Hornsea Project Four: Additional Application Information

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APFP Regulation 5(2)(f)

F1.4: Statutory Nuisance Statement

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F1.4
Version A

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Glossary

Term	Definition
Code of Construction Practice (CoCP)	A document detailing the overarching principles of construction, contractor protocols, construction-related environmental management measures, pollution prevention measures, the selection of appropriate construction techniques and monitoring processes.
Commitment	A term used interchangeably with mitigation and enhancement measures. The purpose of Commitments is to reduce and/or eliminate Likely Significant Effects (LSEs), in EIA terms. Primary (Design) or Tertiary (Inherent) are both embedded within the assessment at the relevant point in the EIA (e.g. at Scoping, Preliminary Environmental Information Report (PEIR) or ES). Secondary commitments are incorporated to reduce LSE to environmentally acceptable levels following initial assessment i.e. so that residual effects are acceptable.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Projects (NSIP).
Energy balancing infrastructure (EBI)	The onshore substation includes energy balancing Infrastructure. These provide valuable services to the electrical grid, such as storing energy to meet periods of peak demand and improving overall reliability.
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the importance, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement.
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Export cable corridor (ECC)	The specific corridor of seabed (seaward of Mean High Water Springs (MHWS)) and land (landward of MHWS) from the Hornsea Project Four array area to the Creyke Beck National Grid substation, within which the export cables will be located.
High Voltage Alternating Current (HVAC)	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
High Voltage Direct Current (HVDC)	High voltage direct current is the bulk transmission of electricity by direct current (DC), whereby the flow of electric charge is in one direction.
Hornsea Project Four Offshore Wind Farm	The term covers all elements of the project (i.e. both the offshore and onshore). Hornsea Four infrastructure will include offshore generating stations (wind turbines), electrical export cables to landfall, and connection to the electricity transmission network. Hereafter referred to as Hornsea Four.
Impact	Change that is caused by an action; for example, land clearing (action) during construction which results in habitat loss (impact).

Term	Definition
Landfall	The generic term applied to the entire landfall area between Mean Low Water Spring (MLWS) tide and the Transition Joint Bay (TJB) inclusive of all construction works, including the offshore and onshore ECC, intertidal working area and landfall compound. Where the offshore cables come ashore east of Fraisthorpe.
National Grid Electricity Transmission (NGET) substation	The grid connection location for Hornsea Four.
Onshore substation (OnSS)	Comprises a compound containing the electrical components for transforming the power supplied from Hornsea Project Four to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the National Grid. If a HVDC system is used the OnSS will also house equipment to convert the power from HVDC to HVAC.
Order Limits	The onshore limits within which Hornsea Project Four (the 'authorised project') may be carried out.
Orsted Hornsea Project Four Ltd.	The Applicant for the proposed Hornsea Project Four Offshore Wind Farm Development Consent Order (DCO).
Premises	Industrial, trade or business premises, as described in the EPA 1990, but excluding vessels.
The Planning Act 2008	The key legislation providing for national policy guidance to assist in the delivery of Nationally Significant Infrastructure Projects (NSIPs). The 2008 Act led to the development of National Policy Statements (NPSs) to guide the decision making processes for NSIPs.

Acronyms

Acronym	Definition
BEIS	Department of Business, Energy and Industrial Strategy
BS	British Standard
BSI	British Standards Institute
CoCP	Code of Construction Practice
Co	Commitment
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
EBI	Energy Balancing Infrastructure
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
EPA	Environmental Protection Act 1990
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
IAQM	Institute of Air Quality Management
HDD	Horizontal Directional Drilling

Acronym	Definition
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
LSE	Likely Significant Effect
NGET	National Grid Electricity Transmission
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OnSS	Onshore Substation
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate

Units

Unit	Definition
dB	decibel
km	kilometre
LA90	The noise level exceeded for 90% of the measurement period.
m	metre

1 Introduction

1.1 Project Background

1.1.1.1 Orsted Hornsea Project Four Limited (the 'Applicant') is proposing to develop the Hornsea Project Four Offshore Wind Farm (hereafter 'Hornsea Four'). Hornsea Four will be located approximately 69 km offshore the coast of the East Riding of Yorkshire in the Southern North Sea and will be the fourth project to be developed in the former Hornsea Zone. Hornsea Four will include both offshore and onshore infrastructure including an offshore generating station (wind farm), export cables to landfall and on to an onshore substation (OnSS) with energy balancing infrastructure (EBI), and connection to the electricity transmission network.

