Medworth Energy from Waste
Combined Heat and Power Facility

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Statement of Statutory Nuisance

Regulation reference: The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Regulation 5(2)(f)

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Executive Summary

This document is a Statement of Statutory Nuisance. It has been prepared in accordance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

Section 79(1) (statutory nuisance and inspections therefore) of the Environmental Protection Act 1990 sets out matters which may constitute statutory nuisance. Relevant to the Proposed Development are smoke, fumes and gases, dust or other effluvia, artificial light, noise from premises and noise emitted from or caused by a vehicle, machinery or equipment in a street.

This document considers the potential for a statutory nuisance and it is informed by the findings of the environmental assessment reported within the Environmental Statement.

With regard to air quality, consideration is given to assessment conclusions reported in ES **Chapter 8 Air Quality (Volume 6.2)** which considered the potential for dust generated during construction. It is concluded that with embedded environmental measures in place these would be Negligible and Not Significant in EIA terms. Similarly for construction traffic it is considered that concentrations of NOX, NH3, NO2, PM10 and PM2.5 gases and particulates at relevant Receptors within 200m of affected roads would not be significant.

Gases and particulates generated by the EfW CHP Facility when in operation, either emitted via the chimneys or by vehicles delivering to it, would not breach relevant standards and would not be significant with embedded environmental measures in place. It is therefore considered unlikely that a statutory nuisance would occur in the context of air quality.

The consideration of the potential for a statutory nuisance as a result of light has been informed by the Applicant's **Outline Lighting Strategy (Volume 6.4)** and the measures contained within it to design and control operational lighting. Measures set out within ES **Chapter 3 Description of the Proposed Development (Volume 6.2)** have informed consideration of construction effects. With stated measures embedded within the Proposed Development it is considered unlikely that a statutory nuisance would occur.

Noise and noise emitted by vehicles or machinery has been assessed for its potential to give rise to a statutory nuisance. The noise and vibration assessment presented within ES **Chapter 7 Noise and Vibration (Volume 6.2)** did conclude that there would be the potential for significant effects to be created to nearby residential and commercial properties during construction, and residential properties at operation. However embedded environmental measures supplemented by the Applicant's intention to acquire 9 New Bridge Lane (or compulsorily acquire it) and to construct an acoustic fence at 10 New Bridge Lane result in there being no residual significant effects and a conclusion that there would be no statutory nuisance.

Contents

1. Introduction

1.1 This document

1.1.1 This document is the Statement of Statutory Nuisance prepared in accordance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009, which require the applicant for a DCO to provide: '...a statement on whether the proposals engage one or more of the matters set out in Section 79 (1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (b), and if so how the applicant proposes to mitigate or limit them'.

1.2 Overview of the Proposed Development

1.2.1 Medworth CHP Ltd (the 'Applicant') intends to make an application to the Secretary of State for a Development Consent Order (DCO) for an Energy from Waste (EfW) combined heat and power (CHP) facility (the 'Proposed Development') on the industrial estate, Algores Way, Wisbech, Cambridgeshire.

1.2.2 The Proposed Development will recover useful energy in the form of electricity and steam from 625,000 tonnes of non-recyclable (residual), non-hazardous Municipal and Commercial and Industrial waste each year. Generating over 50 megawatts, the electricity will be exported to the grid. The EfW CHP Facility will also have the capability to export steam and electricity to users on the surrounding industrial estate.

1.2.3 The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under Part 3 Section 14 of the Planning Act 2008 (hereafter referred to as the '2008 Act') by virtue of the fact that the generating station is located in England and has a generating capacity of over 50 megawatts (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted for a DCO.

1.2.4 Wood Group UK Limited (Wood) has been commissioned by the Applicant, to provide consenting and environmental consultancy support services for the Proposed Development.

1.3 Development proposal

1.3.1 The Proposed Development comprises the following key elements:

- The EfW CHP Facility Site;
- CHP Connection;
- Temporary Construction Compound (TCC);
- Access Improvements;
- Water Connections; and

- Grid Connection (underground cable and Walsoken Substation).

1.3.2 A summary description of each Proposed Development element is provided below. A more detailed description is provided in **ES Chapter 3: Description of the Proposed Development (Volume 6.2)** of the ES. A list of terms and abbreviations can be found in **Chapter 1 Introduction, Appendix 1F Terms and Abbreviations (Volume 6.4)**.

