

# **XLINKS' MOROCCO-UK POWER PROJECT**

## **Statutory Nuisance Statement**

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**For Issue**

## XLINKS MOROCCO – UK POWER PROJECT

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## Glossary

The Glossary used for the Statutory Nuisance Statement can be found within Chapter 1 of the Environmental Statement (document ref. 6.1).

# 1 INTRODUCTION

- 1.1.1 This document forms the Statutory Nuisance Statement, which has been prepared for the United Kingdom (UK) elements of the Xlinks Morocco-UK Power Project (the 'Project'). For ease of reference, the UK elements of the Project are referred to as the 'Proposed Development'.
- 1.1.2 The Proposed Development is classed as a project of National Significance as defined under the Section 35 direction made by the Secretary of State on 26 September 2023. Confirmed by the section 35 direction, the Proposed Development should be treated as development for which development consent is required.
- 1.1.3 As a result of the above, the Proposed Development is nationally significant and Development Consent Order (DCO) Application is required for two converter stations to the immediate west of the existing Alverdiscott 400 kV substation, with associated underground electricity cables to the Cornborough Range (landfall), North Devon, offshore cable infrastructure within the UK Exclusive Economic Zone (EEZ), and other permanent and temporary works associated with the Proposed Development.
- 1.1.4 This Statement of Statutory Nuisance (hereafter referred to as this Statement) has been produced to support the application for development consent under the Planning Act 2008 (PA 2008) and sets out whether the Proposed Development engages any of the statutory nuisances in Section 79(1) of the Environmental Protection Act 1999 (1999 Act), as required under Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, and, if so, how Xlinks 1 Limited (the Applicant) proposes to mitigate or limit such nuisances.

## 1.2 Order Limits

- 1.2.1 The Order Limits are described in the Location and Order Limits Plans (**document ref. 2.1**) that show the Order Limits for the Proposed Development, which is approximately 200 hectares of land, located within the administrative boundaries of Devon County Council (DCC) and Torridge District Council (TDC) (the Order Limits). However, some aspects of the proposed highways works fall into the realm of North Devon District Council (NDDC) but as there are no elements in the DCO requiring works on land outside highways in NDDC's jurisdiction it does not have an administrative function in relation to the Proposed Development.
- 1.2.2 The Proposed Development is described in Schedule 1 of the **draft DCO (document reference. 3.1)** and **Volume 1, Chapter 3: Project Description of the ES (document reference. 6.1)**, where the "authorised development" is divided into work packages.

## 1.3 The Proposed Development

- 1.3.1 The Proposed Development comprises the following:
- 1.3.2 Onshore elements:

- Converter station: the Site includes two converter stations, known as Bipole 1 and Bipole 2, to convert electricity from Direct Current (DC) to Alternating Current (AC) before transmission to the National Grid;
- Onshore High Voltage Alternating Current (HVAC) Cables: these cables would connect the proposed converter stations to the national grid.;
- Onshore High Voltage Direct Current (HVDC) Cables: these cables would link the converter stations to the Landfall.
- Highways improvements: improvements to the existing road network to facilitate access during construction, operation and maintenance, including road widening, and new or improved junctions.
  - Temporary and permanent utility connections: temporary and permanent utility connections to the construction compounds and the Converter Site.
- Permanent utility diversions: permanent diversion of existing utility services within the Onshore Infrastructure Area.
- Landfall:
  - Landfall: the site at Cornborough Range where the offshore cables are jointed to the onshore cables. This term applies to the entire landfall area between Mean Low Water Springs (MLWS) and the transition joint bays within the Order Limits. This includes all construction works, including the offshore and onshore cable routes, and landfall compound(s) at Lanfall.
- Offshore elements:
  - Offshore HVDC Cables: the cables which would link the converter stations in Morocco to the Landfall, which are located within the UK EEZ.

