NORTH FALLS

Offshore Wind Farm

Statutory Nuisance Statement

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Contents

Glossary of Acronyms

AC	Alternating current
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HDD	Horizontal Directional Drilling
HVAC	High voltage alternating current
NFOW	North Falls Offshore Wind Farm Limited
OCoCP	Outline Code of Construction Practice
OCP	Offshore converter platform
OSP(s)	Offshore substation platform(s)
RWE	RWE Renewables UK Swindon Limited
SSER	SSE Renewables Offshore Windfarm Holdings Limited
TCC	Temporary construction compounds
VEOWL	Five Estuaries Offshore Wind Farm Limited
WTG	Wind turbine generators

Glossary of Terminology

Array cables	Cables which link the wind turbine generators with each other, the offshore substation platform(s) and/or the offshore converter platform.
Bentley Road improvement works	Works involving the widening and improvement of the carriageway along Bentley Road, required to facilitate heavy goods vehicle and abnormal indivisible load access to the onshore cable route and the onshore substation.
Cable ducts	Housing for the onshore export cables, typically comprising plastic high-density polyethylene (HDPE) pipes buried underground. Each cable circuit will potentially comprise up to seven individual ducts (i.e. one per cable).
Haul road	The track along the onshore cable route used by construction traffic to access different sections of the onshore cable route.
Horizontal directional drill (HDD)	Trenchless technique to bring the offshore cables ashore at landfall. The technique will also be the primary trenchless technique used for installation of the onshore export cables at sensitive areas of the onshore cable route.
Jointing bay	Underground structures, constructed at regular intervals along the onshore cable route to connect the sections of cable together so that each cable is a continuous length, as well as facilitating the installation of the cables into the buried cable ducts.
Landfall	The location where the offshore export cables come ashore at Kirby Brook.
Link boxes	Underground chambers or above ground cabinets next to the onshore export cables housing low voltage electrical earthing links.
National Grid connection point	The grid connection location for the Project. National Grid are proposing to construct new electrical infrastructure (a new substation) to allow the Project to connect to the grid, and this new infrastructure will be located at the National Grid connection point.
National grid substation connection works	Infrastructure required to connect the Project to the National Grid connection point.
Offshore cable corridor	The corridor of seabed from the array area to the landfall within which the offshore export cables will be located.
Offshore export cables	The cables which bring electricity from the offshore substation platform(s) to the landfall, as well as auxiliary cables
Offshore substation platform(s)	Fixed structure(s) located within the array area, containing HVAC electrical equipment to aggregate the power from the wind turbine generators and increase the voltage to a more suitable level for export to shore via offshore export cables.
Onshore cable route	Onshore route within which the onshore export cables and associated infrastructure would be located.
Onshore export cables	The cables which take the electricity from landfall to the onshore substation. These comprise High Voltage Alternative Current (HVAC) cables, buried underground.
Onshore project area	The boundary within which all onshore infrastructure required for the Project will be located (i.e. landfall; onshore cable route, accesses, construction compounds; onshore substation and cables to the National Grid substation)
Onshore substation	A compound containing electrical equipment required to transform and stabilise electricity generated by the Project so that it can be connected to the National Grid.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the wind turbine generator foundations and offshore substation platform (OSP) or / and offshore converter platform (OCP) foundations as a result of the flow of water.
Temporary construction compound	Area set aside to facilitate construction of the onshore cable route. Will be located adjacent to the onshore cable route, with access to the highway where required.

The Applicant	North Falls Offshore Wind Farm Limited (NFOW).
The Project or 'North Falls'	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.
Transition joint bay	Underground structures that house the joints between the offshore export cables and the onshore export cables
Trenchless crossing	Use of a technique to install limited lengths of cable below ground without the need to excavate a trench from the surface, used in sensitive areas of the onshore cable route to prevent surface disturbance. Includes techniques such as HDD.
Trenchless crossing compound	Areas within the onshore cable route which will house trenchless crossing (e.g. HDD) entry or exit points.
Wind turbine generator (WTG)	Power generating device that is driven by the kinetic energy of the wind.