- EfW CHP Facility Site: A site of approximately 5.3ha located south-west of Wisbech, located within the administrative areas of Fenland District Council and Cambridgeshire County Council. The main buildings of the EfW CHP Facility would be located in the area to the north of the Hundred of Wisbech Internal Drainage Board (HWIDB) drain bisecting the site and would house many development elements including the tipping hall, waste bunkers, boiler house, turbine hall, air cooled condenser, air pollution control building, chimneys and administration building. The gatehouse, weighbridges, 132kV switching compound and laydown maintenance area would be located in the southern section of the EfW CHP Facility site.
- CHP Connection: The EfW CHP Facility would be designed to allow the export of steam and electricity from the facility to surrounding business users via dedicated pipelines and private wire cables located along the disused March to Wisbech railway. The pipeline and cables would be located on a raised, steel structure.
- TCC: Located adjacent to the EfW CHP Facility Site, the compound would be used to support the construction of the Proposed Development. The compound would be in place for the duration of construction.
- Access Improvements: includes access improvements on New Bridge Lane (road widening and site access) and Algores Way (relocation of site access 20m to the south).
- Water Connections: A new water main connecting the EfW CHP Facility into the local network will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 (open cut trenching or horizontal directional drilling (HDD)) to join an existing Anglian Water main. An additional foul sewer connection is required to an existing pumping station operated by Anglian Water located to the north-east of the Algores Way site entrance and into the EfW CHP Facility Site.
- Grid Connection: This comprises a 132kV electrical connection using underground cables. The Grid Connection route begins at the 132kV switching compound in the EfW CHP Facility Site and runs underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. From this point the cable would be connected underground to the Walsoken DNO Substation.

1.3.3 It is anticipated that the construction of the Proposed Development will take place over a 3-year period with the operational lifetime assumed to be a minimum of 40years. The decommissioning process is anticipated to last for 1-year.

2. Background

2.1.1 Regulation 5(2)(f) requires the applicant for a DCO to state whether the proposal engages one or more of the matters set out in Section 79(1) (statutory nuisance and inspections therefor) of the Environmental Protection Act 1990. If so, the applicant is required to indicate how it proposes to mitigate or limit such nuisances.

2.1.2 Section 79(1) (in respect of statutory nuisances) provides the following detail;

"(1)…the following matters constitute "statutory nuisances" for the purposes of this part (1990 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;

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

h) any other matter declared by enactment to be a statutory nuisance and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisance which ought to be dealt with under section 80…and, where a complaint of statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint".

3. Assessment

3.1.1 In accordance with the environmental impact assessment documented in the **Environmental Statement (Volume 6.2)** this Statement of Statutory Nuisance considers the following nuisances under Section 79(1) of the Environmental Protection Act 1990 to be potentially applicable to the Proposed Development:

3.1.2 b) smoke;

c) fumes and gases;

d) dust or other effluvia;

f: b) artificial light;

g) noise from premises; and;

g: 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.

3.1.3 This Statement concludes that Section 79(1) (a), (e), (f), (fa), and (h) are deemed not to be applicable to the Proposed Development due to the nature of the project and will not be considered further.

3.2 Section 79(1) (b-d), Smoke, fumes and gases, dust or other effluvia

Construction phase

3.2.1 Dust generated during the construction phase of the Proposed Development has been assessed using the IAQM's 'Guidance on the assessment of dust from demolition and construction' (2014) to assess the dust risk and recommend appropriate mitigation measures to be included in the **Outline Construction Environmental Management Plan (CEMP) (Volume 7.12)**. The construction phase dust assessment considers construction activities associated with the Proposed Development. The assessment is presented in ES **Chapter 8: Air Quality (Volume 6.2).**

3.2.2 IAQM (2014) recommends that significance is only assigned to the effect after considering the construction activity with mitigation. The assessment found that without dust controls there would be a high risk of dust impact. This informed the mitigation measures to be applied, and these measures are expected to ensure that the risk of impact is reduced to a negligible level. The effect of construction phase dust emissions will be Negligible with applied site-specific mitigations and the impact is therefore **Not Significant** for the purposes of the EIA Regulations.