## 1.4 Purpose and structure of this statement

- 1.4.1 The Statement has been prepared in compliance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’).
- 1.4.2 Regulation 5(2)(f) requires that an application for a DCO must be accompanied by a statement setting out whether the proposal (i.e. the Proposed Development) engages one or more of the matters in section 79(1) (statutory nuisances and inspections) of the Environmental Protection Act 1990 (as amended) (EPA). If any of those matters are engaged, the statement must set out how the applicant proposes to mitigate or limit the effects.
- 1.4.3 The matters in section 79(1) of the EPA that have been considered within this Statement are general site condition (see section 4.1 below), air quality (see section 4.2 below), artificial light (see section 4.3 below) and noise and vibration (see section 4.4 below) during all phases of the Proposed Development.
- 1.4.4 This Statement interacts with the following documents and should be read in conjunction with other documents submitted as part of the application, particularly:
- The Environmental Statement (ES) (document reference: 6.1 – 6.4)

- The Outline Onshore Construction Environmental Management Plan (document reference: 7.7)
- The Outline Offshore Construction Environmental Management Plan (document reference: 7.9)
- The Outline Construction Traffic Management Plan (document reference. 7.12).

1.4.5 This Statement is produced in the context of section 158 of the Planning Act 2008, which provides statutory authority for carrying out development for which a DCO had been granted or anything else authorised by the DCO as a defence against civil or criminal proceedings for nuisance.

1.4.6 This Statement sets out appropriate mitigation measures to ensure that the Proposed Development has no significant effects that would give rise to a statutory nuisance. Demonstrating that no statutory nuisance effects are considered likely to occur. Overall, it is expected that the construction, and operation (and maintenance) phases of the Proposed Development are not expected to cause a statutory nuisance.

1.4.7 Nonetheless, it should be noted that article 47 (Defence to proceedings in respect of statutory nuisance) of the **draft DCO (document ref. 3.1)** contains a provision that would provide a defence to proceedings in respect of statutory nuisance (in respect of sub-paragraph (g) of section 79(1) of the EPA (noise emitted from premises to be prejudicial to health or a nuisance)), subject to the criteria set out in that article.

1.4.8 It should be noted that decommissioning is not included within the DCO, but it is assessed within the ES to give a full life assessment of the Proposed Development. However, due to uncertainties the DCO does not provide decommissioning, and it would rather be sought under a separate consent at the time of decommissioning.

1.4.9 The remainder of this Statement is structured as follows:

- Section 2 – Legislative and Policy Context;
- Section 3 – Assessment of Significance;
- Section 4 – Matters Engaged and Proposed Mitigation Measures; and
- Section 5 – Conclusion

## 2 LEGISLATIVE AND POLICY CONTEXT

### 2.1 The APFP Regulations 2009

2.1.1 Regulation 5(2)(f) of the APFP Regulations states that an application for a DCO must be accompanied by *"a statement 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, and if so, how the applicant proposes to mitigate or limit them"*.

### 2.2 Environmental Protection Act 1990 (EPA)

2.2.1 Section 79(1) of the EPA, as it applies in England, provides that the following matters constitute "statutory nuisances":

- 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;*
- h) *any other matter declared by any enactment to be a statutory nuisance"*.



- 2.2.2 For a nuisance to be considered a statutory nuisance, it must unreasonably and substantially interfere with the use or enjoyment of a home or other premises or injure health or be likely to injure health. To be considered a nuisance, an activity must be ongoing or repeated – a one-off event would not usually be considered a nuisance.

## 2.3 Overarching National Policy Statement for Energy (NPS EN-1)

- 2.3.1 Paragraph 4.15.1 of the Overarching National Policy Statement for Energy (NPS EN-1) states that:

*"Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a Development Consent Order".*

- 2.3.2 Paragraph 4.15.2 states that:

*"Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisance) but only to be extent that the nuisance is the inevitable consequence of what has been authorised".*

- 2.3.3 Paragraph 4.15.5 states that the Applicant assessment must:

*"At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be identified by the applicant so that appropriate requirements can be included in any subsequent order granting development consent".*

- 2.3.4 The **Planning Statement (document reference. 7.2)** assesses the compliance of NPS EN-1 within Appendix 1 Policy Compliance Tables and assesses the Proposed Development's compliance with both national and local planning policies.

