



MORECAMBE



FLOTATION ENERGY

Morecambe Offshore Windfarm: Generation Assets Development Consent Order Documents

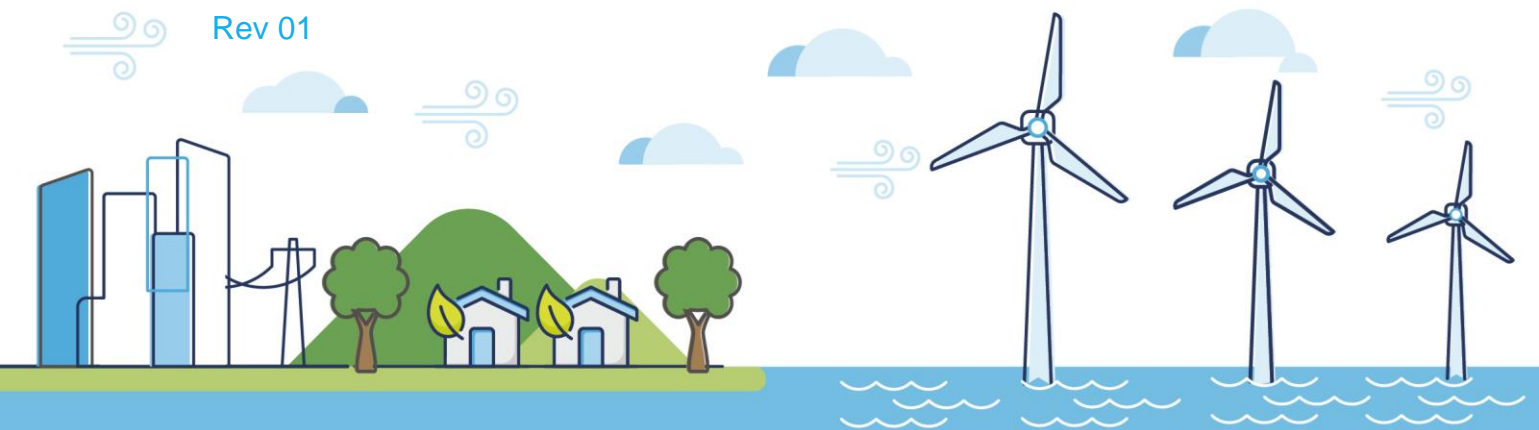
Volume 4

Statutory Nuisance Statement

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Glossary of Acronyms

APFP	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) of the Regulations 2009
DCO	Development Consent Order
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore substation platform
WTG	Wind turbine generator

Glossary of Unit Terms

km	kilometre
MW	Megawatt

Glossary of Terminology

1990 Act	Environmental Protection Act 1990
2008 Act	Planning Act 2008
Applicant	Morecambe Offshore Windfarm Ltd
Application	This refers to the Applicant's application for a Development Consent Order (DCO). An application consists of a series of documents and plans which are published on the Planning Inspectorate's (PINS) website.
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
Inter-array cables	Cables which link the WTGs to each other and the OSP(s).
Offshore substation platform(s)	A fixed structure located within the windfarm site, containing electrical equipment to aggregate the power from the WTGs and convert it into a more suitable form for export to shore.
Platform link cable	An electrical cable which links one or more OSP(s).
Wind turbine generator (WTG)	A fixed structure located within the windfarm site that converts the kinetic energy of wind into electrical energy.



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1 Introduction

1. This Statutory Nuisance Statement (the “Statement”) has been prepared on behalf of Morecambe Offshore Windfarm Ltd (the “Applicant”), a joint venture between Zero-E Offshore Wind S.L.U. (Spain) (a Cobra group company) and Flotation Energy Ltd. It forms part of the application (the “Application”) for a Development Consent Order (“DCO”), submitted to the Secretary of State pursuant to the Planning Act 2008 (the “2008 Act”).
2. The Applicant is seeking development consent for the construction and operation and maintenance of an offshore wind project, the Morecambe Offshore Windfarm Generation Assets (the “Project”), located approximately 30km from the Lancashire coastline. The Project includes the following infrastructure:
 - Up to 35 wind turbine generators (WTGs) and their associated foundations
 - Up to 2 offshore substation platforms (OSPs) and their associated foundations
 - A network of subsea inter-array and platform link cables
3. Further details of the key components of the Project can be found in **Volume 5, Chapter 5 Project Description** of the Environmental Statement (“ES”) (Document Reference 5.1.5), with further information on the Project contained within the Draft DCO and Offshore Works Plan (Document References 3.1 and 2.3).
4. As an offshore generating station located wholly in English waters with a generating capacity over 100MW, the Project constitutes a Nationally Significant Infrastructure Project (“NSIP”) pursuant to sections 14(1)(a) and 15(3) of the 2008 Act, and a DCO is required to consent the Project in accordance with section 31 of the 2008 Act.
5. This Statement 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 states that any application for a DCO should be accompanied by a statement setting out whether the proposed development engages section 79(1) of the Environmental Protection Act 1990 (the “1990 Act”), which sets out which matters constitute “statutory nuisances”, and, if it does, how the applicant intends to mitigate or limit such nuisances.

6. For the reasons set out in **Section 2** below, it is not expected that the construction and subsequent continued operation of the Project would cause a statutory nuisance under section 79 of the 1990 Act. Consequently, the Draft DCO (Document Reference 3.1) does not include a provision that would provide a defence to proceedings for statutory nuisance should they be initiated against the Applicant, as undertaker.

2 Statutory Nuisance Statement

7. Regulation 5(2)(f) of the APFP Regulations requires an applicant for a DCO to state whether the proposal engages one or more of the matters set out in section 79(1) (*Statutory nuisances and inspections therefor*) of the 1990 Act. If it does, the applicant is required to indicate how it intends to mitigate or limit such nuisances
8. Section 79(1) of the 1990 Act identifies the matters which are considered to be statutory nuisance as follows:
 - (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 or in Scotland, road; and*
 - (h) *any other matter declared by any enactment to be statutory nuisance.*

9. The Applicant considers that none of the matters specified in section 79(1) of the Act are engaged by the Project, principally because the Project is located in the Eastern Irish Sea, approximately 30km from the northwest coast of England, 50km from the north coast of Wales and 59km from the coast of the Isle of Man. The Application does not include either export cables to shore or any onshore development, which will be the subject of a separate consent application. As such, the Project does not engage section 79(1) of the 1990 Act.