1.2 Project Infrastructure Overview

1.2.1.1 Hornsea Four will comprise of wind turbine generators and all infrastructure required to transmit the power generated by the turbines to the Creyke Beck National Grid substation, which is located near Cottingham (see **Figure 1**). It will also comprise of any offshore infrastructure required to operate and maintain the wind farm.

1.2.1.2 Hornsea Four will have a maximum of 180 wind turbine generators. These will be connected to offshore substations via array cables, and then to offshore export cables. Up to six offshore export cables will transfer power from the Hornsea Four array area to the landfall.

1.2.1.3 At landfall, the offshore export cables will be joined to onshore export cables at transition joint bays. There will be up to 18 onshore export cables buried in up to six trenches connecting to an OnSS to allow the power to be transferred to the National Grid via the existing Creyke Beck National Grid substation.

1.2.1.4 Hornsea Four may use High Voltage Alternating Current (HVAC) or High Voltage Direct Current (HVDC) transmission or could use a combination of both technologies in separate electrical systems.

1.2.1.5 Hornsea Four is also applying for EBI in relation to the OnSS which would have the capability of energy balancing for the wind farm to buffer forecasted production with actual production.

1.2.1.6 The onshore elements of Hornsea Four are shown in **Figure 1**.

1.3 Aims

1.3.1.1 This document considers Statutory Nuisance only (see **Paragraph 2.1.1.2**) and should be read alongside the following relevant Hornsea Four Environmental Statement (ES) chapters and other relevant supporting documents as set out below:

- **Volume A3, Chapter 8: Noise and Vibration**;
- **Volume A3, Chapter 9: Air Quality**;
- **Volume A4, Annex 5.2: Commitments Register**;
- **Volume A4, Annex 5.1: Impacts and Effects Register**
- **Volume C1, Chapter 1: Draft Development Consent Order**; and
- **Volume F2, Chapter 2: Outline Code of Construction Practice**.

1.3.1.2 Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (SI 2264) states that any application for an order granting development consent should be accompanied by a statement setting out whether the proposal could cause a statutory nuisance, as defined in the Environmental Protection Act (EPA) 1990 (c 43). If such a nuisance could occur, the statement must set out how the applicant proposes to mitigate or limit the effects. Therefore, this document identifies the matters set out in Section 79(1) of the EPA in respect of statutory nuisance and demonstrates that with the proposed mitigation in place, it is not expected that there would be a breach of Section 79(1) of the EPA during construction, operation and maintenance or decommissioning activities.

1.3.1.3 Whilst it is not expected that the construction, operation and maintenance or decommissioning of Hornsea Four would cause a statutory nuisance (as set out in the following sections), the draft Development Consent Order (DCO) (**C1.1: Draft DCO including Draft DML**) accompanying the application contains a provision that would provide a defence to proceedings for statutory nuisance should they be initiated against the Applicant or any future operators of Hornsea Four. This provision is detailed within **C1.2: Explanatory Memorandum**.