### 3 ASSESSMENT OF SIGNIFICANCE

#### 3.1 Summary of Matters Engaged

- 3.1.1 The ES accompanying the Application addresses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in section 79(1) of the EPA.
- 3.1.2 Table 3-1 outlines each matter stated in Section 79(1) of the EPA and describes whether this is covered within this Statement or is excluded, based on the assessment covered within the ES.

Table 3-1 – Matters stated in Section 79(1) of the EPA

EPA Section 79(1) Matter	Matter engaged as a consequence of the Proposed Development
a. any premises in such a state as to be prejudicial to health or a nuisance	This matter is considered further in this Statement.
b. smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated from the Proposed Development; therefore, this is not considered further within this Statement. Unplanned emergency scenarios such as an accidental to technical fire are irrelevant to this Statement due to their infrequent and short nature.
c. fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	This matter only applies to private dwellings, as provided for under section 79(4) of the EPA. This matter is, therefore, not considered further within the Statement because there is no direct impact on private dwellings as a result of the Proposed Development.
d. any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance	This matter is considered further in this Statement in relation to dust. The Proposed Development is not anticipated to cause any effects from steam, smell or other effluvia and therefore, those elements are not considered further within the Statement.
e. any accumulation or deposit which is prejudicial to health or a nuisance	This matter is considered further in this Statement.
f. any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The Proposed Development will not keep any animals in such a place or manner as to be prejudicial to health or a nuisance.

	Therefore, this is not considered further in the Statement.
f. (a) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	There is no indication that the construction, operation (and maintenance), of the Proposed Development will emanate any insects nor insects be attracted to it. Therefore, this is not considered further within the Statement.
f. (b) artificial light emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered further in this Statement.
g. noise emitted from premises so as to be prejudicial to health or a nuisance.	This matter is considered further in this Statement.
g. (a) noise that is prejudicial to health or nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street.	This matter is considered further in this Statement.
h. any other matter declared by any enactment to be statutory nuisance	No other matters are considered to be a potential statutory nuisance associated with the construction, or operation (and maintenance) of the Proposed Development.

## 4 MATTERS ENGAGED AND PROPOSED MITIGATION MEASURES

### 4.1 Condition of the Site – Section 79(1)(a) and (e) of the EPA

4.1.1 This section considers the risk of the condition of the Proposed Development causing a statutory nuisance. The following constitutes a statutory nuisance:

- (a) Section 79(1)(a) – “any premises in such a state as to be prejudicial to health or a nuisance”.
- (b) Section 79(1)(e) – “any accumulation or deposit which is prejudicial to health or a nuisance”.

#### Construction

4.1.2 The types of construction activities in respect of the Proposed Development include, but are not limited to:

- The establishment of site fencing and primary and secondary temporary construction compound(s);
- Digging of cable trenches;
- Installation of ducts and below ground infrastructure, including joint bays;
- Installation of HVDC, HVAC and Fibreoptic cables;
- Construction of two converter stations; and
- Construction of access roads, haul roads, and temporary and permanent alteration to highways.

