

Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

**Land at and in the vicinity the Eggborough Power Station site,
near Selby, North Yorkshire, DN14 0BS**

Statutory Nuisance Statement

The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009**

Regulation – 5(2)(f)



Applicant: Eggborough Power Limited

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GLOSSARY

Abbreviation	Description
APFP	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
BAT	Best Available Techniques – the available techniques which are the best for preventing or minimising emissions and impacts on the environment. BAT is required for operations involving the installation of a facility that carries out industrial processes.
CCGT	Combined Cycle Gas Turbine – a highly efficient form of energy generation technology. An assembly of heat engines work in tandem using the same source of heat to convert it into mechanical energy which drives electrical generators and consequently generates electricity.
CCS	Considerate Constructors Scheme – a non-profit making, independent organisation founded in 1997 by the construction industry to improve its image.
CEMP	Construction Environmental Management Plan – a plan to outline how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area.
CEMS	Continuous Emissions Monitoring System – a tool to monitor flue gas for oxygen, carbon monoxide and carbon dioxide to provide information for combustion control in industrial settings.
CWTP	Construction Worker Travel Plan
DCO	Development Consent Order – made by the relevant Secretary of State pursuant to The Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include rights of compulsory acquisition.
EA	Environmental Agency
Environmental Impact Assessment (EIA)	Environmental Impact Assessment. The assessment of the likely significant environmental effects of a development undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009.
Emission	The substances or mass of a substance emitted into the atmosphere.

EMS	Environmental Management System – the management of an organisation’s environmental programs in a comprehensive, systematic, planned and documented manner.
EPA	Environmental Protection Act 1990
EPH	Energetický A Prumyslový Holding – the holding company of EP UK. EPH owns and operates assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.
EPL	Eggborough Power Limited (The Applicant)
ES	Environmental Statement – A report in which the process and results of an Environment Impact Assessment are documented.
Industrial Emissions Directive (IED)	A directive of the European Union, the requirements of which will replace requirements of the waste Incineration Directive (WID) by 2013
NSIP	Nationally Significant Infrastructure Project – defined by the Planning Act 2008 and cover projects relating to energy (including generating stations, electric lines and pipelines); transport (including trunk roads and motorways, airports, harbour facilities, railways and rail freight interchanges); water (dams and reservoirs, and the transfer of water resources); waste water treatment plants and hazardous waste facilities. These projects are only defined as nationally significant if they satisfy a statutory threshold in terms of their scale or effect.
NYCC	North Yorkshire County Council
PINS	Planning Inspectorate – executive agency of the Department for Communities and Local Government of the United Kingdom Government. It is responsible for determining final outcomes of town planning.
SDC	Selby District Council
SWMP	Site Waste Management Plan

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EXECUTIVE SUMMARY

This Statutory Nuisance Statement has been written to comply with Regulation 5(2)(f) of APFP Regulations, which states that any application for a DCO should be accompanied by a statement setting out whether the proposed gas-fired electricity generating station in Eggborough, North Yorkshire, could cause a statutory nuisance pursuant to Section 79(1) of the Environmental Protection Act 1990 (EPA). If such a nuisance could occur, the statement must set out how the applicant proposes to mitigate or limit the effects. An overview of the proposal and the site location is included in Section 1.

Section 2 identified the legislative framework pertinent to statutory nuisance, while Section 3 outlines the potentially significant statutory nuisance landscape and visual, noise and traffic impacts arising from the proposed generating station and mitigation measures which have been identified to reduce the statutory nuisance impacts, as outlined in the Environmental Statement (which accompanies this DCO application (Application Document Ref. No. 6.2)).

Section 4 outlines the potential negligible and minor impacts which may arise from the proposed generating station and any mitigation measures which are proposed for the control of these impacts.

It is concluded in Section 5 that only noise and visual amenity have been assessed as having the potential to lead to significant statutory nuisance effects; however, following the embedded mitigation measures outlined in Section 3, no significant noise or visual nuisance effects are anticipated. In addition the operation of the generating station is to be regulated by the Environment Agency through an Environmental Permit.