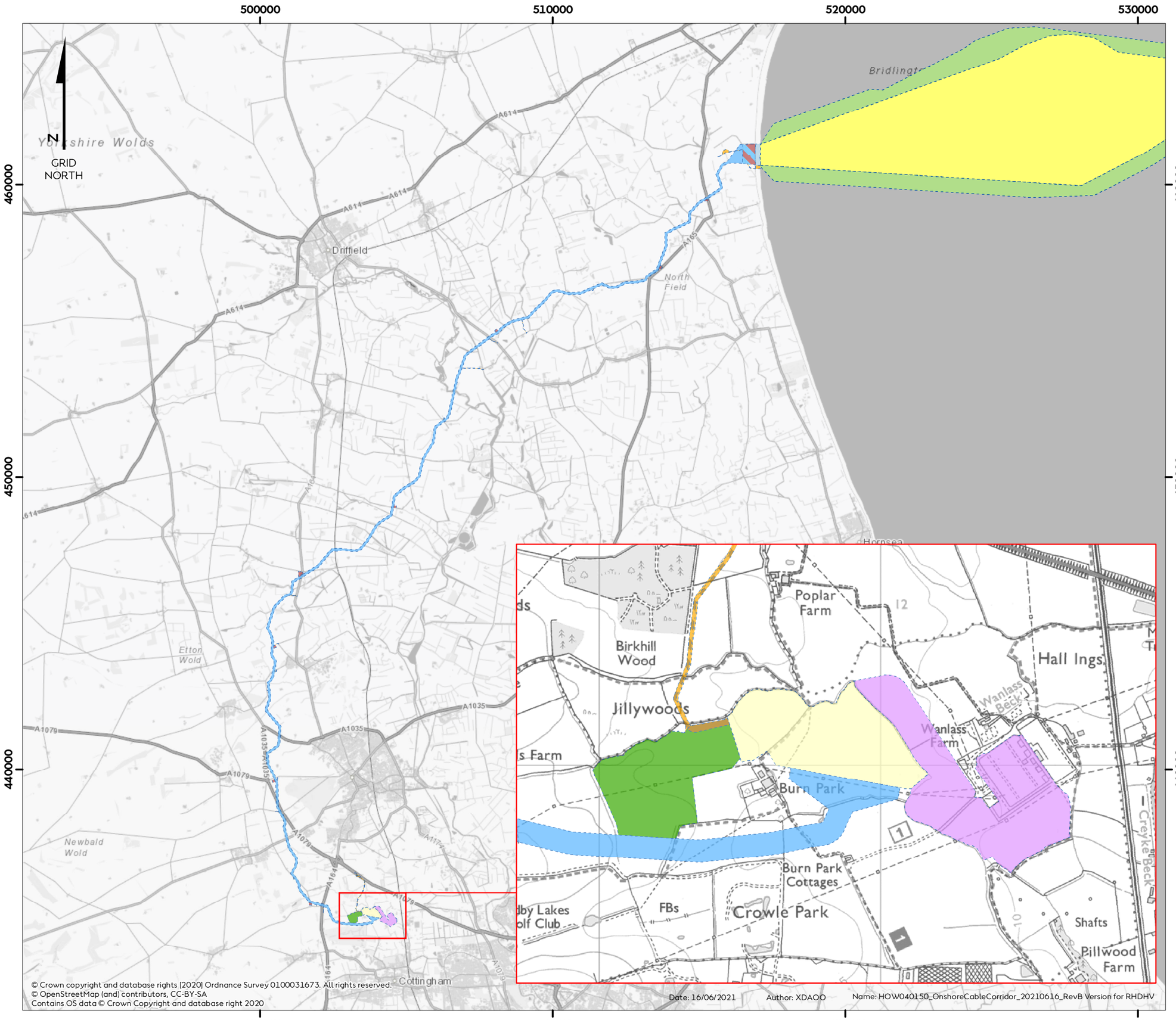
1.3.1.4 The Environmental Statement (ES) which forms part of the DCO application addresses the likelihood of significant effects arising from matters which could constitute a statutory nuisance, and where any matters may potentially arise, sets out proposals for mitigation. Therefore, although the statutory test in The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) regarding the finding of significance is different to the statutory nuisance test in the EPA (outlined in **Paragraph 2.1.1.1**), a summary of the findings of the ES for those matters which could constitute a statutory nuisance are reported where relevant within this Statutory Nuisance Statement.

