, Lincolnshire County Council (LCC) and Boston Borough Council (BBC) to manage flood risk from tidal flooding in Boston, whilst facilitating opportunities for regeneration of the town's waterways.
- 2.2.5 The BCS (2008) sets out 5 stages to reduce the risk to people and the environment from tidal flooding. The BCS also aims to deliver a safe and attractive navigation connection to the proposed Fens Waterways Link¹. The 5 stages are:
- Stage 1: A new navigation link between the Haven and South Forty Foot Drain at Black Sluice (this was completed in March 2009)
 - Stage 2: Refurbishment of the Haven river walls upstream of the proposed barrier;
 - Stage 3: The provision of a new multi-functional barrier; and
 - Stages 4 and 5: Waterways facility improvements and raising of the embankments downstream of the barrier respectively.
- 2.2.6 Stage 3 of the BCS (2008) outlines the delivery of a tidal barrier. This would be implemented through the Project, the aim of which is to improve the standard of protection in Boston from tidal flooding without affecting the existing fluvial flood protection provided upstream within the River Witham and South Forty Foot Drain (SFFD).
- 2.2.7 The Project has been designed to achieve this improved standard of protection, through the proposed barrier and associated flood management structures on the right and left banks and gate in the Wet Dock Entrance. The BCS (2008) proposed that water level management (WLM) be implemented alongside the tidal barrier in order to provide safer passage for pleasure craft onto the South Forty Foot, the first stage of the Fens Waterways Link.
- 2.2.8 However, in January 2015, the Executive Committee of the County Council and the Environment Agency Boston Barrier Project Board confirmed removal of WLM from the scope of the Project. In making the decision, the Environment Agency, LCC and BBC confirmed that it remains the vision to provide WLM at a later date through a standalone project and consenting process. The Project has been designed not to compromise the introduction of WLM in the future.

¹ The Fens Waterways Link would, when finished, provide a route running through the cathedral cities of Lincoln, Peterborough and Ely. Only the first stage has so far been completed. LCC and BBC also aim to improve the aesthetic appeal of Boston town centre to enable an increase in tourism and to promote regeneration of the town by implementing WLM.

2.3 Objectives

- 2.3.1 The BCS (2008) has set out one central strategic objective, underpinned by three project-specific objectives.
- 2.3.2 The strategic objective is “To reduce the risk from flooding while enabling opportunities for regeneration in Boston”.
- 2.3.3 The three Project-specific objectives are detailed below:
- Flood Risk Management: To reduce the risk to people and the developed and natural environment from flooding;
 - Economics: To maximise amenity, social and economic opportunities; and
 - Environment: To minimise the adverse impacts on the natural and built environment of the area and to maximise opportunities for environmental enhancement.

2.4 Consultation

- 2.4.1 Extensive consultation has been undertaken throughout the development of the Project. Consultation commenced in 2008 and engagement would continue to occur during the construction of the Project, until 2020.
- 2.4.2 Consultation has fed into notable outputs including: the BCS (2008); the Original Scoping Report (2011); the Updated Scoping Report (2014); and ES. Further details of this consultation are outlined below.
- 2.4.3 Project consultation comprised of two principal components:
- Consultation with statutory bodies; and
 - Wider stakeholder engagement.
- 2.4.4 Since 2008, over 50 organisations, including statutory bodies and non-governmental organisations, parish councils and the general public have been consulted at key stages of the Project and feedback sought through a variety of engagement techniques, including: group meetings, public exhibitions, workshops and site visits.

Specific consultation with statutory and non-statutory bodies

- 2.4.5 Consultation has been carried out at key stages in the development of the Project design and during the EIA process with the following organisations:
- Anglian Water Services Ltd;
 - Black Sluice Internal Drainage Board;
 - Boston and District Fishermen’s Association;
 - Boston Borough Council;
 - British Waterways;

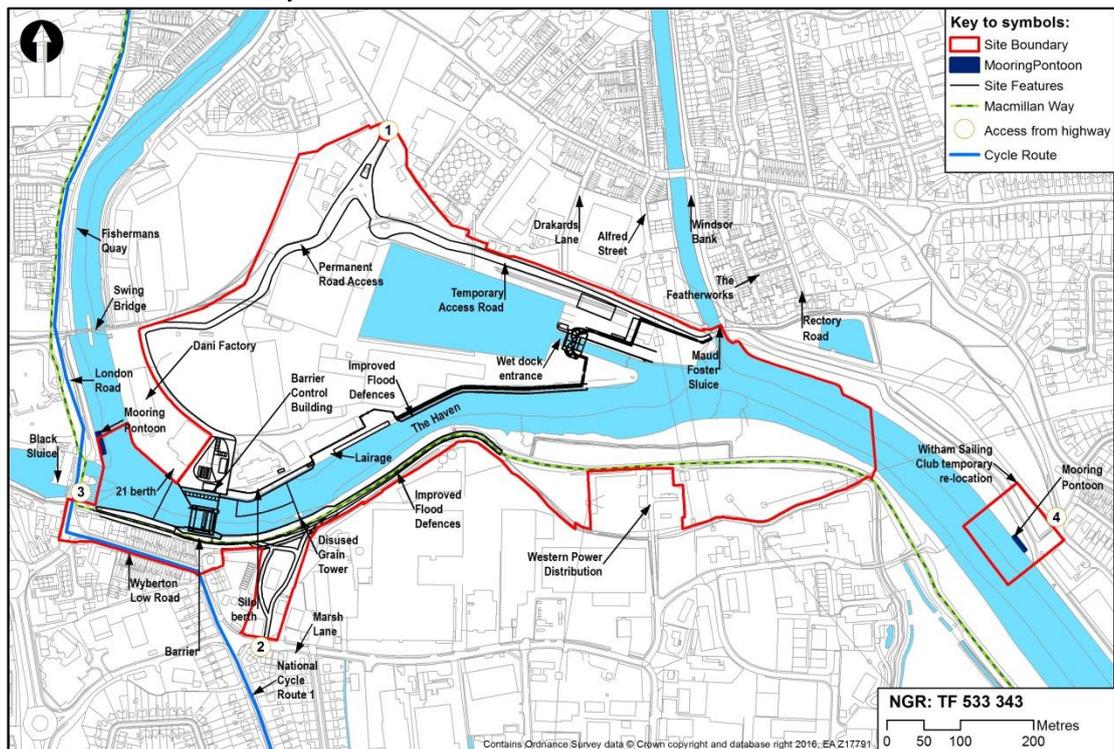
- Canal and Rivers Trust;
 - Centre for Environment Fisheries and Aquaculture Science (CEFAS);
 - Crown Estate;
 - Department of Environment, Food and Rural Affairs;
 - Eastern Inshore Fisheries and Conservation Authority (EIFCA);
 - Harbour Master;
 - Heritage Trust for Lincolnshire;
 - Historic England;
 - Lincolnshire County Council;
 - Lincolnshire Wildlife Trust;
 - Lincolnshire Rivers Trust;
 - Marine Management Organisation;
 - Maritime and Coastguard Agency;
 - Natural England;
 - Port of Boston;
 - Sports England;
 - The Inland Waterways Association;
 - The Royal Society for the Protection of Birds (RSPB);
 - Trinity House;
 - Witham Fourth Internal Drainage Board;
 - Western Power Distribution; and
 - Witham Sailing Club.
- 2.4.6 The main purposes of these consultations were to understand the views and opinions of the statutory and non statutory bodies on the Project and to discuss what they consider to be key issues and priorities.
- 2.4.7 The Consultation Report and the ES (Volume 1): Chapter 5; Consultation provides a more detailed overview of the consultation undertaken during the development of the Project.

