

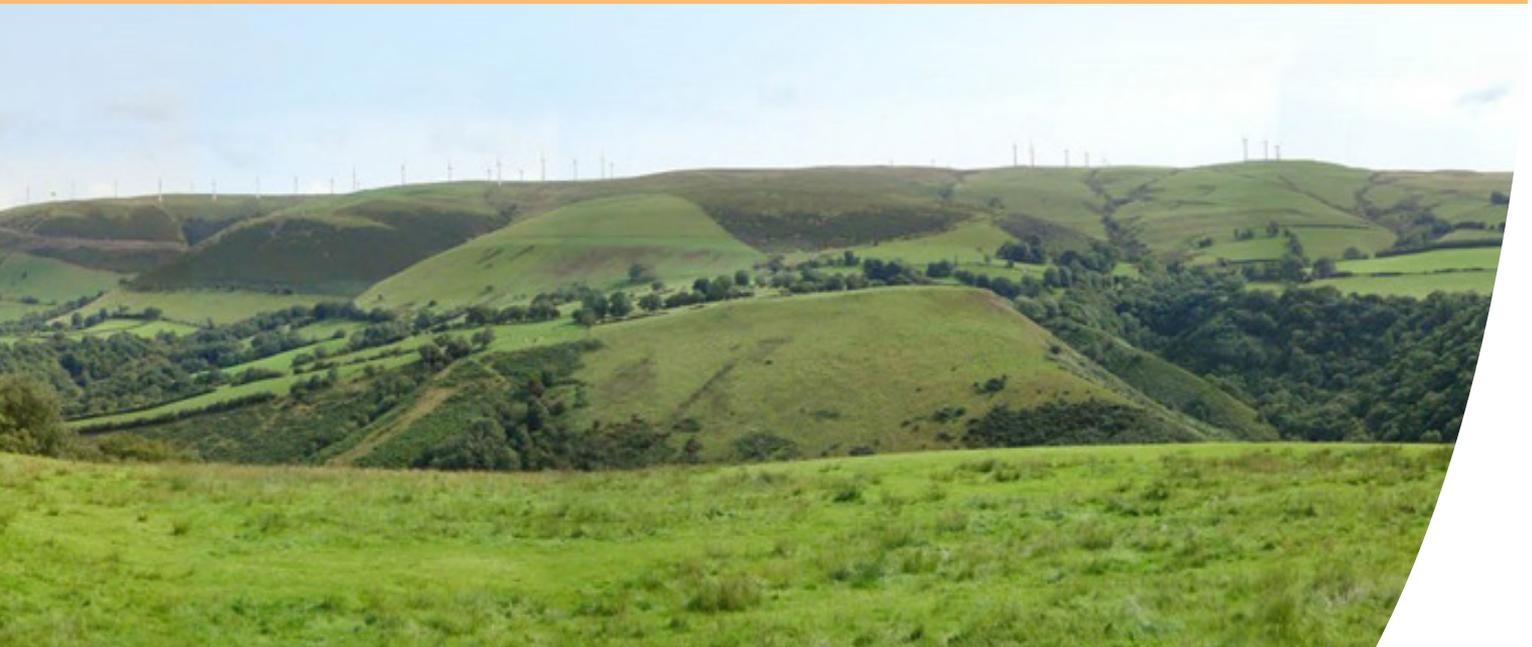


# The North Wales Wind Farms Connection Project

## Statement of Statutory Nuisance

Application reference: EN020014

March 2015



Regulation reference: The Infrastructure Planning  
(Applications: Prescribed Forms and Procedure)  
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**The Planning Act 2008**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

**Regulation 5(2)(f)**

**The North Wales Wind Farms Connection Project**

**Statement of Statutory Nuisance**

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## **Executive Summary**

This Statement of Statutory Nuisance has been prepared to accompany an application by SP Manweb plc (SP Manweb) for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 for a new 132,000 volts (kV) electricity distribution connection between the North Wales collector substation (near Clocaenog) into the existing SP Manweb network at St Asaph, this is known as the Proposed Development.

