



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Environmental Protection Statement of Engagement (Statutory Nuisance Statement)

August 2022
Document Reference: 5.9
APFP Regulation: 5(2)(f)

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| Title: Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects DCO Document Environmental Protection Statement of Engagement (Statutory Nuisance Statement) | |
| PINS document no.: 5.9 | |
| Document no: C282-RH-Z-GA-00017 | |
| | |
| Date: | Classification |
| August 2022 | Final |
| | |
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Glossary of Acronyms

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|------|-------------------------------------------------|
| DCO | Development Consent Order |
| DEP | Dudgeon Offshore Wind Farm Extension Project |
| ES | Environmental Statement |
| HDD | Horizontal Directional Drilling |
| HVAC | High-Voltage Direct Current |
| km | Kilometre |
| SEP | Sheringham Offshore Wind Farm Extension Project |

Glossary of Terms

| | |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dudgeon Offshore Wind Farm Extension Project (DEP) | The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure. |
| Horizontal directional drilling (HDD) zones | The areas within the onshore cable corridor which would house HDD entry or exit points. |
| Landfall | The point at the coastline at which the offshore export cables are brought onshore, connecting to the onshore cables at the transition joint bay above mean high water |
| Onshore cable corridor | The area between the landfall and the onshore substation sites, within which the onshore cable circuits will be installed along with other temporary works for construction. |
| Onshore export cables | The cables which would bring electricity from the landfall to the onshore substation. 220 – 230kV. |
| Onshore Substation | Compound containing electrical equipment to enable connection to the National Grid. |
| Sheringham Shoal Offshore Wind Farm Extension Project (SEP) | The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure. |
| The Applicant | Equinor New Energy Limited |

ENVIRONMENTAL PROTECTION STATEMENT OF ENGAGEMENT (STATUTORY NUISANCE STATEMENT)

1 Introduction

1. Equinor New Energy Limited (the Applicant) is seeking a Development Consent Order (DCO) for the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP).
2. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.
3. The SEP and DEP wind farm sites are located in the southern North Sea, 15.8 kilometres (km) and 26.5km from the coast respectively at their closest point. SEP and DEP will be connected to the shore by offshore export cables to a landfall point at Weybourne, on the North Norfolk coast. From there onshore export cables will transport power over approximately 60km to a new high voltage alternating current (HVAC) onshore substation near the existing Norwich Main substation. The onshore substation will be constructed to accommodate the connection of both SEP and DEP to the transmission grid.
4. This document provides the Statement of Engagement for SEP and DEP and has been prepared in accordance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations) which requires the applicant for a DCO to provide a statement as to whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990.
5. This Statement explains that, whilst it is not expected that the construction, operation, maintenance or decommissioning of SEP and DEP would engage Section 79(1) by causing statutory nuisances, the **Draft DCO** (document reference 3.1) that accompanies the Application contains a provision at Article 7 (Defence to proceedings in respect of statutory nuisance) to provide a defence to proceedings for statutory nuisance, should they be initiated against Scira Extension Limited and Dudgeon Extension Limited as undertakers of SEP and DEP.
6. The **Environmental Statement** (ES) (document reference 6.1) which has been prepared by the Applicant in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), refer to ES **Chapter 3 EIA Methodology** (document reference 6.1.3) for further details, has assessed the potential significant effects of a number of elements specified in Section 79(1).

7. The main potential for SEP and DEP to cause statutory nuisance would be onshore noise during the construction of SEP and DEP and noise emitted from the new onshore substation during operation. However, the conclusion of the ES is that, with the implementation of mitigation measures where appropriate (which are secured by Requirements in the DCO) there would be no significant noise impacts, and as such claims for statutory nuisance are unlikely to arise from SEP and DEP. Specifically Requirement 19 (Code of Construction Practice) which includes a commitment to produce a Construction Noise Management Plan, and Requirement 21 (Control of Noise During Operational Phase) in the **Draft DCO** (document reference 3.1).

1.1 Key Components of SEP and DEP

1.1.1 Offshore

8. SEP and DEP would comprise the following main offshore components:
- Wind turbines and their associated foundations;
 - Offshore substation platform/s (OSP/s) and associated foundation/s; and
 - Subsea cables and cable protection – offshore export cables, infield cables and interlink cables.
9. Electricity would flow from the wind turbines via infield (array) cables to offshore substation platform(s). There will be up to two offshore substations with one in SEP and one in DEP, located to optimise the length of the offshore cables. Interlink cables will link the separate project areas. At the offshore substation/s, the generated power will be transformed to a higher alternating current (AC) voltage. The power will be exported through two export cables, in two separate trenches, to a landfall east of Weybourne on the north Norfolk coast.