3 The Site

3.1 Location of the Project

3.1.1 The Project area ('the site boundary') is located to the south of central Boston, Lincolnshire at National Grid Reference (NGR) TF 533 343. It includes a stretch of the Haven, between Black Sluice and Maud Foster Sluice (Grade II listed). This area encompasses the majority of the PoB Estate (left bank) and part of the Boston Public Footpath No. 14 (Macmillan Way) from London Road eastwards tying in with the embankment of the WPD site (right bank). The total area including land and water is approximately 34ha. The site boundary is shown in Plate 3.1 below.

Plate 3.1: Site boundary



Source: Mott MacDonald 2016

3.1.2 The land use adjacent to the Project contains a mixture of commercial, industrial and residential uses on the left and right banks of the Haven. The PoB Estate occupies approximately 19ha of land within the Project area.

3.1.3 The land on the right bank is generally occupied by light industrial units within the Riverside Industrial Estate. The Environment Agency’s Community Hub for the Project currently occupies a leasehold site within the industrial complex. There are two storey terraced houses (along Wyberton Low Road) which back onto the embankment, within the Project area.

- 3.1.4 Boston Public Footpath No.14, also known as the Macmillan Way long distance footpath, follows the right bank of the Haven, downstream of Black Sluice to the mouth of The Wash then turns south west towards Stamford, see Plate 3.1.
- 3.1.5 National Cycle Network Route Number 1 is a long distance route connecting Dover and the Shetland Islands. It passes through Boston along both Wyberton Low Road and London Road. The route follows Wyberton Low Road on the south side of the Haven before turning onto Marsh Lane and then London Road.
- 3.1.6 A WPD electricity substation is located further downstream of the proposed barrier location along the right bank, see Plate 3.1. An area of grazing land is adjacent to the substation.
- 3.1.7 Pasture and arable fields along both sides of the Haven can be found further downstream.

4 The Proposed Development

4.1 Overview

4.1.1 The Project will consist of a barrier structure within the Haven, along with land-based flood risk management structures that tie in to the barrier structure and into existing flood management structures.

4.1.2 Project components are:

- Barrier structure;
- Barrier control building;
- Control building for the Wet Dock Entrance gate;
- Sheet piled flood walls on the right bank, upstream and downstream of the river;
- Sheet piled and concrete flood wall on the left bank, including vehicle access gates;
- Wet Dock Entrance widening and installation of a gate;
- Demolition of the wooden quay and steel sheet piled structure on the right bank;
- Demolition of one grain tower and construction of two new towers and a single extended aerial conveyor to be installed on the left bank in the PoB Estate.
- Demolition of the buoy shed on the PoB Estate;
- Extension of the existing loading platform on the PoB Estate;
- Capital dredging;
- Maintenance works to the existing PoB access road;
- Diversion of 3 no. 11kv electricity cable;
- Scour protection;
- Permeant security fencing on the right bank surrounding the barrier structure;
- Landscaping and lighting; and
- Temporary slipway, mooring pontoon, storage and welfare facilities for the Witham Sailing Club (WSC) and recreational river users.

4.1.3 A full Project description is provided in the ES (Volume1): Chapter 2; Project Description.

4.2 Proposed planning conditions

4.2.1 As part of the request for a planning direction, under Section 90(2A) of the Town and Country Planning Act 1990, a number of conditions are proposed. These conditions have been developed to seek control of the development, and provide necessary mitigation of the impact of the Project. The conditions comprise time-limiting, pre-commencement and compliance conditions, and have been agreed in principle with the Local Planning Authority.

4.2.2 The proposed planning conditions are detailed in the Request for Direction under section 90(2A) of the Town and Country Planning Act 1990.

This page has been left intentionally blank.

5 Planning Policy Context

5.1 Introduction

5.1.1 This Chapter sets out those planning policies relevant to the proposed development and assesses whether the Project accords with these policies.

The Planning Policy documents reviewed in this analysis are:

- The National Planning Policy Framework (NPPF), 2012;
- The East Onshore and Offshore Marine Plan, 2011 – 2036;
- Consultation Draft South East Lincolnshire Local Plan, 2016;
- Boston Interim Plan (Non-Statutory Development Control Policy), 2006; and
- Adopted Boston Borough Local Plan, 1999.

5.2 National planning policy

The National Planning Policy Framework

5.2.1 The National Planning Policy Framework (NPPF) came into force on 27 March 2012. It provides planning policy guidance at a national level. The NPPF states that unless material considerations indicate otherwise, development proposals which accord with the Development Plan should be approved.

5.2.2 The NPPF promotes a 'presumption in favour of sustainable development'. This presumption requires that economic, social and environmental considerations should be assessed in the determination of development proposals. Paragraph 15 of the NPPF states that policies in Local Plans should "...follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay".

5.2.3 It is clear that development which is sustainable can be approved without delay. The provisions of the NPPF relevant to the Project are summarised below in Table 5.1.

Table 5.1: Provisions of the NPPF relevant to the Project

Reference	Issue
Paragraph 19	Delivering a Strong Economy
Wording	
The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.	
Comments	
The Project is considered to have a wider economic, environmental and social impact on Boston and surrounding area through investment in the area, as well as providing increased protection from tidal flood risk. This protection is vital to the long term economic success of Boston and is highlighted as one of the Strategic Objectives of the BCS (2008). The BCS focuses on facilitating regeneration by reducing flood risk in	

Boston. This regeneration will be achieved by the development of the Project and its ability to reduce the risk to people and the developed and natural environment from flooding. This will in turn maximise amenity, social and economic opportunities.

Reference	Issue
Paragraph 21	Delivering a Strong Economy

Wording

Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- Set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; and
- Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.

Comments

The planning system should support investment that promotes the economy and sustainability of an area. The Project aims to enhance Boston’s sustainability through the provision of necessary infrastructure to allow for future development and economic investment.

Reference	Issue
Paragraph 65	Good Design

Wording

Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing landscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits).

Comments

The Project has been designed with particular focus on landscape and amenity sensitivities to ensure issues have been appropriately mitigated, where possible where an adverse effect has been predicted. The landscape sensitivities, identified within the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report include conservation areas, listed buildings, Boston Cemetery Registered Park and Garden and Public Rights of Way (PRoW) and residential properties. Mitigation measures have been incorporated into the design of the Project, along with additional mitigation measures during the construction and operational phases. Such mitigation includes the inclusion of new street furniture and localised lighting. In addition, the ES (Volume 2a): Cultural Heritage Technical Report concluded that the appearance of the Project during and after construction would have a minor adverse impact on the setting of the surrounding historic environment. These conclusions are expanded upon in the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report and ES (Volume 2a): Cultural Heritage Technical Report.

The impacts on Maud Foster Sluice (a Grade II listed structure), as a result of the Project, are discussed in the Design and Access Heritage Statement. The new junction of the Maud Foster Sluice and the proposed concrete flood wall has been designed to reduce the impact on the historic fabric and setting of the Sluice. No intrusive fixing onto the Sluice structure is proposed and care has been taken to ensure that a watertight seal is achieved. Further assessment of the impact on Maud Foster Sluice can be found in the Design and Access Heritage Statement

Reference	Issue
Paragraph 66	Good Design

Wording

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

Comments

Consultation with the local community and other stakeholders was undertaken throughout the development of the Project, to ensure views could be taken into account in developing the Project design. Ongoing consultation will continue throughout the detailed design and construction phase of the Project, in line with the plan set out in the Consultation Report.