- 4.1.3 Once complete and before the operation of the Proposed Development, the equipment will be tested and commissioned.
- 4.1.4 Construction works can create pollution incidents such as spillages, litter, and general waste, constituting a nuisance under the EPA.
- 4.1.5 Construction control mechanisms include core working hours and traffic management, and these measures are set out in the outline onshore Construction Environmental Management (outline onshore CEMP) and the outline Construction Traffic Management Plan (oCTMP). The outline onshore CEMP has been informed by the Environmental Impact Assessment (EIA) and will guide the construction process through environmental controls in order to promote good construction practices and avoid adverse or nuisance-causing impacts during the construction phase.
- 4.1.6 Following the granting of the DCO, a final onshore CEMP will be prepared. It would align with the commitments set out by the outline onshore CEMP and will be approved by the relevant local planning authority before starting the certain works within the Order Limits. The same will be the case for the offshore CEMP.
- 4.1.7 The Principal Contractor will be required to have an environmental offshore Emergency Response Plan (ERP), which will detail the emergency planning and response control measures to be implemented during the construction phase. This will be in addition to individual management plans already in place for day-to-day operations. The plan will include a response flow chart and detail how to report and respond to an environmental incident, including the measures available to contain/clean up an incident (e.g. spill recovery or dispersal actions), manage dropped objects in the marine environment and offsite emergency response resources. The ERP will be produced by the construction contractor before the commencement of offshore construction activities and will likely form part of the Final Offshore CEMP.
- 4.1.8 The Final Offshore CEMP would include clear and defined reporting pathways, including escalation and notification procedures, to ensure that the Environment Agency are promptly informed in the event of an environmental incident to coastal waters or designated bathing waters. This would ensure the Environment Agency are fully appraised at the earliest opportunity and can subsequently warn and inform the public of any risks.
- 4.1.9 Plans to deal with accidental pollution would be included within the final onshore and offshore CEMPs prior to the commencement of construction. Any necessary equipment would be held on-site, and all site personnel would be trained. The Environment Agency would be informed immediately in the unlikely event of a suspected pollution incident.
- 4.1.10 To control the waste generated during site preparation and construction, the contractor will separate the main waste streams on-site prior to transporting them to an approved, licensed third-party waste facility for recycling or disposal.
- 4.1.11 All waste to be removed from the Order Limits will be undertaken by fully licensed waste carriers and taken to licensed waste facilities for recycling or disposal.

- 4.1.12 The measures set out in the outline offshore and onshore CEMPs are embedded in the Proposed Development design and the assessment of effects undertaken. The EIA assumes that those measures are implemented in full. Compliance with the offshore and onshore CEMP will be secured by requirements in the DCO.
- 4.1.13 With these measures in place, it is considered that the construction of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) or (e).

### Operation and Maintenance

- 4.1.14 It is considered that the operation of the Proposed Development in its built form, will not cause the 'premises' within the Order Limits to be in 'such a state' as to be prejudicial to health or cause a nuisance.
- 4.1.15 During the operational phase, maintenance activity within the Order Limits will be minimal and restricted principally to vegetation management, equipment maintenance and servicing, replacement of any components that fail, and monitoring. It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment or replacement of faulty or broken equipment to ensure the continued effective operation of the Proposed Development and improve its efficiency.
- 4.1.16 Along the cable route, operational activity will consist of routine inspections and any maintenance such as replacing a damaged cable but this will be conducted via the manhole covers.
- 4.1.17 This phase of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) or (e).

### Conclusion

- 4.1.18 For the reasons explained above and with the mitigation measures described in place, it is considered that the construction, and operation (and maintenance) of the Proposed Development will not give rise to impacts from the Site condition, which would constitute a statutory nuisance under Section 79(1)(a) or (e) of the EPA.

## 4.2 Air emissions – section 79(1)(d) of the EPA

4.2.1 Section 79(1)(d) provides that the following constitutes a statutory nuisance, “*any dust, steam, smell or other effluvia arising on industrial trade or business premises and being prejudicial to health or a nuisance*”.

### Construction

4.2.2 Volume 2, Chapter 7: Air Quality of the ES (document reference. 6.2.7) assesses the impact of the construction and decommissioning phases of the Proposed Development on air quality. The assessment confirms there is likely to be no significant effect on local air quality during construction given the volume of traffic proposed. The predicted pollutant concentrations would have a negligible effect on human health and designated ecology sites as they will be controlled through the measures included within the onshore outline CEMP and outline CTMP.