1.0 INTRODUCTION

- 1.1 This Statutory Nuisance Statement has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 1.2 EPL is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development (the 'Project' or 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under sections 14 and 15(2) of the PA 2008.
- 1.4 The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').

EPL

- 1.5 EPL owns and operates the existing Eggborough coal-fired power station (the 'existing coal-fired power station'), near Selby, including a significant proportion of the land required for the Proposed Development.
- 1.6 EPL was acquired by EP UK Investments Ltd (EP UK) in late 2014; a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.

The Proposed Development Site

- 1.7 The Proposed Development Site (the 'Site' or the 'Order limits') is located at and in the vicinity of the existing coal-fired power station approximately 8 kilometres south of Selby.
- 1.8 The existing coal-fired power station is bound to the north by Wand Lane, with the River Aire located approximately 650 metres ('m') further to the north and the A19 Selby Road immediately to the west. Eggborough Village is located approximately 750 m to the south-west.
- 1.9 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.10 The existing coal-fired power station was officially opened in 1970 and comprises four coal-fired boilers units, which together are capable of generating up to 2,000 MW of electricity. The existing coal-fired power station also includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 m in height, eight concrete cooling towers of approximately 115 m in height, an administration and control block, a coal stockyard and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.

- 1.11 The Site itself extends to approximately 102 hectares and comprises land within the operational area of the existing coal-fired power station for the new gas-fired generating station and electrical and groundwater supply connections; corridors of land to the north of the existing coal-fired power station for the cooling water connections and gas supply pipeline; an area of land to the south-east of the main coal stockyard for surface water discharge connections; and corridors of land to the west and south of the operational area of the existing coal-fired power station for ground and towns water supply connections and access.
- 1.12 The land required for the generating station and electrical and groundwater connections is owned by EPL, as well as the majority of the land for the cooling and towns water and surface water discharge connections. The majority of the land required for the gas supply pipeline is not owned by EPL.
- 1.13 The area surrounding the Site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. The area is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with the existing coal-fired power station and other power stations within the wider area.
- 1.14 A more detailed description of the Site is provided at Chapter 3 'Description of the Site' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2).

The Proposed Development

- 1.15 The main components of the Proposed Development are summarised below:
- The **'Proposed Power Plant'** (Work No. 1) - an electricity generating station with a gross output capacity of up to 2,500 MW located on the main coal stockyard area of the existing coal-fired power station, comprising:
 - Work No. 1A - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine hall and heat recovery steam generator buildings, emissions stacks and administration/control buildings;
 - Work No. 1B - a peaking plant and black start plant fuelled by natural gas with a combined gross output capacity of up to 299 MW, comprising a peaking plant consisting of up to two open cycle gas turbine units or up to ten reciprocating engines and a black start plant consisting of one open cycle gas turbine unit or up to three reciprocating gas engines, including turbine buildings, diesel generators and storage tanks for black start start-up prior to gas-firing and emissions stacks;
 - Work No. 1C - combined cycle gas turbine plant cooling infrastructure, comprising up to three banks of cooling towers, cooling water pump house buildings and cooling water dosing plant buildings; and
 - ancillary buildings, enclosures, plant, equipment and infrastructure connections and works.
 - The **'Proposed Electricity Connection'** (Work No. 3) - electrical connection works, comprising:
 - Work No. 3A - up to 400 kilovolt ('kV') underground electrical cables to and from the existing National Grid ('NG') 400 kV substation;