Consultation to develop the design is set out in the ES (Volume2a): Cultural Heritage Technical Report; Chapter 2 and ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report.

Several meetings were held with heritage stakeholders to discuss the design of the Project and to develop mitigation for the design. Through discussion with the stakeholders, the location of the flood wall sheet piling was moved from the front of the embankment to be embedded within the embankment, with the sheet piling visible as it emerges from the embankment. This reduced the impact of the sheet piling as the visible sheet piling has been significantly decreased and the green, semi natural appearance of the embankment remains dominant.

Reference	Issue
Paragraph 99	Flooding and Climate Change

Wording

Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

Comments

The Project, by delivering increased protection from flooding to the town of Boston will help manage the impacts arising from climate change. Modelling for climate change has considered a 1.14m increase in sea level rise, upon completion of the Project, the risk of tidal flooding would be significantly reduced in urban areas upstream of the barrier structure. Furthermore, the ES (Volume 2c): Flood Risk Assessment (FRA) concludes that the project will have little impact upon the fluvial flood risk within the area. The FRA assesses the risk of flooding to the proposed barrier and associated flood walls from all sources of flooding, the possible impact of the barrier on flood risk elsewhere, and makes allowances for predicted climate change in 100 years. For the purposes of this FRA, climate change was calculated according to National Planning Policy Framework guidelines (February 2016). A 25% increase in river flows was applied to account for increased rainfall with predicted climate change in 100 years' time. This means sea level was increased by 1.14m according to the available information about the effects of climate change in 100 years' time.

References	Issue
Paragraph 103	Flooding and Climate Change

Wording

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there

-
- are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
-

Comments

The purpose of the barrier is to reduce tidal flood risk to the town of Boston by excluding tidal events from the upper Haven and is intrinsically water compatible. Therefore, it is necessary to locate it on the Haven in Flood Zone 3. The application of the Exception Test is not required for such water compatible developments. Furthermore, the ES (Volume 2c): Flood Risk Assessment concludes that the project will have no significant impact upon the fluvial flood risk within the area.

Reference	Issue
Paragraph 109	Natural Environment

Wording

The planning system should contribute to and enhance the natural and local environment by :

- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.; and
 - Remediating and mitigating despoiled, degraded, derelict, contaminate and unstable land, where appropriate.
-

Comments

The Project reduces the risk of tidal flooding and therefore protects the natural and local environment. Mitigation measures incorporated into the design will reduce the potential impact of the construction and operation of the Project to the local environment; see ES (Volume 1): Chapters 6 to 17.

Reference	Issue
Paragraph 111	Natural Environment

Wording

Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Comments

The Project makes use of surrounding brownfield land for the infrastructure required to support the tidal barrier.

Reference	Issue
Paragraph 131	Historic Environment

Wording

In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
-

Comments

The impact of the Project on the surrounding historic environment has been thoroughly assessed within the ES (Volume 2a): Cultural Heritage Technical Report, the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report and the Design, Access and Heritage Statement. The main historic receptor that has been identified is the Maud Foster Sluice, a Grade II listed Building. In addition to this, conservation receptors include St Nicholas Church and Skirbeck Conservation Area. Design mitigation techniques, such as incorporating the right bank floodwall sheet piling into the embankment are included to ensure that there are no significant impacts on this listed building. Additionally, the design includes the provision of seating along the Boston Public Footpath No.14 (Macmillan way), to provide community members a view of the surrounding historical environment. This is further explored in the Design and Access Statement.

5.3 East Inshore and Offshore Marine Plans 2014

5.3.1 The East Inshore and Offshore Marine Plans inform and guide regulation, management, use and protection of the marine plan areas and therefore apply to the area within which it is proposed to deliver the Project. The Marine and Coastal Access Act (S58 (1)) requires that all public authorities taking authorisation or enforcement decisions must do so in accordance with the appropriate marine policy documents. Marine plans work within the framework of the Marine Policy Statement and other national policy, they do not establish new requirements, but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas. The Table 5.2 below outline the policies within the Marine Policy Statement which should be applied to the Project.

Table 5.2: Marine Policy Statement polices relevant to the Project

Reference	Issue
SO2	Cultural Heritage
Wording	
Proposals that may affect heritage assets should demonstrate, in order of preference:	
<ul style="list-style-type: none"> ■ That they will not compromise or harm elements which contribute to the significance of the heritage asset; ■ How, if there is compromise or harm to a heritage asset, this will be minimised; ■ How, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against; or ■ The public benefits for proceeding with the proposal if it is not possible. 	
Comments	
<p>During the design process the location of the flood wall sheet piling was moved from the front of the embankment to be embedded within the embankment, with the sheet piling visible as it emerges from the embankment. This reduced the impact of the sheet piling on views from St Nicholas church and the Boston Public Footpath No.14 (the Macmillan Way) as the visible sheet piling has been significantly decreased and the green, semi natural appearance of the embankment remains dominant. The ES (Volume 2a): Cultural Heritage Technical Report has concluded that the project will significantly reduce the risk of flooding from Boston and subsequently will reduce the risk of further flooding of culturally significant buildings within the town. The impacts on Maud Foster Sluice as a result of the Project are discussed in the Design and Access Heritage Statement. The new junction of the Maud Foster Sluice and the proposed concrete flood wall has been designed to reduce the impact on the historic fabric and setting of the Sluice. No intrusive fixing onto the Sluice structure is proposed and care has been taken to ensure that a watertight seal is achieved. Further assessment of the impact on Maud Foster Sluice can be found in the Design and Access Heritage Statement.</p>	

Reference	Issue
SOC3	Cultural Heritage
Wording	
Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:	
<ul style="list-style-type: none"> ■ That they will not adversely impact the terrestrial and marine character of an area; ■ How, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them; and ■ How, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts. 	
Comments	
The baseline assessment undertaken within the ES (Volume 2a): Cultural Heritage Technical Report and the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report identified the character of the surrounding area. The impact of The Project was assessed against the baseline conditions, and mitigation measures incorporated at the design, construction and operational phases to ensure that the Project would not adversely impact the terrestrial and marine character of the area. Where impact was unavoidable, design assessments have been undertaken to minimise these impacts. The design of the right bank flood defence has been through a number of iterations before the embedded sheet pile design was identified. These mitigation measures adopted during the design process have resulted in a design within which the permanent impact of the right bank flood defence works on the setting of St Nicholas Church (MM03) and Skirbeck Conservation Area (MM04) would be minor.	
Reference	Issue
ECO1	Economy
Wording	
Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	
Comments	
A cumulative impact assessment has been undertaken as part of the ES which supports this TWAO application. The assessment looks at two types of cumulative effects, inter-project effects and in-combination project effects. This is further described in the ES (Volume 1): Chapter 19; Cumulative Effects).	
Reference	Issue
ECO2	Economy
Wording	
The risk of release of hazardous substances as a secondary effect due to any increased collision should be taken account of in proposals that require an authorisation.	
Comments	
The ES (Volume 2d): Navigational Impact Assessment Technical Report has identified that through correct sequencing and programming, vessel collision can be reduced to non-significant during construction. During operation, modelling has confirmed that safe manoeuvring can be achieved through the barrier with the implementation of appropriate mitigation measures. The ES (Volume 1): Chapter 20; Environmental Action Plan (EAP) and associated method statements include details of containment measures in the event of a collision.	