4.2.3 During construction, there is the potential for emissions of dust and particles due to the following:

- Earthworks (e.g. soil stripping, excavation, trenching, Horizontal Direct Drilling (HDD), etc.);
- Construction; and
- Trackout (movement of mud and soil out of the Site by construction vehicles).

- 4.2.4 Taking into account the scale of the Order Limits and associated construction works, it is considered prudent to adopt the good site practice for controlling dust as outlined within the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of Dust from Demolition and Construction' document. Therefore, these measures represent good industry practice.
- 4.2.5 These good site practice mitigation measures are incorporated into the outline onshore CEMP. They are considered to be embedded mitigation and represent good industry practices that are part of the Proposed Development.
- 4.2.6 The Air Quality chapter concludes that dust emission control measures are expected to prevent the occurrence of significant impacts arising from dust generation during the construction phase. Therefore, the mitigation measures proposed for implementation during construction will also conclude that there are no anticipated significant adverse effects on air quality.

### Operation and Maintenance

- 4.2.7 The Proposed Development is estimated to support 30 permanent staff per 24hr day, who would typically be onsite during the operational (including maintenance) phase. Traffic generation from the operational staff is not expected to significantly change traffic flows on the local road network.
- 4.2.8 The operation of the Proposed Development is not anticipated to impact local air quality significantly. Therefore, no significant effects on air quality are predicted during the Proposed Development's operational phase.

### Conclusion

- 4.2.9 For the reasons explained above and with the implementation of the above measures, no significant effects are expected to occur during construction and operation (and maintenance) in relation to air quality matters, including on the health of human receptors.
- 4.2.10 Therefore, no claim regarding a statutory nuisance under section 79(1)(d) is envisaged.



## 4.3 Artificial Light – Section 79(1)(fb) of the EPA

- 4.3.1 Section 79(1)(fb) provides that the following constitutes a statutory nuisance, "*artificial light emitted from premises so as to be prejudicial to health or a nuisance*".
- 4.3.2 A statutory nuisance would exist if artificial light substantially interferes with an individual's well-being, comfort, or enjoyment. Usually, this would mean that lights cause a nuisance on a regular basis. Artificial lights may also cause a nuisance if they are not maintained or used properly.

### Construction

- 4.3.3 Temporary construction lighting, in the form of mobile lighting towers, will be required in areas where natural lighting is unable to reach (sheltered/confined areas), and during core working hours within winter months. Artificial lighting will be provided to maintain sufficient security, health and safety for the construction site whilst adopting mitigating principles to avoid excessive glare and minimise spill of light to nearby residential receptors outside of the Order Limits as far as reasonably practicable. The outline onshore CEMP controls lighting during the construction phase to ensure effects are negligible.

### Operation and Maintenance

- 4.3.4 During operation (including maintenance), no part of the Proposed Development would be continuously lit; manually operated and motion detection lighting would be utilised for operational and security purposes.
- 4.3.5 The lighting of the converter stations would be in accordance with health and safety requirements, particularly around any emergency exits where there would be lighting, similar to street lighting that operates from dusk. Full details of the lighting will be secured via the Detailed Design of the Proposed Development and controlled via Requirement 4 of the DCO.
- 4.3.6 CCTV cameras would use night-vision technology, which would be monitored remotely and avoid the need for night-time lighting. For security requirements, Passive Infra-red Detector (PID) systems (or similar) will be installed around the converter stations to provide the CCTVs night vision functionality.
- 4.3.7 Therefore, there will be no lighting at the perimeter of the Order limits and no potential for a statutory nuisance in terms of the construction and operation (and maintenance) phases.

### Conclusion

- 4.3.8 For the reasons explained above and with the implementation of the above mitigation measures, no claim is envisaged in respect of statutory nuisance under Section 79(1)(fb).