The purpose of the Statement of Statutory Nuisance is to explain the relevant potential nuisances as defined in the Environmental Protection Act 1990, which are a result of the Proposed Development.

The Statement of Statutory Nuisance describes the relevant measures found in the relevant application documents to reduce the relevant nuisances as defined in the Environmental Protection Act 1990, which have the potential to arise as a result from the Proposed Development.

In accordance with the emissions environmental impact assessment in the ES (Document reference 6.13) this Statement of Statutory Nuisance considers the following nuisances under Section 79(1) of the Environmental Protection Act 1990 (the 1990 Act) to be potentially applicable to the Proposed Development:

- b) smoke;
- c) fumes and gases;
- d) dust or other effluvia, and;
- g) noise from premises

The document describes best practice methods and mitigation measures that will be followed during the construction of the Proposed Development.

With the proposed best practice methods and mitigation measures in place, it is not expected that there would be a breach of Section 79(1) of the 1990 Act during construction or decommissioning activities. The operation of the Proposed Development is unlikely to cause nuisances as defined in Section 79(1).

<b>Glossary</b> .....	<b>1</b>
<b>1 Introduction</b> .....	<b>12</b>
1.1 Introduction.....	12
1.2 The Proposed Development.....	13
1.3 Legislation and Policy Background.....	14
<b>2 Potential Breaches of Section 79(1)</b> .....	<b>16</b>
2.2 C) fumes and gases and d) dust or other effluvia.....	17
2.3 G) noise emitted from premises .....	18
<b>3 Conclusion</b> .....	<b>19</b>
3.1 Conclusion.....	19

## Glossary

132kV Overhead Line	132,000 volts overhead line from the Collector Substation to the Terminal Point
Act	The Electricity Act 1989 (as amended by the Utilities Act 2000 and the Energy Act 2004).
Above Ordnance Datum (AOD)	Elevation of land above sea level (at Newlyn)
Agricultural Land Classification (ALC)	The classification system used by the Department for Environment Food and Rural Affairs based on its quality and versatility. The classification ranges from Grade 1 (the best and most versatile) through Grades 2, 3a, 3b, 3 c and 4, down to Grade 5 (least versatile)
Agri-environment scheme / agreement	A UK government undertaking in which farmers are paid to farm in an environmentally sensitive way
Alluvium	Material transported by rivers and deposited along its course
Air Quality Management Area (AQMA)	Declared by local authorities for areas where objectives specified in the national Air Quality Strategy are not predicted to be met
Air Quality Action Plan (AQAP)	Produced by local authorities for AQMAs, setting out measures to improve air quality
Ancient Semi-Natural Woodland (ASNW)	Woodland composed of native tree species that have not obviously been planted
Aquifer	A body of permeable rock that is capable of storing significant quantities of water; is undertaken by impermeable material, and through which groundwater moves
Area of Outstanding Beauty (AOB)	Non statutory designation to categorise sensitive landscapes - designated by Denbighshire County Council
Area of Outstanding Natural Beauty (AONB)	An area designated under the National Parks and Access to Countryside Act 1949 for its particularly attractive landscape and unspoilt character, which should be protected and enhanced as part of the national heritage
Area of Search	The term given to a wide area within which the route corridors are identified and for the purposes of the Proposed Development is shown on the Location Plan (document reference 2.1)
Assessment of the Significance of Impacts of Development on Historic Landscape areas (ASIDOHL)	A method of assessment of the effect of a development on Historic Landscapes