Reference	Issue
BIO1	Biodiversity

Wording

Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).

Comments

The design of the Project has taken account of the surrounding biodiversity, and its impact on ecology and habitats. The baseline assessment identified a number of ecological receptors that may be impacted by the Project, these include, but are not limited to; Havenside Local Nature Reserve, fish, aquatic invertebrates, hedgehogs, bats, reptiles and birds. The ES (Volume 2b): Ecology and Nature Conservation Technical Report assessed the impact of the Project on the surrounding ecology and biodiversity. Various mitigation techniques have been recommended as a result of the assessment. During the construction phase, mitigation such as animal refuges, soft piling methods and best practice measures. Any significant effects on ecological receptors during operation phase were considered unlikely with the implementation of mitigation measures.

Mitigation would be implemented for water birds, breeding birds, hedgehog, reptiles, and aquatic habitats and species during construction, as outlined in ES (Volume 2b): Ecology and Nature Conservation Technical Report. Due to the findings of this assessment, it is concluded that the biodiversity and ecology of the area will be sufficiently protected during the construction and operational phases.

Reference	Issue
CC1	Climate Change

Wording

Proposals should take account of:

- How they may be impacted upon by, and respond to, climate change over their lifetime; and
- How they may impact upon any climate change adaptation measures elsewhere during their lifetime.

Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.

Comments

The Project is designed to increase Boston’s resilience to the potential impacts of climate change as part of the BCS (2008). A study of how the Project may respond to climate change is provided within the ES (Volume 2c): Flood Risk Assessment. The Project has been modelled against a mean sea level increase of 1.14m according to the available information about the effects of climate change in 100 years’ time. During the course of the study, climate change guidance had been updated. With the new guidance considered, it is concluded that the impact of climate change on the Project would still be low.

Reference	Issue
CC2	Climate Change

Wording

Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.

Comments

The operation of the barrier itself does not generate any greenhouse gases. The barrier control building will be designed to include a sustainable source of energy through the provision of PV panels on the roof. Best practice mitigation measures to reduce the emission of greenhouse gases (such as not leaving vehicles idle, not overly revving vehicles) will be implemented during construction through the ES (Volume 1): Chapter 20;

Environmental Action Plan). It is concluded that the Project will have no significant effects on greenhouse gas emissions, see the ES (Volume 1).

Reference	Issue
PS3	Port development

Wording

Proposals should demonstrate, in order of preference:

- That they will not interfere with current activity and future opportunity for expansion of ports and harbours;
- How, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this;
- How, if the interference cannot be minimised, it will be mitigated; and
- The case for proceeding if it is not possible to minimise or mitigate the interference.

Comments

Consultation has been undertaken with relevant stakeholders to ensure that any interference with port and harbour activity has either been mitigated, or is being managed successfully. The Environment Agency is working with the PoB in order to minimise any impacts on the Port Estate. Discussions include mitigation or compensation options in cases where it has not been possible to wholly avoid impacts on the port estate. Additionally, the timing of deliveries and frequency of construction movements aim to be outside of peak times where possible. A traffic management system, managed by the Harbour Authority and in collaboration with the contractor, will be implemented during the construction of the barrier to ensure safe navigation during the construction works. Through the implementation of the traffic management system, communication pathways and protocols will be developed and employed to ensure communication is maintained with users such as the PoB, Grand Sluice authorities, Black Sluice authorities, river users and the works contractor. Evidence of this is provided in the ES (Volume 2d): Traffic and Transport Technical Report and the ES (Volume 2d): Navigation Impact Assessment Technical Report.

Reference	Issue
DD1	Dredging and Disposal

Wording

Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference

- That they will not adversely impact dredging and disposal activities;
- How, if there are adverse impacts on dredging and disposal, they will minimise these;
- How, if the adverse impacts cannot be minimised they will be mitigated; and
- The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Comments

The Project is adjacent to a licensed dredging and disposal area. The impact of the project has been assessed in the ES (Volume 2d): Traffic and Transport Technical Report and the ES (Volume 2d): Navigation Impact Assessment Technical Report. , The assessment concluded that the Project would not have an adverse impact on the surrounding environment or maintenance dredging by the PoB. Necessary management and mitigation techniques have been incorporated into the construction phase, as detailed within the ES (Volume 1): Chapter 20; Environmental Action Plan. It is not expected that the dredging, already licenced and undertaken by the PoB will be impacted by the construction and operation of the Project. No additional maintenance dredging is proposed as a result of the Project.

Reference	Issue
GOV1	Government

Wording

Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.

Comments

The Project is an infrastructure project developed to support the marine environment. The Project is designed to mitigate the impacts of flooding, and in doing so, ensures the longevity of marine activity and land based infrastructure, as highlighted in Chapter 2 of the BCS (2008).

Reference	Issue
GOV2	Government

Wording

Opportunities for co-existence should be maximised wherever possible.

Comments

The Project has been designed to integrate with the surrounding area, and co-exist with other marine and local terrestrial environment users. The terrestrial aspects of the Project, such as the pathways along the embankment are designed to encourage greater use of the area. The robust seating proposed for the crest of the right bank, is designed to engage users with surrounding cultural heritage by orientating towards St. Nicholas Church. The enhanced embankment area is designed to be more easily accessible from the surrounding areas, thus will co-exist with the PROW Boston Public Footpath No.14 (the Macmillan Way). This is further explained in the Design and Access Statement.

Reference	Issue
GOV3	Government

Wording

Proposals should demonstrate in order of preference:

- That they will avoid displacement of other existing or authorised (but yet to be implemented) activities;
- How, if there are adverse impacts resulting in displacement by the proposal, they will minimise them;
- How, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against; or
- The case for proceeding with the proposal if it is not possible.

Comments

Consultation throughout the design phase, and continuing into detailed design, of the Project will aim to ensure that any displacement of existing activities undertaken by the PoB will be sufficiently mitigated. This is evidenced in the ES (Volume 2a): Land Use Technical Report. Consultation has also been undertaken with other users of the marine environment, such as Boston District Fisheries Association (BDFA) and the recreational river users in order to provide suitable mitigation for both the BDFA and the WSC. During Construction of the barrier, both will be moved downstream of the structure. The BDFA will be temporarily located on the Port Estate and the WSC will be temporarily re-located downstream of Maud Foster Sluice.

Reference	Issue
TR1	Tourism

Wording

Proposals for development should demonstrate that during construction and operation, in order of preference:

- They will not adversely impact tourism and recreation activities;
- How, if there are adverse impacts on tourism and recreation activities, they will minimise them;
- How, if the adverse impacts cannot be minimised, they will be mitigated; and
- The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Comments

There will be a footpath diversion in place for the Boston Public Footpath No.14 (the Macmillan Way during the construction phase of the Project (see the ES (Volume 2d): Traffic and Transport Technical Report; Chapter 5). The diversion route onto local roads is to be maintained and sufficient signage is to be provided. With the implementation of the required mitigation it is considered not to result in a significant residual effect. There is not expected to be any impacts on the Boston Public Footpath No.14 during the Project’s operational phase. Evidence of this can be seen in the ES (Volume 2d): Traffic and Transport Technical Report.