1 Introduction

1. North Falls Offshore Wind Farm Limited (hereafter, 'the Applicant' or 'NFOW') is seeking a Development Consent Order (DCO) for North Falls Offshore Wind Farm (NFOW) (herein 'North Falls' or 'the Project'). NFOW is a joint venture between SSE Renewables Offshore Windfarm Holdings Limited (SSER) and RWE Renewables UK Swindon Limited (RWE).

2. NFOW, as named undertaker that has the benefit of the DCO, is subject to obligations on, or commitments by, 'the Applicant' outlined within this document.

3. The Project is located in the southern North Sea, adjacent to the existing Greater Gabbard Offshore Wind Farm. The Project will be connected to the shore by offshore export cables to landfall point at Kirby Brook, on the east coast of Essex. From there, onshore export cables will transport power over approximately 24km to a new high voltage alternating current (HVAC) onshore substation near Little Bromley, in the Tendring district of Essex. NFOW are committed to collaboration and co-ordination where practicable, with Five Estuaries Offshore Wind Farm Limited (VEOW).

4. This document provides the Statutory Nuisance Statement for the Project 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 the Project would engage Section 79(1) by causing statutory nuisances, the Draft DCO (Document Reference: 6.1) 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 NFOW as undertakers of the Project.

6. The Environmental Statement (ES) which has been prepared by the Applicant in accordance with The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (the 'EIA Regulations'), refer to ES Chapter 6 EIA Methodology (Document Reference: 3.1.8) for further details, has assessed the likely significant effects of a number of elements specified in Section 79(1).

7. The main potential for the Project to cause statutory nuisance would be from onshore noise during the construction of the Project and noise emitted from the new onshore substation during operation. However, the conclusion of the ES is that, with the implementation of appropriate mitigation measures (which are secured by Requirements in the DCO) there would be no significant noise effects, and as such claims for statutory nuisance are unlikely to arise from the Project. Specifically, the Draft DCO includes a Requirement at Part 3 of Schedule 1 which secures the Outline Code of Construction Practice (OCoCP) (Document Reference: 7.13), which includes detail of mitigation measures that will be used to avoid significant effects during construction. There is also a

separate Requirement in Part 3 of Schedule 1 which secures operational noise limits required to avoid significant effects from operational noise.

2 Key Components of North Falls

8. At this stage of the Project's development, some optionality is required in order to future-proof the DCO. One area of optionality is in relation to the National Grid connection point.

9. The following grid connection options are therefore included in the project design envelope:

- Option 1: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, with a project alone onshore cable route and onshore substation infrastructure;
- Option 2: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore cable duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries; or
- Option 3: Offshore electrical connection, supplied by a third party.

2.1.1 Offshore

10. The Project would comprise the following main offshore components:

- Under Options 1 and 2:
    - Wind turbine generators (WTG) and their associated foundations;
    - Up to two offshore substation platforms (OSP) and their associated foundations to aggregate electricity from the WTGs and facilitate the export of electricity via the Project's offshore export cables;
    - Subsea cables:
        - Array cables between the WTGs and between the WTGs and the OSP(s);
        - Platform interconnector cable between the OSPs, if required.
        - Offshore export cables between the OSP(s) and landfall;
        - Scour protection around foundations, where required; and
        - Surface laid cable protection, where required.
- Under Option 3:
    - WTGs and their associated foundations;
    - Up to one OSP and associated foundation to aggregate electricity from the WTGs;
    - One offshore converter platform (OCP) and associated foundation to increase the voltage of electricity for export and convert the HVAC

power generated by the WTGs into HVDC power for export via an HVDC cable supplied by a third party;

- Array cables between the WTGs and between the WTGs and OSP/OCP;
- Platform interconnector cable between the OSP and OCP;
- Scour protection around foundations, where required; and
- Surface laid cable protection, where required.