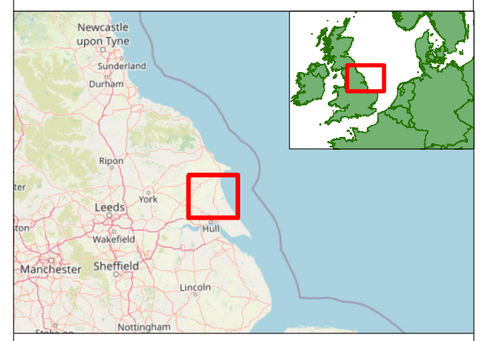
Hornsea Four

Figure 1

Onshore Project Elements

- Offshore Export Cable Corridor
- Offshore Temporary Works Area
- Landfall Compound Area
- Logistics Compound
- Onshore Export Cable Corridor
- Permanent Access Track
- Temporary and Permanent Access Tracks
- Temporary Access Track
- Landfall Connection Works
- Onshore Substation (Permanent Space)
- Onshore Substation (Temporary Works)
- Grid Connection Works





Coordinate system: British National Grid

Scale@A3: 1:125,000

0 1 2 4 Kilometres

0 0.5 1 2 Nautical Miles

REV	REMARK	DATE
	First Issue for PEIR	29/07/2019
A	Updated following PEIR consultations, for DCO	03/06/2020
B	Mutiple changes to onshore project layers	16/06/2021

Onshore Export Cable Corridor
Document no: HOW040150
Created by: XDAOO
Checked by: JOHLE
Approved by: JULCA

Ørsted

Date: 16/06/2021 Author: XDAOO Name: HOW040150_OnshoreCableCorridor_20210616_RevB Version for RHDHV

1.4 Commitments

1.4.1.1 In order to reduce and/or eliminate Likely Significant Effects (LSEs), in EIA terms, the Applicant has identified a number of commitments that will be implemented in Hornsea Four (set out in **Volume A4, Annex 5.2: Commitments Register**). Each discrete commitment has a unique reference in the commitments register and are abbreviated in this document as 'Co'.

2 Legislative Framework

2.1 Statutory Context

2.1.1.1 Section 79(1) of the EPA identifies the matters which are considered to be a statutory nuisance. To justify the inclusion of a provision within the DCO, which provides a defence against claims of statutory nuisance, a statement must be produced which considers what may give rise to nuisance in the absence of mitigation measures implemented in the construction, or operation and maintenance, or decommissioning of Hornsea Four.

2.1.1.2 Section 79(1) of the EPA (as it applies in England) provides that the following matters constitute statutory nuisances:

> *"(a) any premises in such a state as to be prejudicial to health or a nuisance;*
> *(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;*
> *(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;*
> *(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*
> *(e) any accumulation or deposit which is prejudicial to health or a nuisance;*
> *(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;*
> *(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*
> *(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;*
> *(g) noise emitted from premises so as to be prejudicial to health or a nuisance;*
> *(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street; and*
> *(h) any other matter declared by any enactment to be a statutory nuisance."*

2.1.1.3 As set out above, paragraph (h) of Section 79(1) of the EPA incorporates any statutory nuisances contained in other legislation. No such legislation is relevant to Hornsea Four.

2.1.1.4 Section 79 of the EPA contains other exceptions and definitions in respect of statutory nuisance. The particular exceptions of relevance to Hornsea Four are:

- Subsection 79(1)(c) (fumes or gases emitted from premises) does not apply in relation to premises other than private dwellings (s.79(4)); and
- Subsection 79(1)(ga) above does not apply to noise made by traffic (s.79(6A)(a)).