Associated Development	Development which is associated with a Nationally Significant Infrastructure Project as defined by the Planning Act 2008
Authority	The Gas and Electricity Markets Authority established under Section 1 of the Utilities Act 2000
Baseline	Existing environmental conditions which are described in the ES
Best and most versatile (BMV)	Defined by the ALC as Grades 1, 2 and 3a. Provisional reclassification has removed sub-classifications within Grade 3, considering Grades 1 and 2 as 'Best and Most Versatile' (BMV) land
Biodiversity	The variety and abundance of species, their genetic composition, and the natural communities, ecosystems, and landscapes in which they occur
Biodiversity Action Plan (BAP)	A strategy for conserving and enhancing wild species and wildlife habitats in the UK. Now replaced by Country Biodiversity Strategies
British Trust for Ornithology (BTO)	
Broad Route Corridor(s)	Initial strategic corridors identified for the Proposed Development and shown on Figure 3.1 in the ES (document reference 6.16)
Cable	An insulated conductor designed for laying underground
Cadw	The historic environment service of the Welsh Government
Collector Substation	The new collector substation which will be located in the Clocaenog Forest and will connect the wind farms into the electricity distribution network
Conductor	Overhead wire(s) attached to wood poles which conduct electricity
Connection and use of system code (CUSC)	Defined within Transmission Licence Standard Conditions. Condition C1 and C10 states the meaning of the Connection and Use of System Code (CUSC) as: The licensee shall establish arrangements for connection and use of system in respect of matters which, other than those to which standard conditions C14 (Grid Code) and C5 (Use of system charging methodology) to C9 (Functions of the Authority) relate are calculated to facilitate the achievement of the following objectives: (a) the efficient discharge by the licensee of the obligations imposed upon it under the Act and by this licence; (b) facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity; and (c) compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency
Conservation Area	Designated by local authorities on account of their special

	architectural or historic interest, the character and appearance of which it is intended to preserve and enhance
Construction Environmental Management Plan (CEMP)	Sets out management measures required of contractors for any construction works associated with the Proposed Development
Construction phase	Is when preparatory works or construction works are taking place until commissioning of the Proposed Development
Consultation Corridors	100m wide corridor(s) within which 132 kV Overhead Line could be constructed and which were the subject of pre-application consultation pursuant to the Planning Act 2008
Consultation zone	For the purpose of the pre application consultation pursuant to the Planning Act 2008 a broad geographic consultation zone was defined and is shown in Appendix 7.1 of the Consultation Report (document reference 5.2.1)
Countryside and Rights of Way Act (CROW)	Act, dated 2000, which provides for public access on foot to certain types of land
Cumulative Effects	The effects of other development schemes (whether under construction, consented, or there are firm proposals for) assessed cumulatively with the Proposed Development and the Wider Scheme. These effects can be temporal (e.g. construction phases occur at the same time) or spatial (e.g. the same area is affected)
Decibel (dB)	The scale on which sound pressure level is expressed. It is defined as 20 times the logarithm of the ratio between the root-mean-square pressure of the sound field and a reference pressure ( $2 \times 10^{-5} \text{Pa}$ )
Decommissioning phase	The final phase of the Proposed Development covering all activities to remove the Proposed Development from the environment once it is no longer in operational use and the undertaking of restoration works
Designated area	Area designated and protected by national or international law for its landscape, biodiversity, or historic interest
Development Consent Order (DCO)	The order made when an application has been made pursuant to section 37 of the Planning Act 2008 for a NSIP and the Secretary of State determines that the order should be made
Distribution Code	A code required to be prepared by a DNO pursuant to condition 9 (Distribution Code) of a Distribution Licence and approved by the Authority as revised from time to time with the approval of, or by the direction of, the Authority.
Distribution Licence	A distribution licence granted under Section 6(1)(c) of the Act.
Distribution Network Operator (DNO)	Distribution Network Operators own and operate the electricity distribution network that brings electricity from the national transmission network to the consumer. SP Manweb is the DNO for North and Mid Wales, Cheshire and Merseyside
Easement	Allowing another person to use your land for a specific