11. Electricity would flow from the wind turbines via inter-array cables to OSP(s). At the OSP(s), the generated power will be transformed to a higher alternating current (AC) voltage. For Options 1 and 2, the power will be exported through an export cable, in a trench, to a landfall location at Kirby Brook on the east coast of Essex.

2.1.2 Onshore

12. 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 24km inland to a high voltage HVAC onshore substation, near Little Bromley in the Tendring district of Essex.

- Under Option 1 and 2, the main onshore components of include:
  - Landfall;
  - Onshore export cables housed within cable ducts and associated joint bays and link boxes;
  - Onshore substation and ancillary works;
  - Connection to the national grid;
  - Works to improve Bentley Road and provision of temporary footway/cycleway; and
  - Temporary works to facilitate construction (temporary construction compounds (TCC), temporary means of access).
- Under Option 2, this also includes:
  - Cable ducts for the installation for Five Estuaries onshore export cables.

13. Further details of the key components of offshore and onshore infrastructure can be found in ES Chapter 5 Project Description (Document Reference: 3.1.7).

3 Statement of Engagement

14. 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;

(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[1] 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*."

15. It is considered that the Project 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 (and vibration). This Statement also considers air quality (sub-paragraph (d)) and lighting (sub-paragraph (fb)).

16. Whilst the ES concludes that no such nuisance will occur, a provision has been included in the Draft DCO (Document Reference: 6.1) at Article 7 which relates to defence to proceedings in respect of statutory nuisance. The Explanatory Memorandum (Document Reference: 6.2) provides further information.

17. The Applicant considers that none of the matters specified in Section 79(1) are engaged by the offshore elements of the Project, principally because the Project is located in the North Sea approximately 40km from the east coast of England. As such, the offshore aspects are not considered further within this Statement.

3.1 Noise and Vibration

18. The likely noise and vibration effects from construction, operation, maintenance and decommissioning of the onshore elements of the Project have been predicted and assessed in accordance with the appropriate legislation and guidance and are detailed in ES Chapter 26 Noise and Vibration (Document Reference: 3.1.28). Survey data has been utilised to determine the baseline noise levels at locations representative of the potentially most affected noise sensitive receptors.

[1] Under Section 79(1) of the Act, "noise" includes vibration (and so vibration has been considered under 'noise' within this statement.

3.1.1 Construction

19. Potential impacts from noise and vibration were identified as arising from construction works (and the associated construction traffic). Likely effects will not be significant due to a range of industry standard mitigation measures that are included within the OCoCP (Document Reference: 7.13), along with potential additional mitigation measures to be implemented as required (such as the use of screening (i.e. temporary noise barriers)), as detailed within the Schedule of Mitigation which is provided with the DCO application (Document Reference: 2.6). The final CoCP, secured by DCO Requirement, will detail the package of mitigation measures that will be used to avoid significant effects, which will be based on the final design and plant and equipment to be used by the appointed Principal Contractor.

3.1.2 Operation

20. During the operation of the Project, potential noise impacts and effects will be limited to the operational noise of the onshore substation. The operational noise emissions from the onshore substation will be compliant with the noise level limits specified by Requirement in Part 3 of Schedule 1 of the Draft DCO (Document Reference: 6.1). These limits have been determined in accordance with British Standard 4142:2014+A1:2019 and adherence to them will ensure that effects due to operational noise on the nearest residential properties will be not significant. This requirement requires a noise investigations protocol to be prepared and implemented. This would require a scheme for monitoring noise levels and assessment to be set out in the event of a complaint about noise from the onshore substation.

21. There would be no noise effects arising from the proposed onshore cable route or landfall during operation.

3.1.3 Decommissioning

22. 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 assets reused or recycled as appropriate. 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 the Requirement for a written scheme of onshore decommissioning within the Draft DCO (Document Reference: 6.1). 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 relevant regulator.

23. Noise effects associated with decommissioning are not considered to be any worse than those predicted for construction works.