2.1.1.5 Definitions are set out in Section 79(7) of the EPA, and include the following relevant terms:

- 'Dust' does not include dust emitted from a chimney as an ingredient of smoke;
- 'Fumes' means any airborne solid matter smaller than dust;
- 'Gas' includes vapour and moisture precipitated from vapour;
- 'Industrial, trade or business premises' means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;
- 'Noise' includes vibration;
- 'Prejudicial to health' means injurious, or likely to cause injury, to health;
- 'Premises' includes land;
- 'Private dwelling' means any building, or part of a building, used or intended to be used, as a dwelling; and
- 'Street' means a highway and any other road, footway, square or court that is for the time being open to the public.

3 Assessment of Statutory Nuisance

3.1 Potential breaches of Section 79(1) of the Environmental Protection Act 1990

3.1.1.1 This section considers the types of impacts associated with Hornsea Four that could potentially engage one or more of the matters set out in Section 79(1) of the EPA (see **Paragraph 2.1.1.2**).

3.1.1.2 The provisions of Section 79(1) of EPA that could potentially be engaged are:

> *"(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*
> *(e) any accumulation or deposit which is prejudicial to health or a nuisance;*
> *(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;*
> *(g) noise emitted from premises so as to be prejudicial to health or a nuisance; and*
> *(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street."*

3.1.1.3 In the following sections, this statement deals with those matters which could potentially become a statutory nuisance in the absence of mitigation, and then describes the proposed mitigation which relates to these topics.

3.1.1.4 It should be noted that no aspect of Hornsea Four engages with Section 79(1)(e), and therefore this is not discussed further.

3.2 Section 79(1)(d).

Construction

3.2.1.1 **Volume A3, Chapter 9: Air Quality** describes the potential impacts and likely effects of dust and other emissions (including construction vehicle emissions) arising as a result of the construction of Hornsea Four. This assessment concludes that, with mitigation measures, the effects on air quality receptors will not be significant in EIA terms. The methodologies for assessing the potential impacts are detailed in **Volume A3, Chapter 9: Air Quality**.

3.2.1.2 Mitigation measures in relation to dust and emissions to air during the construction of Hornsea Four are detailed in both **Volume A3, Chapter 9: Air Quality** and **Volume F2, Chapter 2: Outline Code of Construction Practice**. The objectives of the measures are to minimise the generation of dust near sensitive receptors during construction and to facilitate a proactive approach to dust management. The measures which Hornsea Four has committed to are set out in **Table 1**.

Table 1: Commitments in relation to dust and emissions to air during construction.

Commitment Number	Commitment	Securing Mechanism
Co64	Topsoil and subsoil will be stored in separate stockpiles in line with Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites PB13298 or the latest relevant available guidance. Any suspected or confirmed contaminated soils will be appropriately separated, contained and tested before removal (if required).	DCO Requirement 17: CoCP DCO Requirement 14 : Contaminated land and groundwater scheme
Co114	Good practice air quality management measures will be applied where human receptors reside within 350 m of works or ecological receptors are present within 200 m, as described in the Institute of Air Quality Management Guidance (IAQM) on the Assessment of Dust and Demolition Construction (2014), version 1.1, or latest relevant available guidance.	DCO Requirement 17: CoCP
Co124	A CoCP will be developed in accordance with the outline CoCP. The outline CoCP will include measures to reduce temporary disturbance to residential properties, recreational users and existing land users.	DCO Requirement 17: CoCP
Co134	Cable installation works at the landfall area will be located at least 200 m from residential receptors.	DCO Works Plan - Onshore
Co135	Temporary construction highway access points along the onshore ECC will be located at least 150 m from residential receptors, with the exception of three receptors: Bridge Farm Holiday Cottages; Arms Farm and Elm Tree Farm, in Brigham, Driffield.	DCO Requirement 18: Construction traffic management plan

3.2.1.3 With the mitigation measures described above, and detailed in the Outline CoCP (**Volume F2, Chapter 2: Outline Code of Construction Practice**) (which is secured though DCO

Requirement 17), in place, dust and other emissions generated during the construction activities will be controlled, will not accumulate and will not generate or constitute a nuisance and nor will they be prejudicial to health under Sections 79(1)(d) and 79(1)(e) of the EPA.