	purpose, such as installing utilities
Ecological Impact Assessment (EclA)	Ecological Impact Assessment is part of an EIA and assesses the potential effects of a development on habitats and species, particularly those protected national and international legislation or considered to be of particular nature conservation importance
Electromagnetic Fields (EMFs)	Electric and magnetic fields generated by electricity
EN-1	National Policy Statements set out national policy against which proposals for major infrastructure projects will be assessed and decided by the Secretary of State. EN-1 is the Overarching National Policy Statement for Energy
EN-5	National Policy Statements set out national policy against which proposals for major infrastructure projects will be assessed and decided by the Secretary of State. EN-5 is the National Policy Statement for Electricity Networks Infrastructure
Environment Agency Wales (EAW)	Environment Agency Wales, now part of NRW, was the environmental regulator for Wales
Environmental Impact Assessment (EIA)	A statutory process whereby a project is assessed through the collection and consideration of environmental information with the aim of taking account of the predicted effects of the proposed development on the environment in the decision making process. The findings are published in an Environmental Statement
Environmental Statement (ES)	Report documenting the outcome of an Environmental Impact Assessment
Environmentally Sensitive Area (ESA)	An agricultural area which needs special protection because of its landscape, wildlife or historic value
Final Route Alignment	Current pole positions along the centreline of the Limits of Deviation identified following consultation, technical and environmental appraisal
Flood Consequence Assessment (FCA)	Required for developments in flood zones. It is an assessment of the potential impact of a development on flooding
Flood Zone (FZ)	Areas at risk of flooding, divided into subcategories / zones
Floodplain	The area that would naturally be affected by flooding if a river rises above its banks
Grid Code	The code which NGC is required to prepare under its Transmission Licence and have approved by the Authority as from time to time revised with the approval of, or by the direction of, the Authority.
Grid Supply Point (GSP)	Any point at which electricity is delivered from the National Electricity Transmission System to the DNO's Distribution System
Groundwater	Water flowing through or contained beneath the ground

	surface
Guidelines for Landscape and Visual Impact Assessment (GVLIA)	Guidelines for Landscape and Visual Impact Assessment (Third Edition) published by the Landscape Institute and Institute of Environmental Management & Assessment
Habitat Suitability Index (HSI)	A numerical index that represents the capacity of a given habitat to support a selected species. Most commonly used for great crested newts
Habitats Directive	EC Directive on the conservation of natural habitats of Wild Fauna and Flora (92/43/EEC)
Habitats Regulations Assessment (HRA)	Assessment undertaken of the impacts of a project on Natura 2000 sites in accordance with the requirements of The Conservation of Habitats and Species Regulations 2010
Heavy Goods Vehicle (HGV)	A good vehicle greater than 3.5 tonnes gross weight
Historic Environment Record (HER)	A register of known archaeological sites, monuments and finds
Holford Rules	A series of planning guidelines for the routing of overhead lines first developed in 1959 by Lord Holford, advisor to the then Central Electricity Generating Board (CEGB) on amenity issues. They were reviewed in the 1990s by National Grid
Institute for Archaeologists (IfA)	The Chartered Institute for Archaeologists
Insulator	Used to safely connect the conductors to wood poles or pylons
International Commission on Non-Ionizing Radiation Protection (ICNIRP)	Provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation
kV	kilovolt (1000 volts)
LANDMAP	LANDMAP a tool developed by CCW (now NRW) to assess the diversity of all landscapes within Wales, identifying and explaining the characteristics and qualities
Landscape and Visual Impact Assessment (LVIA)	Assessment methodology used to assess the potential effects of a proposed development on the landscape
Landscape Character Assessment (LCA)	A standard methodology for identifying, describing, classifying and mapping what is distinctive about our landscapes
Landscape Institute (LI)	The Chartered Institute for Landscape Architects