- Work No. 3B - works within the NG substation, including underground and over electrical cables, connection to busbars and upgraded or replacement equipment.
- The **'Proposed Cooling Water Connections'** (Work No. 4) - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire, including, as necessary, upgraded or replacement pipelines, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Ground and Towns Water Connections'** (Work No. 5) - ground and towns water supply connection works, comprising works to the existing groundwater boreholes and pipelines, existing towns water pipelines, replacement and new pipelines, plant, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Access and Rail Works'** (Work No. 10) - rail infrastructure and access works, comprising alterations to or replacement of the existing private rail line serving the existing coal-fired power station site, including new rail lines, installation of replacement crossover points and ancillary equipment and vehicular and pedestrian access and facilities.
- The **'Proposed Surface Water Discharge Connection'** (Work No. 9) - surface water drainage connection works to Hensall Dyke to the south-east of the main coal stockyard, comprising works to install or upgrade drainage pipes and works to Hensall Dyke.
- The **'Proposed Gas Connection'** (Work No. 6) - gas supply pipeline connection works for the transport of natural gas to Work No. 1, comprising an underground high pressure steel pipeline of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.6 kilometres in length, including cathodic protection posts, marker posts and underground electrical supply cables, transformers and control systems cables, running from Work No. 1 under the River Aire to a connection point with the National Transmission System ('NTS') for gas No. 29 Feeder pipeline west of Burn Village.
- The **'Proposed AGI'** (Work No. 7) - an Above Ground Installation ('AGI') west of Burn Village, connecting the gas supply pipeline (Work No. 6) to the NTS No. 29 Feeder pipeline, comprising:
 - Work No. 7A - a compound for National Grid's apparatus; and
 - Work No. 7B - a compound for EPL's apparatus.
- The **'Proposed Construction Laydown Area'** (Work No. 2A) - an area for temporary construction and laydown during the construction phase, including contractor compounds and facilities.
- The **'Proposed Carbon Capture Readiness ('CCR') Land'** (Work No. 2B) - an area of land to be reserved for carbon capture plant should such technology become viable in the future. It is proposed that this 'reserve' land is provided on part of the area to be used for temporary construction and laydown.
- The **'Proposed Retained Landscaping'** (Work No. 8) - encompassing the existing mature tree and shrub planting along the northern side of Wand Lane and to the eastern boundary of the existing coal-fired power station site, including that on the embankment around the eastern, southern and western boundaries of the main coal stockyard.

1.16 The 'associated development', for the purposes of section 115 of the PA 2008 comprises Work Nos. 2 to 10 of the Proposed Development.

- 1.17 It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by EPL), construction work on the Proposed Development would commence in early 2019. The overall construction programme is expected to last approximately three years, although the duration of the electrical and water connection and gas supply pipeline connection works would be significantly less. The construction phase is therefore anticipated to be completed in 2022 with the Proposed Development entering commercial operation later that year.
- 1.18 A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the draft DCO and Chapter 4 'The Proposed Development' of the ES Volume I (Application Document Ref. 6.2) and the areas within which each of the main components of the Proposed Development are to be built is shown by the coloured and hatched areas on the Works Plans (Application Document Ref. 4.4).

The Purpose and Structure of this Document

- 1.19 The purpose of this document is to comply with Regulation 5(2)(f) of APFP Regulations, which states that any application for a DCO should be accompanied by a statement setting out whether the development proposal could cause a statutory nuisance pursuant to Section 79(1) of the Environmental Protection Act 1990 (EPA). If such a nuisance could occur, the statement must set out how the applicant proposes to mitigate or limit the effects.
- 1.20 Paragraph 4.14.1 of the 'Overarching National Policy Statement for energy EN-1' states that: "Section 158 of the Planning Act 2008 confers statutory authority for carrying out development or doing anything else authorised by a development consent order. Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include defence for proceedings for nuisance under Part III of the EPA (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority's duties under Part III of the EPA to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve abatement notice where satisfied to its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is 'prejudicial to health' and not a nuisance."
- 1.21 Paragraph 4.14.2 goes on to state that it is very important that at the application stage, the SoS considers sources of nuisance under Section 79(1) of the EPA and how these may be mitigated or limited, so that appropriate 'requirements' can be included in any DCO that is granted.
- 1.22 Whilst it is not expected that the construction, operation, maintenance and decommissioning of the Proposed Development would cause a statutory nuisance, Article 36 of the draft DCO accompanying the application contains a provision that would provide a defence to proceedings in respect of statutory nuisance (in respect of sub-paragraph (g) of Section 79(1) of the EPA (noise emitted from premises so as to be prejudicial to health or a nuisance), subject to certain criteria..
- 1.23 This Statement first describes the legislative context for the identification of matters which constitute statutory nuisance and the methodology for the assessment of these. This is followed by a summary of the assessment of the statutory nuisances, using information from the ES (Application Document Ref No. 6.2), including any relevant mitigation measures and residual effects, whether embedded within the design of the Proposed Development or secured through requirements within the DCO.