## 4.4 Noise and Vibration – Section 79(1)(g) and (ga) of the EPA.

4.4.1 The following constitute a statutory nuisance:

- a. Section 79(1)(g) – “noise emitted from premises so as to be prejudicial to health or a nuisance”; and
- b. Section 79(1)(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”.

4.4.2 If noise is excessive, prolonged or on a regular basis, it may constitute a statutory nuisance. A statutory nuisance would exist if noise substantially interfered with the well-being, comfort or enjoyment of an individual’s property.

4.4.3 An assessment of noise and vibration impacts was undertaken as part of the EIA and reported in Volume 2, Chapter 6: Noise and Vibration of the ES (**document ref. 6.2.6**). The chapter assessed the likely significance of potential noise and vibration effects during the construction, and operation (and maintenance) and concluded that, with appropriate mitigation, there would be no likely significant noise or vibration effects.

4.4.4 The elements relevant to Section 79(1) are noise emitted from premises (including land), vehicles, machinery, and equipment in a street. Traffic noise is specifically excluded from consideration by Section 79(6A)(a) and is not considered further in this document but is assessed in Volume 2, Chapter 6: Noise and Vibration (**document ref. 6.2.6**).

### Construction

4.4.5 Construction noise levels at surrounding receptors will vary depending on the locations and types of work taking place. Due to the variation in work activities and locations across the Proposed Development, it is considered that any periods of regular high construction noise levels experienced at a receptor would be of a limited short-term duration. Occupants of nearby receptors are likely to be more tolerant of these events if they are regularly communicated to and kept informed of the timings and duration of high noise-generating events.

4.4.6 Measures to control noise and vibration will be adopted. These measures represent Best Practicable Means and are included as embedded mitigation within both the outline on-CEMP and oCTMP. The on-CEMP will be prepared prior to construction of the Proposed Development.

4.4.7 Examples of Best Practicable Means that would be implemented during construction works to minimise impacts are set out below:

- a. Ensuring that all appropriate processes, procedures and measures are in place to minimise noise before works begin and throughout the construction programme;

- b. All contractors to be made familiar with current legislation and the guidance in BS 5228 (parts 1 and 2) (2014) (or equivalent) which should form a prerequisite of their appointment;
- c. Ensuring that, where reasonably practicable, noise and vibration is controlled at source (e.g. the selection of inherently quiet plant and low vibration equipment), review of the construction programme and methodology to consider quieter methods, consideration of the location of equipment onsite and control of working hours;
- d. Use of modern plant, complying with applicable UK noise emission requirements;
- e. Hydraulic techniques for breaking to be used in preference to percussive techniques, where reasonably practicable;
- f. Drop heights of materials will be minimised;
- g. Unnecessary revving of engines will be avoided, and equipment will be switched off when not in use;
- h. Plant and vehicles will be sequentially started up rather than all together;
- i. Use of screening locally around significant noise-producing plant and activities. Screening would be designed to minimise landscape and visual impacts;
- j. Regular and effective maintenance by trained personnel will be undertaken to keep plant and equipment working to manufacturer's specifications;
- k. All construction plant and equipment to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use;
- l. Loading and unloading of vehicles, dismantling of equipment or moving equipment or materials around the Order Limits to be conducted in such a manner as to minimise noise generation, as far as reasonably practicable;
- m. All vehicles used onsite shall incorporate reversing warning devices as opposed to the typical tonal reversing alarms to minimise noise disturbance where reasonably practicable;
- n. Appropriate routing of construction traffic on public roads and along access tracks pursuant to the CTMP;
- o. Provision of information to local planning authorities and local residents to advise of potential noisy works that are due to take place;
- p. Authorisation would be obtained predominantly for works beyond the core construction hours, for the Proposed Development which would include agreed construction noise limits for nearby noise sensitive receptors;
- q. Monitoring of noise complaints and reporting to the Applicant for immediate investigation and action. A display board will be installed onsite. These will include contact details for the site manager or alternative public interface with whom complaints can be lodged. A logbook of complaints will be prepared and managed by the site manager ; and
- r. Consideration will also be given to traffic routing, timing and access points to the Order Limits to minimise noise impacts at existing receptors following appointment of a principal construction contractor, and as construction working methods are developed. The contractors will issue a project route

map and delivery schedule to control construction traffic. Management of heavy goods vehicles (HGVs) within the Order Limits and being let onto the highway network will be managed through the CTMP developed pursuant to the oCTMP. The relevant access route road surface will be checked prior to use.