3.2.3 The EPUK and IAQM's 'Land-Use Planning & Development Control: Planning for Air Quality guidance' (2017) has been used to screen the requirement for a more detailed assessment of construction traffic emissions applying the indicative criteria detailed in Table 6.2 of the guidance. The screening of traffic flows indicated the need for detailed assessment. A quantitative assessment using the ADMS Roads

dispersion model and the latest emission factors from Defra's Emissions Factor Toolkit (EFT) has been undertaken to predict the incremental changes in concentrations of NO_X, NH_3, NO_2, PM_{10} and $PM_{2.5}$ at relevant Receptors within 200m of affected roads.

3.2.4 The air quality impacts of additional traffic during the construction phase were classified as Negligible at all sensitive receptors in EPUK/IAQM terms, which is considered **Not Significant** for the purposes of the EIA Regulations.

Construction phase mitigations

3.2.5 ES **Chapter 8 Air Quality Table 8.25 Recommended Mitigation Measures (Volume 6.2)** lists the IAQM (2014) recommended mitigation measures for dust effect according to the construction activity. These measures will be included within a Dust Management Plan forming part of the **Outline CEMP (Volume 7.12)**.

3.2.6 According to LAQM.TG(16) guidance, with the application of suitable control measures and site management, exhaust emissions from on-site Non Road Mobile Machinery (NRMM) are "*unlikely to make a significant impact on local air quality. In the vast majority of cases they will not need to be quantitatively assessed*". Embedded mitigations will also include the following controls in regards to NRMM emissions:

- all NRMM should use fuel equivalent to ultralow sulphur diesel;
- all NRMM should comply with either the current or previous EU Directive Staged Emission Standards;
- all NRMM should be fitted with Diesel Particulate Filters (DPF) conforming to defined and demonstrated filtration efficiency (load/duty cycle permitting);
- the on-going conformity of plant retrofitted with DPF, to a defined performance standard shall be ensured through a programme of on-site checks; and
- implementation of fuel conservation measures including instructions to throttle down or switch off idle construction equipment; switch off the engines of trucks while they are waiting to access the site and while they are being loaded or unloaded, ensure equipment is properly maintained to ensure efficient fuel consumption.

Operational phase

3.2.7 Chimney emissions during the operational phase of the EfW CHP Facility are assessed using the ADMS 5.2 dispersion model. Prior to undertaking the full modelling assessment, a chimney height assessment was undertaken to identify the optimum chimney height by predicting the maximum ground level concentration for a range of different chimney heights in the range 50 – 150m. Details of the chimney height assessment are provided in **Appendix 8B Air Quality Technical Report (Volume 6.4)**. An assessment of chimney emissions during abnormal operating scenarios has also been considered.

3.2.8 An assessment of the effects of operational road traffic emissions was also undertaken using the same methodology described for construction traffic movements.

3.2.9 The pollutants assessed include:

- Oxides of nitrogen (NO_X as NO_2);
- Particulate matter (PM_{10} and $PM_{2.5}$);
- Carbon monoxide (CO);
- Sulphur dioxide (SO_2);
- Hydrogen chloride (HCl);
- Hydrogen fluoride (HF);
- Group 1 metals (cadmium (Cd) and thallium (Tl));
- Group 2 metals (mercury (Hg));
- Group 3 metals (antimony (Sb), arsenic (As), chromium (Cr), cobalt (Co), copper (Cu), lead (Pb), manganese (Mn), nickel, (Ni) and vanadium (V));
- Volatile organic compounds (VOCs);
- Ammonia (NH_3);
- Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/Fs);
- Polychlorinated biphenyls (PCBs); and
- Polycyclic aromatic hydrocarbons (PAHs).

3.2.10 All changes in concentration at human Receptors as a result of the Proposed development are considered to be **Not Significant**.

3.2.11 ES **Chapter 8 Air Quality Table 8.27 Impact to air quality at human Receptors in the emergency scenario (Volume 6.2)** presents a summary of the maximum predicted NO_2 Process Contribution (PC) for 1-hour averaging period at the human Receptor with the highest predicted impact. The impact on human Receptors is considered to be **Not Significant** in the emergency scenario.