2.0 IDENTIFICATION AND ASSESSMENT OF STATUTORY NUISANCE

Legislative Framework

2.1 Section 79(1) of the EPA identifies the matters which are considered to be statutory nuisance as follows:

- any premises in such a state as to be prejudicial to health or a nuisance;
- smoke emitted from premises so as to be prejudicial to health or a nuisance;
- fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- any accumulation or deposit which is prejudicial to health or a nuisance;
- any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;
- artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- noise emitted from premises so as to be prejudicial to health or a nuisance;
- noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road; and
- any other matter declared by any enactment to be statutory nuisance.

Assessment of Significance

2.2 The ES for the Proposed Development addresses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in Section 79(1) of the EPA. ES Volume I – Chapters 4 (The Proposed Development) and 6 (Need, Alternatives and Design Evolution) (Application Document Ref No. 6.2) describe impact avoidance measures inherent to the proposed design and methods of construction and operation, which address the potential statutory nuisances defined at paragraph 2.1 above. Chapters 8 (Air Quality), 9 (Noise and Vibration), 16 (Landscape and Visual Amenity), 17 (Waste and Resource Management) and 19 (Health) and their associated appendices (Application Document Ref. No. 6.3) provide detailed assessments of these potential statutory nuisances and identify mitigation measures where necessary.

2.3 The ES provides an assessment of the potential effects on receptors as negligible, minor, moderate or major. Moderate and major impacts are considered to be significant for the purposes of the EIA.

2.4 The only matters addressed by the EPA which have been assessed as potentially being significant for the Proposed Development are identified as noise and visual amenity. However, it is demonstrated in Section 3 of this document that the Proposed Development would have no significant noise or visual nuisance effects following the implementation of the identified embedded mitigation measures.

- 2.5 Other potential nuisance aspects have been considered in Section 4 and through embedded mitigation no statutory nuisance effects are considered likely to occur.

3.0 PROPOSED MITIGATION MEASURES – POTENTIALLY SIGNIFICANT IMPACTS

“Any premises in such a state as to be prejudicial to health or a nuisance” – Landscape and Visual Amenity

- 3.1 The assessment of effects on landscape and visual amenity is presented in Chapter 16 of ES Volume I (Application Document Ref. No. 6.2).
- 3.2 The ES concludes that due to the existing industrial character of the Proposed Development the effects on the existing landscape will be low and will not be sufficient to result in an inherent change to the existing landscape character at a local scale, and negligible at a regional or national scale. Although the location of the Proposed Power Plant Site benefits from existing screening in the form of an earth embankment with tree planting, the Proposed Development is likely to result in a significant effect on visual amenity during its the construction and operation from several viewpoints as a result of the close distance and lack of intervening vegetation. However, due to the size and massing of the structures no specific mitigation measures are proposed.
- 3.3 While a significant adverse effect is assessed to occur from various viewpoints around the site, this is not a statutory nuisance issue which relates to *“any premises in such a state as to be prejudicial to health or a nuisance”* as this is considered to occur if poor levels of housekeeping or maintenance are applied at the Site.
- 3.4 To minimise the risk of any such statutory nuisance from occurring through poor maintenance or housekeeping, operational and management controls would be put in place, such as the presence of a dedicated Operations and Maintenance team, the establishment of a preventative maintenance plan, regular housekeeping inspections, waste management procedures and compliance with the requirements of the site Environmental Management System (EMS) and Environmental Permit that would be used to manage the environmental impacts of the Proposed Development.
- 3.5 The following impact avoidance measures will either be incorporated into the design or are standard construction or operational methods:
 - the selection of finishes for the buildings and other infrastructure will be informed by the industrial setting of the development and will be developed in consultation with SDC in order to minimise the visual impact of the Proposed Development;
 - lighting required during the construction and operation stages of the Proposed Development will be designed to reduce unnecessary light spill outside of the Site boundary. A lighting strategy will cover this aspect and will be secured through a requirement of the DCO (Application Document Ref No. 5.11); and
 - existing vegetation along the boundary of the Site will be retained and managed to ensure its continued presence to aid the screening of low level views into the Site. Details will be provided in the Landscape and Biodiversity Strategy that will accompany the DCO application (Application Document Ref No. 5.10).