To reduce the impact of the construction phase of the Project, additional mitigation is required for the WSC and other river users. The mitigation will consist of the construction of a temporary slipway and other facilities to allow members of the WSC safe access to the river during construction of the barrier, approximately 1.5km downstream of the barrier. This is highlighted in the ES (Volume 2d): Navigational Impact Assessment Technical Report and ES (Volume 1): Chapter 2.

Reference	Issue
TR2	Tourism

Wording

Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference:

- That they will not adversely impact on recreational boating routes;
- How, if there are adverse impacts on recreational boating routes, they will minimise them;
- How, if the adverse impacts cannot be minimised, they will be mitigated; and
- The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts

Comments

Consultation with the community highlighted that the Project had the potential to impact recreational boating routes during construction. These consultations led to the development of appropriate mitigation plans which include the temporary relocation barrier of the WSC further downstream of the barrier construction. Evidence of this can be seen in the ES (Volume 1): Chapter 2. The ES (Volume 2d): Navigation Impact Assessment Technical Report has also been undertaken to support the EIA. Within this document, the impacts have been assessed using a consistent scale of sensitivity and magnitude as well as baseline information, professional industry experience in marine structures and navigation and stakeholder’s responses to the consultation and residual significant effects identified. Mitigation measures have been recommended for both the construction and operation phase of the Project, and are detailed in the ES (Volume 2d): Navigational Impact Assessment. Such measures include the provision of new aids to navigation on the barrier structure, and warning boards advising of closures.

Reference	Issue
TR3	Tourism

Wording

Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East Marine Plan Areas should be supported.

Comments

The Project conforms to this policy as it aims to protect the recreational uses of the Boston marine area by protecting the area from the potential impacts of flooding and climate change.

Reference	Issue
TR3	Fishing
Wording	
<p>Within areas of fishing activity, proposals should demonstrate in order of preference:</p> <ul style="list-style-type: none"> ▪ That they will not prevent fishing activities on, or access to, fishing grounds; ▪ How, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them; ▪ How, if the adverse impacts cannot be minimised, they will be mitigated; and ▪ The case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts. 	
Comments	
<p>The ES (Volume 2d): Navigational Impact Assessment Technical Report provides an assessment of the temporary re-location of the BDFA downstream of the barrier on the PoB Estate to allow for continued access to the River and hence navigation out to the Wash to their fishing grounds. Once the barrier is constructed and operational, the BDFA will return to their current Quay upstream of the barrier and return to their existing fishing operations.</p>	

5.4 Local Planning Policy

5.4.1 South East Lincolnshire Local Plan 2011-2036

5.4.2 A new Joint Local Plan for Boston is being developed in combination with South Holland District Council, BBC and LCC. A draft version of the document was released for public consultation in January 2016. As the plan is a draft document, it carries limited weight in the determination of planning applications. However, those policies of relevance are outlined below.

5.4.3 All previously saved policies in the Boston Borough Local Plan (1999) will be deleted upon adoption of the South East Lincolnshire Local Plan (SELLP). Table 5.3 outlines the relevant South East Lincolnshire Local Plan policies.

Table 5.3: South East Lincolnshire Local Plan relevant policies

Reference	Issue
Policy 1: Presumption in favour of Sustainable development	Promoting Sustainable Development
Wording	
<p>A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, each Local Planning Authority will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the Local Plan area</p>	
Comments	
<p>As explained in Section 5.2.1 above, the Project is considered to represent development which is sustainable in the context of the policy requirements of the NPPF. The Project will improve the economic, social and environmental conditions of the area, as noted in the BCS (2008), and evidenced within the ES (Volumes 2a – 2d): Technical Reports.</p>	

Reference	Issue
Policy 2: Spatial Strategy	Promoting Sustainable Development
Wording	
<p>A. Areas where development is to be directed</p> <p>1. Sub-Regional Centres</p> <p>Boston (including parts of Fishtoft and Wyberton Parishes)</p> <p>Spalding</p> <p>Within the settlement boundaries of Boston and Spalding development will be permitted that supports their roles as sub-regional centres.</p>	
Comments	
<p>The BCS (2008) outlines the need for the Project, to support the further development of the Boston sub-Regional Centre. Furthermore, the SELLP identifies in paragraph 3.2.11 that 'the Boston Barrier is expected to be of huge significance to the viability of new development in Boston, the role of the town as a Sub-Regional Centre and to reducing flood risk overall'.</p>	

Reference	Issue
Policy 3: Development Management	Promoting Sustainable Development
Wording	
<p>Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:</p> <ol style="list-style-type: none"> 1. Size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses; 2. Quality of design and orientation; 3. Maximising the use of sustainable materials and resources; 4. Access and vehicle generation levels; 5. The capacity of existing community services and infrastructure; 6. Impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion; 7. Sustainable drainage and flood risk; and 8. Impact and enhancement for areas of natural habitats and historical buildings and heritage assets. 	
Comments	
<p>The Project meets the above sustainable development considerations, as highlighted in the ES (Volume 1 and Volumes 2a – 2d): Technical Reports. These reports conclude that The Project meets all of the above criteria, The first criterion is addressed in the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report, while the quality of design and orientation is addressed within the Design and Access Statement. Access to the Project site is addressed in the ES (Volume 2d): Traffic and Transport Technical Report and within the Design and Access Statement. Impact upon neighbouring land uses is assessed within the ES (Volume 2a): Land Use Technical Report and the ES (Volume 2a): Noise and Vibration Technical Report. Flood risk is assessed within the ES (Volume 2c): Flood Risk Assessment and the impact on natural habitats and historical assets are addressed in the ES (Volume 2b): Ecology and Nature Conservation Technical Report and the ES (Volume 2a): Cultural Heritage Technical Report.</p>	

Reference	Issue
Policy 4: Strategic Approach to Flood Risk	Promoting Sustainable Development
Wording	
Flood-risk management infrastructure shall be provided at the strategic level, where development opportunities allow, to reduce the hazard and probability of flooding	
Comments	
The above policy supports the need for the Project, as highlighted within the BCS (2008). Furthermore, the SELLP continues in paragraph 3.4.8 that ‘The Boston Barrier is a strategic-level flood mitigation defence that is expected to be completed by 2020. It will be of significant benefit to the urban area of Boston and could shape future development patterns that will arise in the Local Plan period.’ This further supports the need for the Project as a necessary flood mitigation defence.	

Reference	Issue
Policy 5: Meeting Physical Infrastructure and Service Needs	Promoting Sustainable Development
Wording	
Planning permission will be granted for new development provided that developers can demonstrate that there is, or will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development. A planning condition and/or legal agreement may be required to help secure the arising needs.	
Comments	
The ES (Volume 2d): Traffic and Transport Technical Report assesses the impact of the Project in surrounding transport infrastructure. The mitigation measures recommended within this document ensure that the Project is sufficiently supported by physical infrastructure. This includes an agreement with PoB Estate, that during the construction and operational phases of the Project, access will be granted to the Environment Agency along a private PoB Estate road, to construct and operate the barrier.	

Reference	Issue
Policy 8: Specific occupier and Restricted Sites	Promoting Employment Opportunities
Wording	
The unique role of Specific Occupier Sites and Restricted Uses Sites will be managed by: <ul style="list-style-type: none"> ■ Safeguarding a range of sites, as identified on Policies Map, to be retained in employment use by their parent company(ies) where planning permission will be granted for business (Use Class B1); and ■ Identifying a minimum of 17.5 hectares of net available employment land for Use Classes B1, B2 and B8. ■ Proposed Restricted Use Sites: <ul style="list-style-type: none"> ■ Ensuring 5.6ha of land is maintained for port-related B1, B2 and B8 Uses, to enable the appropriate expansion of BP1: Boston Port Estate and SHP1: Sutton Bridge Port. 	
Comments	
The construction of the Project will not prevent the future expansion of BP1 Boston Port Estate, as more than 5.6ha of land will be maintained by the PoB Estate.	