1.1.2 Onshore

10. At the landfall the offshore export cables will meet and be joined up with the onshore export cables in a transition joint bay. The onshore export cables would then travel approximately 60km inland to a high voltage alternating current (HVAC) onshore substation near to the existing Norwich Main substation. The onshore substation would be constructed to accommodate the connection of both SEP and DEP to the transmission grid.
11. The main onshore components of SEP and DEP include:
- Landfall including transition joint bay;
 - Up to two ducts installed under the beach at the landfall by Horizontal Directional Drilling (HDD);
 - Onshore cable corridor, including:
 - Onshore export cables laid within open cut trenches or installed in ducts, and associated infrastructure including joint bays and link boxes;
 - Temporary construction access roads and haul roads;
 - Construction compounds; and

- Trenchless crossings at sensitive features and habitats (e.g. A roads, main rivers and sites designated for nature conservation).
 - Onshore substation, including:
 - Substation operational access road; and
 - Associated earthworks, surface water attenuation and/or landscaping.
12. Further details of the key components of offshore and onshore infrastructure can be found in ES **Chapter 4 Project Description** of the Environmental Statement (ES) (document reference 6.1.4).

2 Statement of Engagement

13. The Applicant is required to state whether the proposal may cause a nuisance in relation to the matters set out in Section 79(1). If so, the applicant is required to indicate how it proposes to mitigate or limit such nuisances. Section 79(1) states: *“the following matters constitute “statutory nuisances” for the purposes of this Part [of the Act], that is to say*
- 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;*
 - a) *any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*
 - b) *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;*
 - a) *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.”*
14. It is considered that SEP and DEP has the potential to give rise to complaints from local communities under sub-paragraphs (g) and (ga) under Section 79(1) in relation to noise. This Statement also considers air quality (sub-paragraph (d)) and lighting (sub-paragraph (fb)).
15. Whilst the ES (document reference 6.1) concludes that no such nuisance will occur, a provision has been included in the **Draft DCO** (document reference 3.1) at Article 7 which relates to defence to proceedings in respect of statutory nuisance, refer to the Explanatory Memorandum (document reference 3.2).

16. The Applicant considers that none of the matters specified in Section 79(1) are engaged by the offshore elements of SEP and DEP, principally because SEP and DEP is located in the North Sea approximately between 15.8 – 26.5km from the Norfolk coast. As such, the offshore aspects are not considered further within this Statement.

2.1 Noise and Vibration

17. The likely noise and vibration effects from construction, operation, maintenance and decommissioning of the onshore elements of SEP and DEP have been predicted and assessed in accordance with the appropriate legislation and guidance and are detailed in ES **Chapter 23 Noise and Vibration** (document reference 6.1.23). Survey data has been utilised to determine the baseline noise levels at locations representative of the potentially most affected noise sensitive receptors.

2.1.1 Construction

18. Potential impacts from noise and vibration were identified as arising from construction works (and the associated construction traffic). Effects will however not be significant due to a range of industry standard mitigation measures that are included within the **Outline Code of Construction Practice** (document reference 9.17), which is secured by Requirement 19 in the **Draft DCO** (document reference 3.1). The final Code of Construction Practice will include a Construction Noise (and Vibration) Management Plan and where appropriate, the use of site-specific solutions such as the use of screening (i.e. temporary noise barriers).

2.1.2 Operation

19. During the operation of SEP and DEP, potential noise impacts will be limited to the operational noise of the onshore substation. The operational noise emissions from the onshore substation will be governed by a noise management plan secured by Requirement 21 of the **Draft DCO** (document reference 3.1), which will accord with the method of noise measurement set out in British Standard 4142:2014+A1:2019. Adherence to the Noise Management Plan will result in a negligible effect on the nearest residential properties.
20. There would be no noise impacts from the proposed onshore cable corridor or landfall during operation.

2.1.3 Decommissioning

21. No decision has been made regarding the final decommissioning policy for the onshore infrastructure as it is recognised that industry best practice, rules and legislation change over time. The onshore substation will likely be removed and be reused or recycled. It is anticipated that the onshore cable would be decommissioned (de-energised) and either the cables, jointing bays and transition bays left in situ or removed (the cables being pulled through the ducts and recycled) depending on the requirements of the onshore decommissioning programme approved by the local planning authority in accordance with Requirement 29, of the **Draft DCO** (document reference 3.1). The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and agreed with the regulator.
22. Noise levels associated with decommissioning are not considered to be higher than those predicted for construction works.