Light Goods Vehicle (LGV)	Goods vehicles not exceeding 3.5 tonnes gross vehicle weight
Limits of Deviation (LoD)	Works 1A and 1B of the Proposed Development will be carried out within Limits of Deviation which are shown on the Works Plans. The LoD provide a degree of flexibility which is required because following the making of the DCO, micro-siting may take place in response to detailed technical survey information, particularly for unconfirmed ground conditions and / or minor alterations requested by landowners LoD have been defined laterally and vertically
Listed Building	A building of special architectural or historic interest which has been included on a list approved by the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Act 1990 (known as the 'Statutory List of Buildings of Special Architectural or Historic Interest'). Buildings are classified in grades (I, II* and II) and to show their relative importance
Local Biodiversity Action Plan (LBAP)	A set of action plans for habitats and species
Local Development Plan (LDP)	A statutory document which guides future development
Local Nature Reserve (LNR)	A site with features of nature conservation interest controlled by a local authority
Local Planning Authority	Is defined by S.1 of the Town and Country Planning Act 1990 and, in the case of the Proposed Development is Denbighshire County Council and Conwy County Borough Council
Local Wildlife Site (LWS)	Sites identified and selected for their local nature conservation value
Magnitude of potential effect	The degree of change that a receptor is anticipated to experience as a result of the Proposed Development
Megawatts (MW)	Energy generated by wind farms is described in MW
Mitigation	Measures to avoid, reduce and offset environmental effects
National Grid Reference (NGR)	A system of grid references used in Great Britain
National Monuments Record (NMR)	Unscheduled archaeological sites and features recorded by Cadw
National Nature Reserve (NNR)	A protected area of importance for wildlife, flora, fauna reserved and managed for conservation
National Policy Statements (NPS)	Sets out national policy against which proposals for major infrastructure projects will be assessed and decided by the Secretary of State
National Vegetation Classification (NVC)	Classification and description of the plant communities of Great Britain

Nationally Significant Infrastructure Project (NSIP)	Means a project designated under the Planning Act 2008
Natura 2000 sites	A European-wide network of sites protected under the Habitats and Birds Directives, and made up of Special Areas of Conservation and Special Protection Areas
Natural Resources Wales or Cyfoeth Naturiol Cymru	An amalgamation of CCW, EAW and Forestry Commission Wales, operational from 1st April 2013
NGC	National Grid Electricity Transmission plc
Nitrate Vulnerable Zones (NVZ)	Areas where land drains and contributes to the nitrate found in “polluted” waters
North Wales Wind Farms Connection	Means the Proposed Development and the Wider Scheme
NSP	Noise sensitive premises
Order Limits	Means the limits shown on the works plans within which the Proposed Development may be carried out
Palaeo-channel	Ancient relict watercourse
Permitted Development	Part III of the Town and Country Planning Act provides that the Secretary of State may grant planning permission by way of development order. The principal development order is the Town and Country Planning (General Permitted Development) Order 1995 which provides that planning permission for certain developments is granted subject to specified conditions. It provides specified permitted development rights for statutory undertakers
Persons with an Interest in the Land (PILS)	Section 57 of the Planning Act 2008 defines persons with an Interest in the Land which includes: (1) owners, lessees, tenants or occupiers of land; (2) persons with an interest in land or who have a power to sell land or to release land; and (3) persons who may be able to make a claim for compensation as a result of the DCO being made and implemented.. Land for these purposes means land to which the application for development consent relates
Photomontage	A collection of images used to create an overall image. The objective of a photomontage is to simulate the likely visual changes that would result from the Proposed Development, and to produce printed images of a size and resolution sufficient to match the perspective in the same view as would occur in reality
Planning Act 2008 (the Act)	The legislation for Nationally Significant Infrastructure Projects and the requirements for development consent
Planning Inspectorate	The Planning Inspectorate administers the examination of applications for development consent

(PINS)	
Planning Policy Wales (PPW)	The document that sets out the Welsh Government's policies on different aspects of land use planning
Preferred Route Corridor	Is identified as the preferred route corridor for the Proposed Development and is set out in the Route Corridor Study
Preliminary Environmental Information Report (PEIR)	The report of the initial environmental impact assessment findings for the Proposed Development
Prescribed Consultees	Means persons to be consulted pursuant to the Planning Act 2008 and set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Proposed Development	The 132kV Overhead Line together with required pedestrian and vehicular accesses, temporary construction compound, construction laydown areas, mitigation planting and other integral works
PRoW	Public Right of Way which is a footpath or track over which the public have a right of access
Ramsar sites	Wetlands of international importance designated under the Ramsar Convention (Convention on Wetlands of International Importance, especially as Waterfowl Habitats) (1971) and ratified in the UK in 1976). The convention was held in the town of Ramsar, Iran
Red Data book	The IUCN (International Union for Conservation of Nature) Red List of threatened bird species categorised as Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable, Near Threatened or Least Concern
Regionally Important Geological Site (RIGS)	Designated sites of local, regional and national importance for geodiversity in the UK
Registered Park and Garden (RPG)	Parks and gardens which have been classified by grade to show their relative importance: Grade I – international historic interest, Grade II* - exceptional historic interest, Grade II – national historic interest
Reinstatement	The actions undertaken to return a temporary working area to its previous condition, as far as reasonably practicable
Requirement	A requirement in Schedule 2 of the Development Consent Order
Residual effects	Effects remaining after mitigation measures have been taken into account
Route corridor	Search area used to provide a degree of flexibility in which to develop a route alignment, usually approximately 1km wide and shown in respect of the Proposed Development in Figure 3.1 of the ES (document reference 6.16)
Route Corridor	An appraisal to identify potential route corridors within a

