

# Outer Dowsing Offshore Wind

## Other Documents

### Statutory Nuisance Statement

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## Acronyms & Definitions

### Abbreviations / Acronyms

Abbreviation / Acronym	Description
CoCP	Code of Construction Practice
DCO	Development Consent Order
ES	Environmental Statement
ODOW	Outer Dowsing Offshore Wind, trading name of GT R4 Limited
OnSS	Onshore Substation

### Terminology

Term	Definition
The 1990 Act	Environmental Protection Act 1990
The Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation, Total Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation (a wholly owned Green Investment Group portfolio company).
Array area	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned.
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 Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Mitigation	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
Onshore Infrastructure	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
Onshore Substation (OnSS)	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.

## Reference Documentation

Document Number	Title
3.1	Draft development Consent Order
5.1.2	Scoping Opinion
6.1	Environmental Statement
6.1.3	Chapter 3 Project Description
6.1.19	Chapter 19 Onshore Air Quality
6.1.26	Chapter 26 Noise and Vibration
6.1.28	Chapter 28 Landscape and Visual Assessment
8.1.1	Outline Noise and Vibration Management Plan
8.1.2	Outline Air Quality Management Plan
8.11	Outline Artificial Light Emissions Management Plan

# 1 Introduction

1. The Applicant is GTR4 Limited (a joint venture between Corio Generation, TotalEnergies and Gulf Energy Development), trading as Outer Dowsing Offshore Wind (ODOW). The Project is being developed by Corio Generation (a wholly owned Green Investment Group portfolio company), TotalEnergies and Gulf Energy Development.
2. The Project will include both offshore and onshore infrastructure including an offshore generating station (windfarm) located approximately 54km from the Lincolnshire coastline, export cables to landfall, onshore cables, an onshore substation, connection to the electricity transmission network, and ancillary and associated development (see Volume 1, Chapter 3 Project Description (document reference 6.1.3) for full details).
3. This Statutory Nuisance Statement has been prepared in accordance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 which requires the applicant for a DCO to provide a statement as to whether the application engages Section 79(1) (Statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (the 1990 Act) and, if it does, how the applicant intends to mitigate or limit such nuisances.
4. The Environmental Statement (ES) (document reference 6.1), which has been prepared by the Applicant as part of the process of environmental impact assessment for the application, has analysed the potential significant effects of a number of elements specified in Section 79(1) of the 1990 Act.
5. This Statutory Nuisance Statement demonstrates that, with the implementation of mitigation measures where appropriate (which will be secured by requirements attached to the DCO), claims for statutory nuisance are unlikely to arise from the Project.
6. 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 3.1) that accompanies the application contains a provision at Article 8 (Defence to proceedings in respect of statutory nuisance) to provide a defence to proceedings for statutory nuisance, should they be initiated against the Applicant (or its successors) as undertakers of the Project.

## 2 Statutory Nuisance Statement

7. Regulation 5(2)(f) 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) deals with the following matters:
  - 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
9. It is considered that the provisions of Section 79(1) of the 1990 Act 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;
  - 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.
10. Whilst the conclusions of the ES indicate that no such nuisance will occur, the Applicant has included within the draft DCO at Article 8 (Defence to proceedings in respect of statutory nuisance) a provision which would protect the Applicant or its successors as undertakers operating the Project from any proceedings for statutory nuisance in relation to noise and vibration.
11. 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 Southern North Sea approximately 54km from the Lincolnshire coast. As such, the offshore aspects are not considered further within this Statutory Nuisance Statement.

### 3 Noise and Vibration

12. 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 Chapter 26 Noise and Vibration (document reference 6.1.26). Survey data has been utilised to determine the baseline noise levels at locations representative of the potentially most affected noise sensitive receptors.