Reference	Issue
Policy 25: The Natural Environment	A Distinctive, Greener, Cleaner, Healthier Environment

Wording

A high quality, comprehensive network of inter-connected designated sites, sites of nature conservation importance and wildlife friendly greenspace will be achieved by:

- Protection, enhancement and management of natural assets which include:
 - Internationally-designated sites, on land or sea; and
 - Nationally or locally designated sites or protected or priority habitats and species.
- Addressing gaps in the network by ensuring that all development proposals shall provide an overall net gain in biodiversity, where possible by:
 - Protecting the biodiversity value of land and buildings and minimising the fragmentation of habitats;
 - Maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance; and
 - Incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological networks, including water networks; and
- Conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change.

Comments

The Project’s impact on the natural environment has been thoroughly assessed within the ES (Volume 1) and ES (Volumes 2a – 2d): Technical Reports. Protection of designated sites and priority habitats and species has been assessed within the ES (Volume 2b): Ecology and Nature Conservation Technical Report. Mitigation techniques have been employed to enhance the biodiversity within the Project area. Green infrastructure by way of works to improve the current habitats, as explained within the ES (Volume 2b): Ecology and Nature Conservation Technical Report has been incorporated.

Reference	Issue
Policy 26: The Historic Environment	A Distinctive, Greener, Cleaner, Healthier Environment

Wording

To respect the historical legacy, varied character and appearance of South East Lincolnshire’s historic environment, development proposals will conserve or enhance the character and appearance of designated and non-designated heritage assets, such as important archaeology, historic buildings, monuments, street patterns, streetscapes, landscapes, river frontages, structures and their settings through high-quality sensitive design.

Comments

The ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report and the ES (Volume 2a): Cultural Heritage Technical Report details the full assessments undertaken to determine the impact of the Project on the historic environment in which the Project sits. These assessments found that with mitigation techniques employed in the design phase, the impact on the historic environment would be minimal.

Paragraph 7.2.13 of the SELLP states ‘The construction of the Boston Barrier, near to Boston Port, allows better use of the river for leisure purposes and the development of existing heritage assets to tell the drainage and trade stories of the town.’

Reference	Issue
Policy 27: Pollution	A Distinctive, Greener, Cleaner, Healthier Environment
Wording	
<p>Development proposals shall minimise, and where possible reduce, the emission of pollutants to an acceptable level, including: light, noise, odour, fumes, vibration and waste materials.</p> <p>Proposals will be permitted where, individually or cumulatively, there are acceptable impacts on:</p> <ol style="list-style-type: none"> Health and safety of the public; The amenities of the area; and The natural, historic and built environment. <p>By way of:</p> <ol style="list-style-type: none"> air quality; background noise levels; land quality and condition; and surface and groundwater quality 	
Comments	
<p>The potential impact of the Project on air quality, noise, and land condition and groundwater quality are addressed within the ES (Volume 1) and ES (Volumes 2a – 2d): Technical Reports. Mitigation techniques employed in the construction and operational phase to ensure that any impacts are deemed to be acceptable are documented in these reports. Additionally, proposed planning conditions agreed between the Environment Agency and BBC include pre-commencement conditions relating to noise mitigation measures, hours of work, noise and vibration, dust management and pollution control protection, ensuring that the Project does not cause pollution of controlled waters.</p>	

Reference	Issue
Policy 28: Climate Change and Renewable and Low Carbon Energy	A Distinctive, Greener, Cleaner, Healthier Environment
Wording	
<p>All development proposals will be required to demonstrate that the consequences of current climate change has been addressed by:</p> <ul style="list-style-type: none"> ■ The adoption of the sequential approach and Exceptions Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding; ■ The protection of the quality, quantity and availability of water resources, for example by use of rainwater and grey water conservation and recycling measures and minimising off-site water discharge through Sustainable Drainage Systems (SuDS); ■ Incorporating measures which promote and enhance green infrastructure and the resilience of ecosystems and biodiversity networks within and beyond the site; and ■ Measures to minimise and mitigate the risks to the development associated with expected climate change impact such as average temperature increases, extreme weather events and soil moisture decreases in the summer and autumn. 	
Comments	
<p>All modelling conducted during the design phase of the Project has been done so on a 1,000 year time scale, to assess against potential climate change factors. Additionally, the ES (Volume 2c): Flood Risk Assessment has been submitted in support of the application, which assesses the flood risk of the Project, and incorporates flood mitigation measures into the design. Furthermore, the project has been designed to protect the Boston area from the potential risks associated with climate change.</p>	

Reference	Issue
Policy 29: Design of New Development	A Distinctive, Greener, Cleaner, Healthier Environment
Wording	
<p>All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Development proposals will demonstrate how the following considerations have been taken into account:</p> <ul style="list-style-type: none"> ■ Creating a sense of place by complementing and enhancing designated and non-designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area; ■ The landscape character of the location; ■ Accessibility by a choice of travel modes including the provision of public transport, footpath and cycle ways; ■ The lighting of public places; ■ Ensuring buildings are adaptable to a variety of uses and, along with public spaces, are accessible to all; ■ The provision of appropriate landscaping and its use to enhance biodiversity and green infrastructure; ■ The appropriate use or reuse of historic buildings; and ■ The appropriate treatment of facades to public places and the design of shop frontages and signage. 	
Comments	
<p>Particular attention has been given to the design of the terrestrial environment surrounding the barrier, due to surrounding heritage assets, notably, St Nicholas Church, Maud Foster Sluice and Skirbeck Conservation Area. The baseline assessment within the ES (Volume 2a): Cultural and Heritage Technical Report and the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report identified numerous cultural and heritage receptors, which highlighted a need to incorporate careful design in to the area. Flood wall sheet piling has been designed to respect the surrounding heritage assets. Additionally, the design of the surrounding right bank landscape will include seating (such as park benches), arranged to provide community members a view of the surrounding historical environment. The ES (Volume 1): Appendix B; Lighting Statement details the lighting arrangements for public space. The redevelopment of Boston Public Footpath No.14 (Macmillan Way) will include a new wheelchair accessibility ramp, creating a more accessible embankment and public space.</p>	

Boston Interim Plan (Non-Statutory Development Control Policy) 2006

5.4.4 The replacement Local Plan prepared by BBC was withdrawn from the statutory adoption process in 2006. A revised version of the replacement local plan for development control purposes is known as the Interim Plan (Non-Statutory Development Control Policy). Little or no material weight can be given to the policies of the Interim Plan for the purposes of determining an application, due to the significant objections to the first draft and re-deposit draft Local Plan stages.

Boston Borough Local Plan 1999 (Saved Policies)

5.4.5 The Boston Local Plan was adopted following public consultation in April 1999. Following the publication of the Planning and Compulsory Purchase Act 2004, certain policies were ‘saved’ by the Secretary of State. The saved policies of the Local Plan are a material consideration in

the determination of planning applications. Applicable saved policies relating to the Project are identified below in Table 5.4.