3.2 Air Quality

3.2.1 Construction

24. Onshore construction activities such as soil stripping, plant movements, material storage and stockpiling, transport of materials and topsoil reinstatement may generate dust and particulate matter and exhaust emissions from Non-Road Mobile Machinery (NRMM). Construction traffic on the local road network may also lead to emissions of exhaust pollutants. However, due to the temporary nature of the works and the proposed control measures including the production of a Dust Management Plan and Soil Management Plan as described within the OCoCP (Document Reference: 7.13) (secured in Part 3 of Schedule 1 of the Draft DCO), this will ensure the effects upon air quality are not significant during the Project's construction. As a result, potential air quality effects are considered to be not significant (refer to ES Chapter 20 Air Quality (Document Reference: 3.1.22)).

3.2.2 Operation

25. There would be no air quality effects from the Project during operation (refer to ES Chapter 20 Air Quality (Document Reference: 3.1.22)).

3.2.3 Decommissioning

26. Air quality effects associated with decommissioning are not considered to be any worse than those predicted for construction works.

3.3 Lighting

3.3.1 Construction

27. During the construction phase, some temporary lighting would be required within the onshore project area. Along the length of the onshore cable route, no evening or night time working is anticipated to be required except at complex trenchless crossing operations. Low-level security lighting would also be required at construction compounds. At the onshore substation and national grid connection point, 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 0700 to 1900 Monday to Saturday[2]. The local planning authority will be notified of any changes to these hours in advance, in accordance with the OCoCP (Document Reference: 7.13).

28. The OCoCP (Document Reference: 7.13) sets out details of artificial lighting mitigation and management measures.

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[2] NB: between 1300 – 1900 on Saturdays certain 'high impact' activities will be restricted. These will be specified in the CoCP (the outline version of which is submitted with the DCO Application (Document Reference: 7.13).

29. Adherence to the measures set out within this plan would ensure that the effects of construction lighting are considered to be not significant (refer to ES Chapter 30 Landscape and Visual Impact Assessment (Document Reference: 3.1.32)).

3.3.2 Operation and maintenance

30. During operation of the onshore substation, lighting requirements may entail:

- Low level movement detecting security lighting may be utilised for health and safety purposes; and
- Temporary lighting during working hours would be provided during maintenance activities only. Normal operating conditions would not require lighting at the onshore substation.

31. The Draft DCO includes a Requirement that details of operational external lighting in relation to the onshore substation are to be submitted for approval by the relevant planning authority. Following adherence to the details provided, effects from onshore lighting are considered to be not significant; therefore, they are not expected to engage Section 79(1).

3.3.3 Decommissioning

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

4 Conclusion

33. The Applicant has designed the Project in such a way as to seek to minimise environmental effects and has also included a variety of measures to mitigate any remaining effects further still.

34. These measures are secured by the Requirements contained in Part 3 of Schedule 1 to the Draft DCO (Document Reference: 6.1), which cover a number of relevant matters including:

- A Code of Construction Practice in relation to onshore works, covering a wide range of matters, including:
  - Construction noise mitigation measures;
  - A Dust Management Plan;
  - A Soil Management Plan;
  - Limits on onshore construction hours;
- Details of operational external lighting at the onshore substation.

35. Following adherence to the measures set out in the plans described, no significant residual effects are predicted in relation to noise, air quality and light emissions; therefore, they are not expected to engage Section 79(1).

36. Notwithstanding the above conclusion, the Draft DCO (Document Reference: 6.1) 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 NFOW as

undertaker under the terms of the DCO. Given the Project's status as nationally significant infrastructure it is appropriate that NFOW are protected from proceedings under Section 79 of the Environmental Protection Act (1990) and is capable of construction and subsequent continued operation.

5 References

Environmental Protection Act (1990) *Environmental Protection Act, Section 79, Statutory nuisances and inspections therefor*. Available at: Environmental Protection Act 1990 (legislation.gov.uk) [accessed 12/04/2024]

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HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Limited

A joint venture company owned equally by SSE Renewables and RWE.

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