Study (RCS)	defined study area
Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)	Records and interprets built and landscape heritage
Royal Society for the Protection of Birds (RSPB)	Large nature conservation charity
Scheduled Ancient Monument	An archaeological site of national importance, which is included on a schedule compiled by the Secretary of State for National Heritage under the terms of the Ancient Monuments and Archaeological Areas act 1979 (as amended by the National Heritage Act 1983)
Scoping	An early stage within the Environmental Impact Assessment (EIA) process where the scope of the environmental studies are determined
Scoping Opinion	A person who makes an application for an order granting development consent may ask the Secretary of State his opinion as to the information to be provided in an ES and this is known as a Scoping Opinion
Scoping Report	The scoping report prepared by SP Manweb and submitted to the Secretary of State to support its application for a Scoping Opinion
Screening	Initial process by which project proposals are assessed to decide whether they require a formal Environmental Impact Assessment
Secretary of State (SOS)	The Secretary of State for Energy and Climate Change
Significance	The significance of effects considers the value (or sensitivity) of the receptor and the magnitude and likelihood of potential effects
Site of Importance for Nature Conservation (SINC)	Sites of substantive local nature conservation value
Site of Special Scientific Interest (SSSI)	An area of land of special interest by reason of its flora, fauna, geology or physiographical features notified under Section 28 of the Wildlife and Countryside Act 1981
Sites and Monuments Record (SMR)	List of known archaeological sites
Source Protection Zone (SPZ)	A zone surrounding an aquifer where the contamination of the groundwater flow due to surface spills could pollute the aquifer
SP Manweb	The DNO for North and Mid Wales, Cheshire and Merseyside. The promoter of the Proposed Development

Special Area of Conservation (SAC)	Sites chosen to conserve the natural habitat types and species of wild flora and fauna listed in Annex I and II of the Habitats Directive. They are the best areas to represent the range and variety of habitats and species within the European Union.
Special Landscape Area (SLA)	Non statutory designation to categorise sensitive landscapes - designated by Conwy County Borough Council
Special Protection Area (SPA)	Area designated under article 4 of the European Communities Council Directive on Conservation of Wild Birds for the protection of particularly sensitive bird species, or for regularly migrating birds: to help protect and manage areas which are important for rare and vulnerable birds because they use them for breeding, feeding, wintering or migration
St Asaph Substation	Means the substation located in St Asaph and which the North Wales Wind Farms Connection will connect into
Statement of Community Consultation (SOCC)	A statement setting out how the applicant proposes to consult the local community in respect of the Proposed Development and as required by section 47 of the Planning Act 2008
Statutory consultees	Organisations that SP Manweb is required to consult by virtue of the Planning Act 2008
Statutory undertakers	Companies with regulatory powers and duties, such as gas, electricity, water and transport providers / transmitters
Strategic Options Report (SOR)	Sets out the initial technical options for the Proposed Development, and an appraisal of each option identifying the preferred technical option for the Proposed Development
Strategic Search Area (SSA)	Associated with Welsh Government Technical Advice Note 8
Substation	Generated electricity is fed into the electrify distribution network through substations. Substations control the flow of power through the network by means of transformers and switchgear, with facilities for control, fault protection and communications
Technical Advice Note (TAN)	Welsh Government Technical Advice Notes provide supplementary guidance document on a number of planning policy matters. Welsh Government Technical Advice (TAN) 8: Planning for Renewable Energy (2005) sets out renewable energy, planning, technologies and design considerations
Terminal Point	Location at which the 132 kV Overhead Line terminates and is shown on Work Plan Sheet 13 (document reference 2.3.13)
The Wider Scheme	The Wider Scheme incorporates the wind farms, the Collector Substation, underground cables from the Terminal point to St Asaph Substation, proposed works at St Asaph Substation, temporary storage areas within St Asaph Substation and the Collector Substation and diversions of existing lower voltage overhead line crossings
Traffic Impact Assessment	Examines the potential impact of a development on the surrounding transport network