3.2.12 ES **Chapter 8 Air Quality Table 8.28 Impact to air quality at human Receptors in abnormal operation scenario (Volume 6.2)** presents the model results during abnormal operating conditions of the combustion unit and associated FGT infrastructure for the specific Receptor experiencing the maximum PC and Predicted Environmental Concentrations (PEC). The impact on human Receptors is considered to be **Not Significant** in the abnormal operating scenario.

3.2.13 An assessment of potential effects from odour emissions during abnormal operations was also undertaken and presented in detail in ES **Chapter 8 Air Quality Appendix 8B Air Quality Technical Report (Volume 6.4)**. The assessment concluded that predicted odour is below the relevant guideline value.

3.2.14 An assessment of potential effect from potential exposure to PCDD/Fs from the EfW CHP Facility Site is presented as part of the HHRA in ES **Chapter 8 Air Quality Appendix 8B Air Quality Technical Report (Volume 6.4)**. The quantitative assessment concluded that for the maximally exposed individual, exposure to dioxins, furans and dioxin-like PCBs is **Not Significant**.

Operational phase mitigations

3.2.15 Suitable height of chimneys to ensure adequate dispersion to ensure no significant impacts to Receptors has been used in dispersion modelling. A chimney height determination forms part of this assessment and is a standard requirement in an Environmental Permit.

3.2.16 Selective non-catalytic reduction (SNCR) will be implemented within the furnace. Implementation of this measure will form part of the Environmental Permit application to demonstrate BAT.

3.2.17 Procedures in an Odour Management Plan developed as a condition of the installation's Environmental Permit and consistent with the **Outline Odour Management Plan** (**Volume 7.11**) will ensure full breakthrough does not occur. All waste will be kept in buildings with negative pressure. Refuse vehicles will be covered.

Conclusion

3.2.18 The air and dust assessments reported within ES **Chapter 8 Air Quality (Volume 6.2)** conclude that with embedded environmental measures in place that there will not be any significant effects and therefore no statutory nuisance is expected.

3.3 Section 79(1) Artificial light

3.3.1 Lighting will be required for the construction and operational phases of the Proposed Development with operational lighting at the EfW CHP Facility only.

3.3.2 Construction lighting will be to the TCC and work areas and the objective will be to ensure these areas are adequately lit to ensure safe working conditions whilst minimising the potential for nuisance. All lighting would be positioned and adjusted so that it does not overspill to neighbouring properties. Night-time illumination, outside of working hours, would be reduced to a minimum commensurate with the need to maintain the site's security requirements to reduce the environmental impact and reduce light pollution.

3.3.3 Night-time working is required to construct the Grid Connection in order to minimise disruption to road users. There are few residential or non-residential properties with the potential to be affected by lighting associated with the grid Connection. Lighting will be focused upon the areas of excavation and will be experienced within the context of an operational highway. Lighting will be erected each night and removed the following day. It will follow the progress of the excavation and will into therefore be in the same place for more than one, or at most two nights.

3.3.4 Operational lighting will be designed in accordance with the **Outline Lighting Strategy (Volume 6.4)**. This specifies LED lights with appropriate deflectors and hoods positioned to achieve the necessary illumination whilst minimising light spill and glare. The lighting levels and the type, quantity and arrangement of the external lights will be designed generally in accordance with HSG 38, BS EN 12464-2, and the Society of Light and Lighting (SLL) guidance. In addition, shielding provided to prevent light spill to adjoining habitats will serve a similar function with regard to 10 New Bridge Lane. Non-essential lights will be switched off automatically outside of normal operational opening hours.

3.3.5 Internal lights, visible externally will be within the Administration building, weighbridge office, workshop and stores building. These buildings are only likely to be occupied during the normal operational opening hours and internal lights will be controlled by movement sensors so that unoccupied areas will not remain lit.

Conclusion

3.3.6 With the above measures in place there are not anticipated to be any significant effects and therefore no statutory nuisance is expected.

3.4 Section 79(1)(g) and Section 79(1)(ga) Noise

3.4.1 The Proposed Development has the potential to affect noise and vibration levels at the nearest sensitive receptors during its construction whilst operational effects would be as a result of vehicle deliveries and the operation of cooling equipment and plant located within buildings, etc. where these may contribute significantly to off-site noise emissions.