2.2 Air Quality

2.2.1 Construction

23. Onshore construction activities such as soil stripping, plant movement, materials storage and stockpiling, transport of materials and topsoil reinstatement may lead to dust emissions, and construction traffic on the local road network may lead to emissions of exhaust pollutants.
24. However, due to the temporary nature of the works and the proposed control measures including the production of a Dust Management Plan as described within the **Outline Code of Construction Practice** (document reference 9.17) for each stage of the works. This is secured by Requirement 19, Schedule 2, Part 1 of the **Draft DCO** (document reference 3.1). Potential air quality impacts are considered to be not significant (refer to ES **Chapter 22 Air Quality**).

2.2.2 Operation

25. There would be no air quality impacts from DEP and SEP during operation (refer to ES **Chapter 22 Air Quality** (document reference 6.1.22)).

2.2.3 Decommissioning

26. Air quality impacts associated with decommissioning are not considered to be higher than those predicted for construction works.

2.3 Lighting

2.3.1 Construction

27. During the construction phase, some temporary lighting would be required within the onshore work areas. Along the length of the onshore cable corridor, no evening or night time working is anticipated to be required except at longer trenchless crossing operations such as the crossing under Weybourne Wood. Low-level security lighting would also be required at construction compounds. At the onshore substation and National Grid substation it has been assumed as a worst-case scenario that some periods of 24-hour construction may be required, for which task related flood lighting may be necessary. Task lighting will be utilised in localised areas where required; however, the working hours are restricted to 07.00 to 19.00 on weekdays and may only extend beyond those following approval from the relevant local planning authority, which is secured by Requirement 20, Schedule 2, Part 1 of the **Draft DCO** (document reference 3.1).
28. An Artificial Light Emissions Management and Mitigation Plan will form part of the Code of Construction Practice for each stage of the works (secured by Requirement 19, Schedule 2, Part 1 of the **Draft DCO**).
29. Adherence to the measures set out within this plan would ensure that impacts of construction lighting are considered to be not significant (refer to ES **Chapter 26 Landscape and Visual Impact Assessment** (document reference 6.1.26)).

2.3.2 Operation

30. During operation of the onshore substation, lighting requirements may entail:
- Security lighting around perimeter fence of the construction compound, to allow CCTV coverage, possibly motion sensitive;
 - Car park lighting – as per standard car park lighting, possibly motion sensitive;
 - Repair / maintenance – task related flood lighting may be necessary; and
 - Inspection lighting – on demand lighting to provide adequate lighting for access and inspection of equipment.
31. Requirement 19, Schedule 2, Part 1 of the **Draft DCO** requires a written scheme for the management and mitigation of artificial light emissions to be submitted for approval by the relevant planning authority in relation to the onshore substation. This plan will provide details of external lighting at the substation during the operational period.
32. Following adherence to the written scheme described above impacts of onshore lighting are considered to be not significant; therefore, they are not expected to engage Section 79(1).

2.3.3 Decommissioning

33. Light emissions associated with decommissioning are not considered to be any greater than those predicted for construction works.

2.4 Conclusions

34. The Applicant has designed SEP and DEP in such a way as to minimise environmental effects and has also included a variety of measures to mitigate any remaining impacts further still.
35. These measures are secured by the requirements contained in Part 1 of Schedule 2 to the **Draft DCO** (document reference 3.1), which cover a number of relevant matters including:
- A Code of Construction Practice in relation to onshore works, covering a wide range of matters (Requirement 19), including:
 - a Construction Phase Noise (and Vibration) Management Plan;
 - a Dust Management Plan; and
 - An Artificial Light Emissions Management and Mitigation Plan.
 - Limits on onshore construction hours (Requirements 20);
 - Limits on operational noise arising from the onshore substation, as measured at specific residential locations (Requirements 21); and
 - A written scheme for the management and mitigation of artificial light emissions during the operation of the substation (Requirement 22).
36. Following adherence to the measures set out in the plans described no significant residual impacts are predicted in relation noise, air quality and light emissions; therefore, they are not expected to engage Section 79(1).
37. Notwithstanding the above conclusion, the **Draft DCO** (document reference: 3.1) that accompanies the Application contains a provision at Article 7 (Defence to proceedings in respect of statutory nuisance) that would provide a defence to proceedings for statutory nuisance should they be initiated against Scira Extension Limited and Dudgeon Extension Limited as undertakers under the terms of the DCO. Given SEP and DEP's status as nationally significant infrastructure it is appropriate that SEP and DEP are protected from proceedings under Section 79 of the Environmental Protection Act 1990 and is capable of construction and subsequent continued operation.