Operation and Maintenance

3.2.1.4 The operation of Hornsea Four is not expected to generate any discernible air emissions, including dust, during normal operational and maintenance activities. As such, a statutory nuisance will not be caused under Sections 79(1)(d) or 79(1)(e) of the EPA in the operation and maintenance phase because activities that would cause dust, fumes, gases or accumulation prejudicial to health are not anticipated.

Decommissioning

3.2.1.5 An Onshore Decommissioning Plan will be developed prior to decommissioning (Co127) and submitted to and approved by ERYC.

3.2.1.6 The Onshore Decommissioning Plan will include provisions for the removal of all onshore above ground infrastructure and the decommissioning of below ground infrastructure including details relevant to pollution prevention and avoidance of ground disturbance. The Onshore Decommissioning Plan will also include specific mitigation requirements in relation to the management of dust and other emissions.

3.2.1.7 In practice, potential impacts resulting from the decommissioning of Hornsea Four are considered to be equal to, or less than construction-stage impacts. Therefore, assessing impacts during decommissioning on the same basis as impacts during the construction phase represents a worst-case scenario. In this regard, it is anticipated that mitigation measures relevant to dust, fumes, gases or accumulation prejudicial to health, will be similar to those identified during the construction phase (where relevant) (see **Paragraph 3.2.1.1**). As such, with mitigation in place, dust and other emissions during decommissioning would be controlled, would not accumulate and would not give rise to any nuisance, will therefore not constitute a nuisance and nor would they be prejudicial to health under Sections 79(1)(d) and 79(1)(e) of the EPA.

3.3 Section 79(1)(fb)

Construction

3.3.1.1 The majority of construction work in relation to Hornsea Four will be undertaken during 'core hours' as described below. Construction site lighting will only operate when required and will be positioned and directed to avoid unnecessary illumination to residential properties, sensitive ecological receptors, footpath users, and to minimise glare to users of adjoining public highways (Co69).

3.3.1.2 As stated in **Volume F2, Chapter 2: Outline Code of Construction Practice**, the core working hours are (Co36):

- Monday to Friday: 07:00 – 18:00 hours;
- Saturday: 07:00 – 13:00 hours;
- Up to one hour before and after core working hours for mobilisations ("mobilisation period"), i.e. 06:00 to 19:00 weekdays and 06:00 to 14:00 Saturdays; and
- Maintenance period 13:00 to 17:00 Saturdays.

3.3.1.3 In some circumstances specific works may have to be undertaken outside the core working hours. ERYC will be informed in writing if this is required.

3.3.1.4 Mitigation measures, designed to avoid or reduce the effects during construction of artificial lighting, are set out within **Volume F2, Chapter 2: Outline Code of Construction Practice**.

3.3.1.5 Construction site lighting will be designed in accordance with latest relevant available guidance and legislation and the details of the location, height, design and luminance of lighting to be used will be detailed within the final CoCP (Co69). The design of construction site lighting will accord with the details provided in **Volume F2, Chapter 2: Outline Code of Construction Practice** (Co124).

3.3.1.6 As such, the impacts of lighting during construction will not generate or constitute a nuisance and nor would it be prejudicial to health under Section 79(1)(fb) of the EPA.

Operation and maintenance

3.3.1.7 Operational site lighting at the OnSS will be designed in accordance with latest relevant available guidance and legislation and the details of the location, height, design and luminance of lighting to be used will be provided as part of detailed design for the onshore substation (Co193). The design of OnSS operational site lighting will accord with the details provided in **Volume F2, Chapter 13: Outline Design Plan** (Co195) and **Volume F2, Chapter 3: Outline Ecological Management Plan** (Co168).

3.3.1.8 As such, the impacts of lighting during operation and maintenance will not generate or constitute a nuisance and nor would it be prejudicial to health under Section 79(1)(fb) of the EPA.

Decommissioning

3.3.1.9 An Onshore Decommissioning Plan will be submitted to and approved by ERYC prior to decommissioning (see **Paragraph 3.2.1.5**) and will include specific mitigation measures in relation to lighting.