- 4.4.8 Based on the distances between the proposed works being conducted for the Proposed Development, vibration from construction works is expected to be of a low magnitude of impact, and therefore, not significant, as identified by Volume 2, Chapter 6: Noise and Vibration (**Document ref. 6.2.6**).
- 4.4.9 Construction working hours on the Proposed Development will run from 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays. Staff on the Site can travel to and from the Order Limits an hour on either side of these times (i.e. between 6am and 7am, and 7pm and 8pm). Where onsite works are to be conducted outside of the core working hours, they will comply with the restrictions pursuant to the outline onshore CEMP (**document reference. 7.7**) and the outline CTMP (**document reference 7.12**).
- 4.4.10 Trenchless/HDD drilling or piling could be required outside of the assumed day-time construction hours (i.e. evening, Sundays, Bank Holidays or at night), which will be agreed upon with the relevant planning authority prior to these works, as set out in the outline onshore CEMP.
- 4.4.11 If night-time operation is required, the closest residents to the works shall be notified of the start and completion of the works, as set out in the outline onshore CEMP. The HDD plant would be installed and operated such that noise levels do not exceed a level of 45dB LAeq at the closest neighbouring noise-sensitive locations during night-time operation. Depending on the plant used, location, pit depth, etc., this may require the use of acoustic screening using temporary solid barriers with a height of at least that of the drilling equipment located in proximity (around 10m or less) of the trenchless drilling work.

### Operation and Maintenance

- 4.4.12 No major vibration sources are envisaged to be introduced as part of the Proposed Development, and as such, there will be no associated operational vibration effects. No further assessment of operational vibration has been included in the ES.
- 4.4.13 Acoustic barriers, in the form of bunds, are proposed around the converter compound.
- 4.4.14 Further mitigation regarding noise, including measures listed within Volume 2, Chapter 6: Noise and Vibration of the ES, will be secured via the Detailed Design of the Proposed Development which is controlled via requirement 4 of the DCO.

### Conclusion

- 4.4.15 For the reasons explained above, and with these mitigation measures in place, no significant effects are expected to occur in relation to noise and vibration matters, including in relation to the health of human receptors, as set out in Volume 2, Chapter 6: Noise and Vibration during the construction, and operation (and maintenance) phases of the Proposed Development.
- 4.4.16 No claim against statutory nuisance in respect of noise and vibration is therefore envisaged in respect of a statutory nuisance under section 79(1)(g) or 79(1)(ga).

## 5 CONCLUSION

- 5.1.1 In line with Regulation 5(2)(f) of the APFP Regulations, this Statement has identified whether the Proposed Development would engage one or more of the matters set out in Section 79(1) of the EPA and therefore considered whether the Proposed Development would cause a statutory nuisance.
- 5.1.2 The matters in the EPA that the Proposed Development would engage are general site condition, air quality, artificial light, and noise and vibration during all phases of the Proposed Development. The embedded design, management plans, and mitigation measures identified in the ES and referred to in this Statement will prevent impacts that have the potential to result in statutory nuisance under section 79 (1) of the EPA, and this document seeks to confirm that there is no statutory nuisance as a result of the Proposed Development. These measures, where relevant, would be secured by requirements contained within the draft DCO.
- 5.1.3 In conclusion, it is not expected that the construction, operation (and maintenance) of the Proposed Development would cause a statutory nuisance.