#### Construction

13. Potential significant impacts from noise and vibration were identified as arising from construction works (and the associated construction traffic) in a number of locations. Effects will however be reduced to no greater than minor due to a range of industry standard mitigation measures including the preparation of a Code of Construction Practice (CoCP) which will include a Noise and Vibration Management Plan (which must accord with the Outline Noise and Vibration Management Plan submitted with this application (document reference 8.1.1)) (secured by Requirement 18 of the draft DCO (document reference 3.1)).

#### Operation

14. During the operation of the Project, noise impacts are expected to be limited to the operational noise of the onshore substation (OnSS). The operational noise emissions from the OnSS will be governed by noise limits secured by Requirement 25 of the draft DCO (document reference 3.1). These requirements will result in a negligible effect on residential receptors.
15. Industry standard noise mitigation measures (including consideration of design) around the OnSS will ensure that noise emissions from the OnSS do not exceed the levels stated in the noise requirement.
16. There would be no noise impacts from the proposed onshore cable corridor or landfall during operation.

#### Decommissioning

17. No decision has been made regarding the final decommissioning policy for the onshore infrastructure as it is recognised that industry best practice, and legislation, change over time. The OnSS will likely be removed and be reused or recycled. It is anticipated that the onshore cables would be decommissioned (de-energised) and either left in situ, or removed (with the cables being removed from the installed ducts and recycled) depending on the requirements of the onshore decommissioning programme approved by the local planning authority in accordance with Requirement 24 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.



18. Noise levels associated with decommissioning are not considered to be higher than those predicted for construction works. In the event that the onshore cables remain in-situ, there would be a reduction in impacts and resulting level of effect and significance in comparison to the assessment of construction effects.

## 4 Air Quality

19. The likely air quality 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 Chapter 19 Onshore Air Quality (document reference 6.1.19).

### Construction

20. 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, non-road mobile machinery used on the construction sites, and temporary offshore construction vessels involved in offshore export cable installation activity may lead to emissions of exhaust pollutants.
21. However, due to the temporary nature of the works and the proposed control measures including the preparation of a CoCP which will include an Air Quality Management Plan (which must accord with the Outline Air Quality Management Plan submitted with this application (document reference 8.1.2)) (secured by Requirement 18 of the draft DCO (document reference 3.1)) potential air quality impacts are considered to be not significant and are not expected to engage Section 79(1) of the 1990 Act.

### Operation

22. There would be no air quality impacts from the Project during operation. It was agreed that emissions generation from offshore vessel movements could be scoped out of the assessment (Scoping Opinion, document reference 5.1.2). It was also agreed that it would be unlikely that significant effects would occur in respect of air quality in respect to operational phase traffic movements. However, the Planning Inspectorate requested that the ES confirm the anticipated operational phase vehicle movements are below the Environmental Protection UK and Institute of Air Quality Management screening thresholds. This is confirmed in Chapter 19 Onshore Air Quality (document reference 6.1.19). As such, Section 79(1) of the 1990 Act would not be engaged.

### Decommissioning

23. Air quality impacts associated with decommissioning are not considered to be higher than those predicted for construction works and therefore are also considered to be not significant.

## 5 Lighting

### Construction

24. During the construction phase, some temporary lighting would be required within the onshore work areas. Along the length of the onshore cable route, no 24-hour lighting is anticipated to be required except that associated with trenchless crossing and other continuous operations, and low-level security lighting during hours of darkness. During periods of 24-hour working for trenchless crossing and other continuous operations, temporary night-time lighting for specific task areas will be required and will be designed to minimise the impacts at the specific location.
25. Construction lighting will be required during working hours in the winter months. Working hours are typically restricted to 07.00 to 19.00 Monday to Saturday, with no activity on Sundays or bank holidays. Construction may extend beyond those working hours following approval from the relevant local planning authority, or, in the case of trenchless crossing operations, following notification to the relevant planning authority which is secured by Requirement 19 of the Draft DCO (document reference 3.1).
26. An Artificial Light Emissions Plan will form part of the CoCP and will require to be submitted to the relevant planning authority for approval (secured by Requirement 18 of the draft DCO (document reference 3.1)). The plan will detail the mitigation measures to be taken to manage emissions from artificial light in accordance with Bats and Lighting in the UK guidance (Bat Conservation Trust, 2018), such as the use of directional beams, non-reflective surfaces and barriers and screens, to avoid light nuisance whilst maintaining safety and security obligations. The plan will also consider the guidance from the Institute of Lighting Professionals (Guidance Note 01/21) in situations where this is relevant.
27. The impacts of onshore lighting during the construction period are considered not significant, therefore they are not expected to engage Section 79(1).