Table 5.4: Applicable saved policies relating to the Project

Reference	Issue
G1 Amenity	General Development Policies
Wording	
Planning permission will only be permitted for development which will not substantially adversely affect other nearby land users, residents or general character of the area in terms of the development nature, layout, density, appearance or traffic generation.	
Comments	
Consultation undertaken within the early stages of the Project allowed different design options to be viewed and evaluated against the criteria listed above. Representatives of the community and other stakeholders were invited to contribute to the design selection. In addition to this, surrounding areas were assessed as alternative locations for the barrier, thus the final design and location was an informed decision providing the greatest potential to mitigate any adverse impacts. Technical assessments undertaken to support the EIA and summarised in the ES have also concluded that with effective mitigation, the Project will not substantially adversely affect other land users. Further information can be found within the Design and Access Statement, Consultation Report, the ES (Volume 1): Chapter 5; Consultation and associated conclusions, which supports this application.	
G2 Wildlife and Landscape Resources	General Development Policies
Wording	
Planning permission will not be granted for proposals which will have a significant adverse impact upon existing landscape, wildlife and vegetation resources.	
Comments	
The design of the Project ensures that it will not give rise to significant adverse impacts upon the existing landscape, the evidence of which can be found in the ES (Volume 2a): Landscape and Visual Assessment Technical Report. The ES (Volume 2b): Ecology and Nature Conservation Technical Report assesses the Projects impact on the wildlife and vegetation within the area. The assessment concluded that with mitigation at the construction and operation phases, the impact on surrounding biodiversity is deemed not to be significant and highlighted that while some habitat may be lost, other habitats will be enhanced by the Project.	
G4 Safeguarding the Water and Environment	General Development Policies
Wording	
Planning permission will not be granted for developments which will have an adverse effect on the water environment, or the quality of surface or ground water.	
Comments	
The potential impacts of the Project on the water environment and quality of water are addressed in the ES (Volume 2b): Surface Water and Flood Risk (including Appendix B: Water Framework Directive Assessment), ES (Volume 2b): Estuarine Processes and Geomorphology Technical Report and the ES (Volume 2b):	

Contaminated Land Technical Report. The assessments concluded that to avoid significant effects on the water environment, or the quality of surface or ground water, mitigation measures would be required. Such measures include, but are not limited to, toolbox talks, appropriate and site specific Method Statements for works, and the use of Personal Protective Equipment these are detailed in the ES (Volume 1): Chapter 20; Environmental Action Plan. It is therefore considered that the Project is in accordance with this policy.

Reference	Issue
G6 Vehicular and Pedestrian Access	General Development Policies

Wording

Planning permission will not be granted for development where the proposed means of pedestrian and vehicular access are unsatisfactory.

Comments

Studies undertaken as part of the ES (Volume 2d): Traffic and Transport Technical Report and the ES (Volume 2d): Navigational Impact Assessment Technical Report found that the proposals for pedestrian and vehicular access to the Project site during both the construction and operational phases were satisfactory. Access to the control building during the operational phase will be through the PoB Estate, and upgrades to the Boston Public Footpath No.14 (Macmillan Way) are included in the landscaping of the embankment. Further evidence of this is presented in the Design and Access Statement supporting this application.

Reference	Issue
G7 Accessible Environments	General Development Policies

Wording

Planning permission will not be granted for non-residential developments which include an external layout which would be unsuitable for persons of restricted mobility.

Comments

Included in the landscaping design of the terrestrial environment surrounding the barrier is the partial redevelopment of the section of the Boston Public Footpath No.14 (Macmillan) that reaches the embankment. Upon completion of the construction phase, the Boston Public Footpath No.14 (Macmillan Way) will reopen to the public, and will be able to be accessed by people with restricted mobility, as wheelchair access will be available via London Road.

Reference	Issue
G8 Air and Soil Resources	General Development Policies

Wording

Planning permission will not be granted for developments which will have an adverse effect upon the quality of air or soil such as to lead to:-

- Harm to local living or working conditions or the operation of nearby land uses;
- Harm to the natural flora and fauna of interest in the locality; or
- Added constraints on future developments in the area.

Comments

The ES (Volume 2d): Air Quality Technical Note was produced. This assesses the potential impact of The Project on the air quality. The assessment concluded that there would be no significant affects in either the construction or operation phase of The Project. Additionally, the ES (Volume 2b): Contaminated Land Technical Report presents the finding of the soils assessment, and concludes that, with effective mitigation, The Project will not have an adverse effect upon the quality of the soil.

Reference	Issue
ED1 Development in Industrial/Commercial Areas	Economic Development Policies

Wording

In existing and proposed industrial/commercial areas shown on the proposals map, planning permission will be granted for new industrial or commercial development, or extensions to existing buildings, provided that individual developments will not:

- Generate levels of traffic, dust, noise, smell or other pollution which would significantly harm the environment, local living or working conditions, or the operation of nearby land uses;
- Cause unacceptable harm to the character of the locality due to their nature, scale, density, layout, appearance or level of traffic generation;
- Cause an unacceptable deterioration in the quality of utility services elsewhere; and
- Adversely affect the wash SSSI or sites of local nature conservation interest.

Comments

The Project is located within an existing industrial area, and the environmental impact assessment undertaken has concluded that it will not give rise to any of the impacts noted within the policy due to the planned mitigation proposed. Evidence of this is seen in the ES (Volume 2a): Landscape and Visual Impact Assessment, the ES (volume 2a): Noise and Vibration Technical Report, the ES (Volume 2d): Traffic and Transport Technical Report (volume 2d) and the ES (Volume 2d): Navigation Impact Assessment Technical Report. Additionally, the ES (Volume 2b): Ecology and Nature Conservation Technical Report concludes that there will be no adverse effect on any surrounding SSSI or sites of local nature conservation interest.

Reference	Issue
ED2 Development of Ports	Economic Development Policies

Wording

In areas of port related development shown on the proposals map (Boston, town centre and Fosdyke insets) planning permission will be granted for development which is associated with the port's activities, provided that it will not:

- Generate levels of traffic, dust, noise, smell or other pollution which would significantly harm the environment, local living or working conditions, or the operation of nearby land uses;
- Cause unacceptable harm to the character of the locality due to their nature, scale, density, layout, appearance or level of traffic generation;
- Cause an unacceptable deterioration in the quality of utility services elsewhere; and
- Adversely affect the wash SSSI or sites of local nature conservation interest.

Comments

The Project aims to contribute to Port activities by protecting the surrounding environment from increased flood risk. The control building and use of the Barrier when necessary will contribute to marine activities in the area. The ES has demonstrated that the development will not create any of the impacts, due to the planned mitigation proposed, noted within the policy. Mitigation measures have been designed into the Project to ensure this. Such mitigation includes design techniques to reduce the visual impact of the Project, evidence of this is seen in the ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report, the ES (Volume 2a): Noise and Vibration Technical Report, the ES (Volume 2d): Traffic; Transport Technical Report and the ES (Volume 2d) Navigational Impact Assessment Technical Report.

Reference	Issue
T1 New Accesses onto Major Roads	Car Park and Traffic Management Policies

Wording

On all A-class roads in the built up area of the town of Boston, a new access or junction will not be permitted unless:

- It is in replacement of an existing one to be closed; or
- It can be demonstrated that there will be no adverse effects on the safety and capacity of the road.