3.4.2 Noise impacts due to operational traffic and construction traffic do not typically constitute a statutory nuisance for the purposes of the Environmental Protection Act 1990 (see section 79(6A)). However, in this case, where there are flows of waste delivery vehicles during the operational phase on the stretch of New Bridge Lane nearest to the site, where the flow of vehicles is practically 100% associated with the EfW CHP Facility, then individual vehicles and the premises which they are accessing could be held liable, where noise was sufficient to amount to a nuisance or be injurious to health.

Construction

3.4.3 A construction noise assessment has been undertaken using guidance set out in BS 5228-1:2009+A1:2014 'Noise and vibration control on construction and open sites' and is summarised in ES **Chapter 7 Noise and Vibration (Volume 6.2)** and detailed in **Appendix 7B Construction Noise Assessments (Volume 6.4)**.

3.4.4 The assessment has been based upon information indicating the likely plant requirements for each construction activity and takes account of the anticipated overlap in different construction activities based on the assumed construction schedule.

3.4.5 A statutory nuisance at a non-residential premises may only occur when construction noise levels are of such a magnitude that they are likely to be injurious

to health. Based on review of the predicted construction noise levels presented in **Appendix 7B Construction Noise Assessment (Volume 6.4)**, it is considered most unlikely that this would occur. The remainder of this section therefore considers residential Receptors.

3.4.6 Where the construction noise assessments identified significant effects at residential Receptors, these are summarised below in **Table 3.1 Summary of significant effects due to construction noise at residential Receptors**. The receptors are identified in ES **Chapter 7 Noise and Vibration Table 7.14 Potential noise sensitive Receptors (Volume 6.2)**.

Table 3.1 Summary of significant effects due to construction noise at residential Receptors

Period	Construction activities for development components	Receptors where significant effects confirmed	Magnitude of impact	Significance of effect	NPSE Effect Level
Months 2 to 8	EfW CHP Facility and Access Improvements.	R2, R3	R2: High to medium R3: Medium	R2: Major to moderate or major R3: Moderate or major	SOAEL
Months 16 to 18	Grid Connection & Water Connection along New Bridge Lane, Water Connection – A47 crossing (HDD option) and M&E (out of core hours works).	R2, R3, R4, R5	R2: Medium R3: High R4: Medium R5: Low	R2: Moderate or major R3: Major R4: Major to moderate or major R5: Moderate	R2 – R4: SOAEL R5: LOAEL
Months 18 to 22	EfW CHP Facility Site roads and hardstandings, M&E and plant installation.	R2, R3	R2: Low R3: Low	R2: Moderate R3: Moderate	R2, R3: LOAEL
Month 25	EfW CHP Facility Site structures, M&E, plant installation and CHP Connection site clearance.	R3	Low	Moderate	LOAEL
Months 34 to 43	EfW CHP Facility commissioning and testing (out of core hours works).	R2	Low	Moderate	LOAEL

Mitigation

3.4.7 Mitigation measures to reduce the significant effects identified in the assessment of construction noise are discussed in detail in ES **Chapter 7 Noise and Vibration Appendix 7B Construction Noise Assessments (Volume 6.4)**. A summary is provided below.

3.4.8 Significant effects identified have been predicted on the basis of draft construction plant lists and the assumed construction programme. Actual selection of plant and

plant on-times are subject to change once the Proposed Development is consented and a contractor is appointed. As such, it is considered that the predicted construction noise levels are representative of a worst case, and that actual construction noise levels would likely be lower than predicted, for the majority of the duration of the works. When detailed construction schedules are available, these will likely indicate reduced plant requirements over specific durations of the construction programme.

3.4.9 Precise mitigation requirements would be determined following appointment of a contractor when a detailed construction schedule and list of likely plant requirements will be available. At this time, a final CEMP will be prepared consistent with the **Outline CEMP (Volume 7.12),** which will set out the mitigation measures required to avoid significant effects. Construction works will be required to be undertaken in accordance with the CEMP, as secured through a DCO Requirement.