### Operation

28. During operation of the OnSS, lighting requirements may entail motion activated lighting around perimeter fence of the compound for security and safety purposes when staff are working within the site or accessing or leaving the control room.
29. Requirement 26 of the draft DCO (document reference 3.1) requires an operational artificial light emissions management plan (in accordance with the Outline Artificial Light Emissions Management Plan (document reference 8.11) to be submitted for approval by the relevant planning authority in relation to the OnSS. This plan will provide details of artificial light emissions at the substation during the operational period.

30. The Outline Operational Artificial Light Emissions Management Plan (document reference 8.11) sets out the operational and maintenance requirements for lighting at the OnSS. Regular maintenance at the OnSS will be planned for daylight hours where possible, to reduce the need for artificial lighting, however in winter months and in the event of emergency works additional lighting may be required to meet health and safety requirements. Where dark hours lighting is required, the lighting will be designed to minimise light spillage as far as possible, while providing the necessary levels of light for safety requirements. While a lower level of lighting would remain overnight for security purposes, this would be motion activated.
31. Chapter 28 Landscape and Visual Impact Assessment (document reference 6.1.28) sets out that the limited occurrence of dark hours lighting combined with the measures to reduce its impact on the occasions it may be required and the low levels of security lighting mean that its effect on visual receptors will be especially limited and therefore potential effects were scoped out of the detailed assessment.
32. The impacts of onshore lighting during the operational period are considered not significant, therefore they are not expected to engage Section 79(1).

## Decommissioning

33. Light emissions associated with decommissioning are not considered to be any greater than those predicted for construction works and therefore are also considered to be not significant. The difference at the decommissioning phase would be that mitigation planting would have matured over the operational life of the onshore elements of the Project and would therefore screen the decommissioning works from many of the surrounding landscape and visual receptors.

## 6 Conclusions

34. The Applicant has designed the Project in such a way as to minimise the environmental effects of the Project 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 3 of Schedule 1 to the draft DCO (document reference 3.1), which cover a number of relevant matters including:
- a CoCP in relation to onshore works, covering a wide range of matters (Requirement 18), including:
    - a Noise and Vibration Management Plan;
    - an Air Quality Dust Management Plan; and
    - an Artificial Light Emissions Management Plan;
  - Limits on onshore construction hours (Requirement 19);
  - Limits on operational noise arising from the OnSS, as measured at specific residential locations (Requirement 25); and
  - Control on lighting during operation of the OnSS through the submission and approval of an Operational Artificial Light Emissions Management Plan in respect of the OnSS (Requirement 26).
36. No significant residual impacts are predicted in relation noise, air quality and light emissions; therefore, they are not expected to engage Section 79(1) of the 1990 Act.
37. Notwithstanding the above conclusion, the draft DCO (document reference 3.1) that accompanies the application contains a provision at Article 8 (Defence to proceedings in respect of statutory nuisance) that would provide a defence to proceedings for statutory nuisance in relation to noise and vibration should they be initiated against the Applicant or its successors as undertakers under the terms of the DCO. Given the Project's status as nationally significant infrastructure it is appropriate that the Project is protected from proceedings under Section 79 of the Environmental Protection Act 1990 and is capable of construction and subsequent continued operation.