“Noise emitted from premises so as to be prejudicial to health or a nuisance”

“Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street”

- 3.6 The potential impacts and mitigation for this nuisance have been discussed as part of the noise impact assessment which is presented in Chapter 9 of ES Volume I (Application Document Ref. No. 6.2).
- 3.7 The ES concludes that in the absence of mitigation, there would be potential for moderate adverse effects on the nearby noise sensitive receptors during the following activities :
- the concurrent demolition of the existing coal fired power station and construction of the Proposed Development, if they occur at the same time;
 - the construction of the pipelines connecting the Proposed Development to the existing groundwater borehole, River Aire and National Gas Transmission system; and
 - eventual decommissioning of the Power Plant.
- 3.8 Mitigation to be included in a Construction Environmental Management Plan (CEMP) shall include, but not be limited to:
- abiding by construction noise limits to be agreed with SDC at nearby noise sensitive receptors and demonstrated through appropriate noise monitoring;
 - restricting potentially noisy activities to daytime working hours (07:00 to 19:00 Monday to Friday (except Bank Holidays) and 07:00 – 13:00 Saturday);
 - ensuring that all processes are in place to minimise noise before works begin and ensuring that Best Practicable Means are being applied throughout the construction programme;
 - ensuring that modern mobile plant is used, complying with the latest European noise emission requirements;
 - hydraulic techniques for breaking of concrete to be used in preference to percussive techniques where practical;
 - use of rotary bored rather than driven piling techniques (if required), where possible;
 - off-site pre-fabrication, where practical;
 - all plant and equipment being used for the works to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use;
 - all contractors to be made familiar with current legislation and the guidance in BS 5228 (Parts 1 and 2), which should form a prerequisite of their appointment;
 - loading and unloading of vehicles, dismantling of site equipment such as scaffolding or moving equipment or materials around the Site to be conducted in such a manner as to minimise noise generation;
 - appropriate routing of construction traffic on public roads and along access tracks, to minimise noise level increase (see Chapter 14: Traffic and Transportation of ES Volume I (Application Document Ref No. 6.2));

- consultation with SDC and local residents to advise of potential noisy works that are due to take place; and
- noise complaints should be monitored, reported to the contractor and immediately investigated.

3.9 The ES concludes that through the implementation of the best practice measures to control construction noise through the use of the CEMP (a framework of which is included as Appendix 3A in ES Volume III (Application Document Ref No. 6.3)); noise will be managed and mitigated to reduce the impact to minor impacts.

Traffic

3.10 The noise impact from the traffic during the construction phase of the Proposed Development is assessed to be not significant based on the predicted peak traffic flows to the Site during construction and the current traffic levels on the road network and the condition of that network.