3.4.10 In some cases, potentially significant effects were indicated by the numerical assessment, but consideration of the duration of the works indicated that, as worst-case construction noise levels would only be expected to occur over a very limited duration, significant effects would not occur. However, in these cases, construction noise emissions should be controlled and reduced as far as reasonably practicable, in accordance with best practice, as set out in the **Outline CEMP (Volume 7.12)**, to avoid and minimise any impacts. Receptors in close proximity to any construction works should be informed about the nature of works scheduled to be undertaken, with the provision of information detailing the type, extent, and duration of the works.

3.4.11 Where Receptors may be exposed to construction noise for extended periods, noise monitoring may be required to quantify construction noise levels. Results of monitoring should be used to identify any potential impacts, inform investigations into the cause of any impacts and to aid in the determination of additional mitigation measures, as appropriate, to reduce and avoid the impacts identified.

3.4.12 The following paragraphs set out potential measures, in addition to the best practice measures stated in the **Outline CEMP (Volume 7.12)**, which may be used to control construction noise levels and avoid significant effects, based on the results of the assessment.

3.4.13 Measures to reduce construction noise levels affecting residential Receptors may include, but not be limited to (in order of effectiveness, following the ‘source, path, receiver' hierarchy of noise control):

- Selection of quieter plant;
- Use of alternative construction methods;
- Programming of activities to avoid overlapping intensive works in the vicinity of the closest Receptor locations;
- Provision of local screening; and
- In cases where, despite the implementation of the above or other methods, significant effects cannot be avoided, then additional noise insulation may be provided or temporary rehousing offered. Criteria triggering eligibility for additional noise insulation or temporary rehousing is provided in **Appendix 7B Construction Noise Assessments (Volume 6.4)**.

3.4.14 In addition to the above measures, the Applicant intends to purchase 9 New Bridge Lane in order to cease its residential use. The DCO also includes for powers of compulsory acquisition. Removal of this property as a sensitive receptor will avoid significant effects during the construction phase. Therefore, any significant effects identified at 9 New Bridge Lane will not occur and there would be no residual effects at this Receptor.

3.4.15 An acoustic fence is proposed for 10 New Bridge Lane, to avoid significant effects during the operational phase. It is proposed that the acoustic fence is constructed at the outset of the construction phase, as this would serve to reduce construction noise levels at this Receptor. This will be secured via a DCO Requirement.

3.4.16 Based on the implementation of the approach outlined above, residual effects at residential Receptors would be **Not Significant**.

Operation

3.4.17 An operational noise assessment has been undertaken in accordance with the methods provided in BS 4142:2014+A1:2019 – 'Methods for rating and assessing industrial and commercial sound' and is set out in the ES in **Chapter 7 Noise and Vibration (Volume 6.2)**.

3.4.18 The nearest Noise Sensitive Receptors (NSRs) considered in the operational assessment are Number 2 New Bridge Lane (R1), Number 9 New Bridge Lane (R2), Number 10 New Bridge Lane (R3), the dwelling known as 'Potty Plants' off New Bridge Lane north of the A47 (R4), Newbridge Lane Caravan Park (R5), Oakdale Place Caravan Site (R6) and The Chalet, New Drove (R7).

3.4.19 The results of the assessment of sound arising due to the operation of the EfW CHP Facility indicate that **Significant** effects are predicted at 9 and 10 New Bridge Lane. The results of the assessment indicate that operational sound would give rise to effects that are **Not Significant** at all other receptors considered in the assessment.

Mitigation

3.4.20 Mitigation referenced above with regard to construction effects at 9 and 10 New Bridge Lane will continue through the operational phase. There will therefore be no adverse residual effects at 9 New Bridge Lane and no significant residual effects at 10 New Bridge Lane.

Conclusion

3.4.21 Taking into consideration the above, it can be concluded that the construction and operation of the Proposed Development would not give rise to impacts which would be likely to constitute a statutory nuisance under section79(1)(g) or section 79(1)(ga) of the Environmental Protection Act 1990.

4. Conclusion

4.1.1 This Statement identifies the matters set out in Section79(1) of the Environmental Protection Act 1990 with regard to statutory nuisance and considers whether the application would engage one or more of those matters.

4.1.2 With the proposed mitigation set out in the **Outline CEMP (Volume 7.12)** and **ES (Volume 6.2)**, there is not expected to be a breach of Section 79(1) of the 1990 Act.