3.3.1.10 In practice, potential impacts resulting from decommissioning are considered to be equal to, or less than construction-stage impacts. Therefore, assessing impacts during

decommissioning on the same basis as impacts during the construction phase represents worst case. In this regard, it is anticipated that mitigation measures relevant to artificial light will be similar to those identified for during the construction phase (where relevant), see **Paragraph 3.3.1.1**. As such, with mitigation in place, artificial light during decommissioning will not generate or constitute a nuisance and nor would it be prejudicial to health under Section 79(1)(fb) of the EPA.

3.4 Section 79(1)(g) and (gg)

Construction

3.4.1.1 **Volume A3, Chapter 8: Noise and Vibration** describes the potential impacts and likely effects on noise receptors arising as a result of construction activities. It concludes that, with mitigation measures, effects on noise receptors will not be significant in EIA terms. The methodologies for assessing the potential impacts are detailed in **Volume A3, Chapter 8: Noise and Vibration**.

3.4.1.2 Mitigation measures in relation to noise during the construction of Hornsea Four are detailed in **Volume A3, Chapter 8: Noise and Vibration** and **Volume F2, Chapter 2: Outline Code of Construction Practice**. The objective of the measures is to control and limit noise and vibration levels, so far as is reasonably practicable, to minimise disturbance to sensitive receptors. The measures which Hornsea Four have committed to set out in **Table 2**.

Table 2: Commitments in relation to noise during construction.

Commitment Number	Commitment	Securing Mechanism
Co41	All HDD crossings will be undertaken by non-impact methods in order to minimise construction vibration beyond the immediate location of works.	DCO Requirement 17: CoCP
Co123	Based on noise modelling results, where noise has the potential to cause significant adverse effects, mufflers and acoustic barriers will be used where HDD is being undertaken.	DCO Requirement 17: CoCP
Co134	Cable installation works at the landfall area will be located at least 200 m from residential receptors.	DCO Works Plan - Onshore
Co135	Temporary construction highway access points along the onshore export cable corridor (ECC) will be located at least 150 m from residential receptors, with the exception of three receptors: Bridge Farm Holiday Cottages; Arms Farm and Elm Tree Farm, in Brigham, Driffield.	DCO Requirement 18: Construction traffic management plan
Co137	HGV movements associated with operation and planned maintenance of the onshore infrastructure will operate only between the hours of 0700 – 2300. HGV movements may however be subject to unscheduled maintenance activities outside these hours. In this event the council will be informed via writing.	DCO Requirement 18: Construction traffic management plan

Commitment Number	Commitment	Securing Mechanism
Co144	A Construction Traffic Management Plan (CTMP) will be developed in accordance with the outline CTMP to be submitted with the DCO application. The CTMP will set standards and procedures for: 1. Managing the numbers and routing of HGVs during the construction phase; 2. Managing the movement of employee traffic during the construction phase; 3. Details of localised road improvements necessary to facilitate safe use of the existing road network; and 4. Details of measures to manage the safe passage of HGV traffic via the local highway network	DCO Requirement 18: Construction traffic management plan
Co169	Piling at the OnSS will not be undertaken within 180 m of any noise sensitive receptors.	DCO Requirement 7: Detailed design approval onshore

3.4.1.3 As set out in **Volume F2, Chapter 2: Outline Code of Construction Practice**, relevant good construction practice and appropriate management measures will be applied at locations where there is potential for a significant impact in relation to noise, including:

- Informing local residents about the construction works, including the timing and duration of any particularly noisy elements, and providing a contact telephone number to them;
- Avoiding operating particularly noisy equipment at the beginning and end of the day;
- Keeping potentially noisy deliveries, such as skips and concrete, to the middle or less sensitive times of the day where reasonable practicable;
- Locating noisy static plant, such as diesel generators, away from residential properties where reasonable practicable;
- Using the most modern equipment available and ensuring equipment is properly maintained; and
- Where possible, using silencers/mufflers on equipment.