3.11 Nevertheless, whilst assessments have demonstrated that during the construction phase of the Proposed Development there will be no significant noise effects on any of the road sections assessed, the following best practice mitigation measures will be implemented to minimise effects:

- the standard construction working hours will be 07:00 to 19:00 Monday to Friday (except Bank Holidays) and 07:00 – 13:00 Saturday, and as such the majority of construction worker traffic is anticipated to avoid the AM and PM peak periods on the local highway network (identified to be 08:00 – 09:00 hours and 17:00 – 18:00 hours);
- a Construction Worker Travel Plan (CWTP) will be developed and applied, aimed at identifying measures and establishing procedures to encourage construction workers to adopt modes of transport which reduce reliance on single occupancy private car use;
- the contractor will be required to prepare a Construction Traffic Management Plan to identify a number of measures to control the routing and impact that HGVs will have on the local road network during construction. It is proposed that all construction HGVs will be required to use the motorway network as far as possible and to arrive and depart the site by avoiding the villages of Chapel Haddlesey and Burn where possible (with the exception of a small number accessing the northern parts of the Proposed Gas Connection construction area). A programme of monitoring will be recommended to assess the effectiveness of the measures proposed.

3.12 During operation of the Proposed Development the potential noise from increased traffic movement, from the power station and associated activities on the site are determined to have no significant effects on the identified receptors. Therefore noise from the Proposed Development is unlikely to represent a statutory nuisance.

4.0 PROPOSED MITIGATION MEASURES – NEGLIGIBLE/MINOR IMPACTS

“Smoke emitted from premises so as to be prejudicial to health or a nuisance”

- 4.1 No smoke is expected to be generated from the Proposed Development as a part of normal operation.

“Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance”

- 4.2 The Proposed Development will be designed and operated to meet the requirements of the Industrial Emissions Directive (IED), and its operations will be regulated by the EA under an Environmental Permit. It will be operated and maintained by a dedicated Operations and Maintenance team with an established planned preventative maintenance programme.
- 4.3 The proposed high efficiency gas turbines for the Proposed Development are able to comply with the current IED requirements without the need for secondary abatement; primary combustion control measures and burner designs mean that emissions of nitrogen oxides and carbon monoxide can meet the IED emission limits, while emissions of sulphur dioxide and particulates are expected to be negligible based on the use of natural gas fuel. The process is controlled through an automated process control system in accordance with Best Available Techniques (BAT).
- 4.4 The emission stacks are to be grouped together in one location and this will potentially improve dispersion from the stacks. Further by using CCGT stacks up to 90 m in height above ground level and peaking plant stacks up to 45 m in height, the risk of exceeding the Government-defined ambient air quality objectives is predicted to be negligible. Through the use of such stack heights (which will be fixed in the DCO application), no significant air quality effects are therefore predicted at the identified human and ecological receptors.
- 4.5 Sampling and analysis of exhaust emissions will be carried out to appropriate standards (e.g. ISO, national, or international standards). Exhaust emission levels will be monitored by a Continuous Emissions Monitoring System (CEMS) prior to discharge to atmosphere. Flue gas will be emitted with a velocity in excess of 15m/s. Combined with the thermal buoyancy of the warm gas, the flue gases will rise before becoming dispersed.
- 4.6 The fuel to be used in the generating station is natural gas which will be supplied via a new dedicated pipeline connecting to the National Grid gas transmission network. The gas will be received at a gas receiving station to treat and depressurise it before being used in the Proposed Development. No emissions of natural gas are expected to occur from the gas receiving station or pipeline; likewise the generating station will combust the gas so that emissions of unburnt gas will not occur during normal plant operation.
- 4.7 Therefore, the assessment has concluded that no fume or gases which can cause significant impact will arise from the Proposed Development.

“Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance”

- 4.8 As described above, the operation of the Proposed Development in accordance with the IED and Environmental Permit, through the activities of the operation and maintenance teams, will

minimise the potential for statutory nuisance from atmospheric emissions. The plant is not expected to give rise to dust or odour emissions during operation as natural gas fuel does not generate dust during combustion and also because there is not envisaged to be any loss or release of unburned gas during normal operation.