Comments

There are no new roads proposed to be constructed as part of the Project. Existing private roads within the PoB will be upgraded for use by construction vehicles. It is not expected that this will lead to adverse effects on the safety or capacity of the existing road infrastructure. The impact of the road upgrades have been assessed further within the ES (Volume 2d): Traffic and Transport Report Technical Report. The mitigation measures suggested in this report will prevent and/or reduce cumulative and in combination effects associated with the Project.

Reference	Issue
T2 Roads and Footpaths in New Developments	Car Park and Traffic Management Policies

Wording

Where a development involves the construction of a new road and/or footpath, planning permission will not be granted unless the proposed road and/or footpath layout:

- Provides for any proposed through road to be accessible to public transport vehicles;
- Caters satisfactorily for the needs of pedestrians, cyclists and persons of restricted mobility; and
- Relates well to the nature and form of the development, and the locality in general.

Comments

The upgrade of the Boston Public Footpath No.14 (Macmillan Way) will be designed to cater for the needs of pedestrians, cyclists and persons of restricted mobility. The upgrade of the footpath is considered to adhere to the requirements within this policy.

Barrier

Reference	Issue
C7 Development of Sites Adjacent to River Witham	Visual amenity, nature conservation, and landscape policies

Wording

Planning permission will be granted for the development of land adjacent to the River Witham, or the Haven (the tidal stretch of the River) only where the submitted proposals are well designed and visually related to the river scene: and (where appropriate) accommodate and promote any recreational potential of the site concerned.

Comments

In consultation with BBC and LCC, the terrestrial developments associated with the barrier have been designed to fit with the surrounding landscape, as detailed within the ES (Volume 2a): Cultural Heritage Technical Report, ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report and within the Design and Access Statement, which is submitted with this application. Such design elements include sheet piling embedded within the right embankment to allow for the existing view to be maintained, recreational seating on the right bank and improved footpath access for all mobility users.

Reference	Issue
C8 Stump Views	Visual amenity, nature conservation, and landscape policies
Wording	
Planning permission will not be granted for any development which would obstruct a public view of St. Botolphs Church, Boston, or which would challenge the visual dominance of the Church.	
Comments	
The ES (Volume 2a): Landscape and Visual Impact Assessment Technical Report documents the assessment undertaken which concluded that the view of the Project on St. Botolphs Church would be temporary and negligible during the construction phase; however, the barrier once constructed would not impinge on existing clear views towards the Stump.	

Reference	Issue
C17 Sites of Local Conservation Importance	Visual amenity, nature conservation, and landscape policies
Wording	
Development proposals which would adversely affect the sites of local nature conservation interest will only be permitted where:	
<ul style="list-style-type: none"> ▪ They are in the local interest with public benefits which decisively outweigh their adverse effect; and ▪ They could not feasibly be sited in a less sensitive location. 	
Comments	
The ES (Volume 2b): Ecology and Nature Conservation Technical Report has identified that, without mitigation, the Project could have a minor impact on Havenside LNR during construction and operation. However with the inclusion of mitigation, detailed in the ES (Volume 2b): Ecology and Nature Conservation Technical Report is not expected to affect the LNR.	

5.5 Lincolnshire Minerals and Waste Local Plan

- 5.5.1 LCC adopted the Core Strategy and Development Management Policies (CSDMP) document on 1 June 2016. This document forms the first part of the Lincolnshire Minerals and Waste Local Plan and sets out:
- The key principles guiding the future winning and working of minerals and form of waste management in the county up to 2031; and
 - The criteria against which planning applications for minerals and waste development will be determined.
- 5.5.2 The CSDMP document replaces the Lincolnshire Minerals Local Plan (1991) and the Lincolnshire Waste Local Plan (2006), with the exception of Policies WLP2 (Household Waste Recycling Centres), WLP6 (Materials Recovery Facilities) and WLP12 (Energy from Waste) of the Lincolnshire Waste Local Plan (2006). These policies are saved until the second part of the Lincolnshire Minerals and Waste Local Plan, the Site Locations document, has been adopted.
- 5.5.3 The CSDMP states that the PoB could provide a potential destination for onward shipping for certain waste arisings and identifies Skirbeck Road within the port as a minerals site.

- 5.5.4 The County Council consulted on the Draft Site Locations (Preferred Sites and Areas) for Mineral Extraction and Waste in December 2015. Riverside Industrial Estate was identified as a preferred area for waste development principally in the north and north east of the estate. It was identified that the industrial nature of the area would allow for most open and enclosed waste uses including Resource Recovery, Treatment Facility, Waste Transfer, Open Composting, Materials Recycling Facility, Hazardous Waste Recovery Centre, Metal Recycling/End of Life Vehicles, Re-Use facility, Construction/Demolition Recycling and Hazardous Waste Facility.
- 5.5.5 The representations received from the Preferred Sites and Areas consultation are currently being reviewed by the County Council. Following this, it is anticipated that a pre-submission draft document will be published in late 2016 for further consultation.
- 5.5.6 The land occupied by the Environment Agency’s Community Hub, on the right bank, which forms part of the planning application boundary, is located within Riverside Industrial Estate as a preferred area for waste development. The land is to be used as the main construction compound during the development.

5.6 Summary

- 5.6.1 The above review of planning policy guidance at a national and local level has concluded that the development is in accordance with planning policy. This has been achieved through design analysis, consultation, and mitigation techniques.

6 Conclusions

- 6.1.1 This Planning Statement has set out the detailed planning case for the Project, with reference to the relevant national and local planning policies. Through the analysis of these policies, and with reference to the ES (Volume 1) and ES (Volumes 2a – 2d), drawings and supporting documents, the detailed case for the development has been demonstrated. Where the ES (Volume 1) and ES (Volumes 2a – 2d) have identified an impact, mitigation measures have been incorporated into the design and construction programme to reduce the impact of the Project.
- 6.1.2 At the national level, the Project is in accordance with the NPPF and the East Inshore and Offshore Marine Plan. This Planning Statement establishes that the Project does not give rise to any material harm with regard to issues such as economic growth, landscape and visual impacts, climate change and flooding, environmentally valuable land, biodiversity (aquatic and terrestrial), port development, tourism and leisure, and the historic environment.
- 6.1.3 The principal need for the Project is supported by local policy, both existing and emerging. Support for the nature of the development is seen within the Adopted Boston Borough Local Plan (Saved Policies) 1999 and is specifically referenced within the emerging South East Lincolnshire Local Plan (2011-2036).

This page has been left intentionally blank.

7 Abbreviations

Abbreviation	Definition
BBC	Boston Borough Council
BCS	Boston Combined Strategy
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
LCC	Lincolnshire County Council
LWT	Lincolnshire Wildlife Trust
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PoB	Port of Boston
PROW	Public Right of Way
PS	Planning Statement
SFFD	South Forty Foot Drain
SI	Statutory Instrument
TWAO	Transport and Works Act Order
WDE	Wet Dock Entrance
WLM	Water Level Management
WPD	Western Power Distribution

**Would you like to find out more about us
or about your environment?**

Then call us on

03708 506 506 (Monday to Friday, 8am to 6pm)

email

enquiries@environment-agency.gov.uk

or visit our website

www.gov.uk/environment-agency

incident hotline 0800 807060 (24 hours)

floodline 0345 988 1188 (24 hours)

Find out about call charges (www.gov.uk/call-charges)



Environment first: Are you viewing this on screen? Please consider the environment and only print if absolutely necessary. If you are reading a paper copy, please don't forget to reuse and recycle if possible.