3.4.1.4 In addition to the measures listed above, screening and appropriate temporary noise barriers will be used where necessary.

3.4.1.5 Further information relating to noise receptors, the findings of the impact assessment and mitigation measures is provided in **Volume A3, Chapter 8: Noise and Vibration**.

3.4.1.6 Activities carried out during mobilisation and maintenance will not generate significant noise levels (such as piling, or other such noisy activities). In circumstances outside of typical working practices (see **Paragraph 3.3.1.2**) specific works may have to be undertaken outside the core working hours. ERYC will be informed in writing if this is required (Co36).

3.4.1.7 With the mitigation measures as described above and secured through the CoCP, noise impacts during construction will not generate or constitute a nuisance and nor would they be prejudicial to health under Sections 79(1)(g) or 79(1)(ga) of the EPA.

Operation and maintenance

3.4.1.8 **Volume A3, Chapter 8: Noise and Vibration** describes the potential impacts and likely effects of noise arising as a result of the operational phase of the proposals. It concludes that, with mitigation measures, effects will not be significant in EIA terms. The methodologies for assessing the potential impacts are detailed in **Volume A3, Chapter 8: Noise and Vibration**.

3.4.1.9 Mitigation measures in relation to noise during the operational phase of Hornsea Four are detailed in **Volume A3, Chapter 8: Noise and Vibration**. The objective of the measures is to control and limit noise levels, so far as is reasonably practicable, to minimise disturbance to sensitive receptors. The measures which Hornsea Four have committed to include:

- Vehicle movements associated with operation and planned maintenance of the onshore infrastructure will operate only between the hours of 0700 – 2300. HGV movements may however be subject to unscheduled maintenance activities outside these hours (Co137); and
- Hornsea Four will commit to limiting operational noise from the onshore substation to a noise level no greater than 5 dB above the representative background (LA90,T) during the daytime and night at identified Noise Sensitive Receptors (Co159). See **Volume F2, Chapter 13: Outline Design Plan** for additional information on operational noise mitigation.

3.4.1.10 With these mitigation measures in place, noise impacts during the operational phase of Hornsea Four will not generate or constitute a nuisance and nor would they be prejudicial to health under Sections 79(1)(g) or 79(1)(ga) of the EPA.

Decommissioning

3.4.1.11 An Onshore Decommissioning Plan will be submitted to and approved by ERYC, see **Paragraph 3.2.1.5** and will include specific mitigation measures in relation to noise.

3.4.1.12 In practice, potential impacts resulting from decommissioning are considered to be equal to, or less than construction-stage impacts. Therefore, assessing impacts during decommissioning on the same basis as impacts during the construction phase represents worst case. In this regard, it is anticipated that mitigation measures relevant to noise will be similar to those identified during the construction phase (where relevant), see **Paragraph 3.4.1.2**. As such, with mitigation in place, noise during decommissioning will not generate or constitute a nuisance and nor would it be prejudicial to health under Sections 79(1)(g) and 79(1)(ga) of the EPA.

4 Conclusion

4.1.1.1 This Statutory Nuisance Statement identifies the matters set out in Section 79(1) of the EPA in respect of statutory nuisance and considers whether Hornsea Four could cause a statutory nuisance.

4.1.1.2 With the proposed mitigation in place, as described above, it is not expected that there would be a breach of Section 79(1) of the EPA during construction, operation and maintenance or decommissioning activities associated with Hornsea Four.

4.1.1.3 Notwithstanding the above conclusion, the draft DCO that accompanies the Hornsea Four DCO application contains a provision that would provide a defence to proceedings for statutory nuisance should they be initiated against the Applicant or its successors as undertakers under the terms of the DCO. This provision is detailed within **C1.2: Explanatory Memorandum**.

5 References

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British Standards Institute (BSI) (2014b) BS 5228-1:2009+ BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites. London.

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