- 4.9 There is the potential for dust generation during earthworks and construction activities. However, the dust generated from demolition and construction is predicted to have minor or negligible effect as emissions will be controlled in accordance with industry best practice. The control of dust emissions during construction and application of appropriate mitigation measures will be undertaken through the proposed CEMP. The Considerate Constructors Scheme (CCS) will be adopted to assist in reducing pollution and nuisance from the Proposed Development.
- 4.10 The impacts from waste generated from the Proposed Development are considered to be very small, as minimal waste arisings are expected during construction or operation. A Site Waste Management Plan (SWMP) will be implemented by the contractor to reduce, re-use and recycle construction waste where feasible. Good practice waste management procedures will also minimise the risk of adverse effects on human or ecological receptors from the waste storage, transfer or disposal.
- 4.11 During plant operation, a cooling system is required to condense/ cool the steam used in the power generation process once it has been exhausted through the steam turbine, and before it is returned to the boiler for re-use. At this stage in the project design, the final cooling technology selection for the Proposed Development has not been made, but initial studies indicate that hybrid cooling or use of wet cooling towers represent the use of Best Available Techniques (BAT) for the installation, as these balance the environmental effects of the water abstraction and discharge against the efficiency improvements over the use of air cooling. This position has been discussed and agreed with the Environment Agency.
- 4.12 Use of hybrid cooling towers would minimise the formation of visible water vapour plumes from the cooling towers, and on that basis, use of hybrid towers is favoured by the Applicant.
- 4.13 Therefore, the assessment has concluded that no significant emissions of dust, steam, smell or other effluvia will arise from the Proposed Development.

“Any accumulation or deposit which is prejudicial to health or a nuisance”

- 4.14 The volumes of waste generated from the Proposed Development are expected to be very small. While some ground clearance and levelling works will be required, it is not envisaged that large volumes of spoil or surplus materials will be generated requiring off site treatment or disposal. During construction the SWMP will be implemented by the contractor to reduce, re-use and recycle construction waste where feasible.
- 4.15 Waste arisings during plant operation will be minor, as there is no ash or by product formation from the combustion of natural gas fuel. Good practice waste management procedures during operation will also minimise the risk of adverse effects on human or ecological receptors from the storage, transfer or disposal of waste.
- 4.16 No accumulation or deposit is expected from the Proposed Development.

“Any animal kept in such a place or manner as to be prejudicial to health or a nuisance”

4.17 No animals will be kept at the Proposed Development.

“Any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance”

4.18 Due to the nature of the process, no insects are expected to emanate from the Proposed Development or be attracted to it.

“Artificial light emitted from premises so as to be prejudicial to health or a nuisance”

4.19 Artificial lighting will be required during construction and operation of the Proposed Development, for safety and security purposes. However, good practice methods and design measures including directional lighting (directed downwards to minimise light spill) will be employed onsite to minimise off-site lighting effects and minimise light spill from the Site. This will be secured through a Lighting Strategy and Lighting Plan, to be prepared as a Requirement of the DCO (Application Document Ref No. 5.11). Through the use of the strategy and plan, it is considered that the risk of potential statutory nuisance is negligible.

“Any other matter declared by any enactment to be statutory nuisance”

4.20 No other matters are considered to be a potential statutory nuisance associated with the construction and operation of the Proposed Development.

5.0 CONCLUSION

Potential for Nuisance

- 5.1 This Statement identified the matters set out in Section 79(1) of the EPA in respect of statutory nuisance and considers whether the Proposed Development could cause a statutory nuisance.
- 5.2 The only matters addressed by the EPA which have been assessed as potentially being significant for the Proposed Development are noise and visual amenity. However, it is demonstrated in Section 3 of this document that the Proposed Development would have no significant noise or visual nuisance effects following the implementation of the identified embedded mitigation measures.
- 5.3 Other potential nuisance aspects have been considered in Section 4 and through embedded mitigation no statutory nuisance effects are considered likely to occur.
- 5.4 The operation of the Proposed Development will be regulated by the Environment Agency through an Environmental Permit.

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- 5.5 Notwithstanding the above conclusions, the draft DCO that accompanies the application contains a provision in Article 36 that would provide a defence, subject to certain criteria, to proceedings in respect of statutory nuisance falling within sub-paragraph (g) of Section 79(1) of the EPA (noise emitted from premises so as to be prejudicial to health or a nuisance).