Tree Preservation Order (TPO)	Made by a local planning authority if it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area in order to protect such trees, groups of trees or woodlands as may be specified in the order
Undergrounding	Electricity cables laid underground
United Kingdom Biodiversity Action Plan (UKBAP)	Describes biological resources and provides detailed plans for conservation
United Kingdom Habitat Action Plan (UKHAP)	Describes habitats and provides detailed plans for conservation
Vantage Point Survey (VPS)	A survey method designed to record flight activity of bird species
Wales National Monument Record (WNMR)	Cadw National Monuments Record of sites and events
Wind Farms	the four wind farms at Nant Bach, Derwydd Bach, Clocaenog Forest and Brenig
Wireframe	Computer generated line drawing based on a digital terrain model, that illustrates the three dimensional shape of the landscape and any features within it
Wood poles	Wooden poles used to support an overhead electricity line (either single or double)
World Health Organisation (WHO)	The United Nations public health arm
Written Scheme of Investigation (WSI)	A method statement setting out archaeological investigations
Zone of Theoretical Visibility (ZTV)	A map which illustrates the potential (or theoretical) visibility of a development

## **1 Introduction**

### **1.1 Introduction**

- 1.1.1 This Statement of Statutory Nuisance supports the application by SP Manweb plc. (SP Manweb) under the Planning Act 2008 for the North Wales Wind Farms Connection Project (The “Proposed Development”) and the associated Development consent Order (DCO) (the “Application”). The DCO would grant powers to construct and maintain a new 132,000 volt (132kV) electricity connection across the authorities of Denbighshire and Conwy.
- 1.1.2 The requirement for a Statement of Statutory Nuisance is set out in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (section 5(2)(f)) which states that: *“The application must be accompanied by...a statement whether the proposals engage one or more of the matters set out in Section 79 (1) (statutory nuisances and inspections therefore) of the Environmental Protection Act 1990 (b), and if so how the applicant proposes to mitigate or limit them”*.
- 1.1.3 This Statement of Statutory Nuisance sets out the relevant potential nuisances as defined in the Environmental Protection Act 1990, which are a result of the Proposed Development. The Statement has been prepared, having regard to the requirements in National Policy Statement for Energy EN-1, paragraph 4.14.2, for consideration of possible sources of nuisance and how they might be mitigated or limited.
- 1.1.4 This Statement should be read alongside the following documents which accompany this Application:
- The Design and Construction Report (document reference 7.1 – 7.2) which describes the construction activities related to the Proposed Development;
  - The Environmental Statement (ES) (document references 6.1 – 6.28) which reports on the likely significant environmental effects during construction, operation and decommissioning phases and identifies mitigation measures to reduce, avoid or minimise effects, and;
  - The Construction Environmental Management Plan (CEMP) (document reference 6.18) which sets out the management measures required of contractors for any construction works associated with the Proposed Development.
- 1.1.5 This Statement describes the relevant measures from the listed documents to reduce the relevant nuisances as defined in the Environmental Protection Act 1990, which have the potential to arise as a result from the Proposed Development.

## 1.2 The Proposed Development

1.2.1 The Proposed Development includes the following principal elements, all of which are either the NSIP or form part of the NSIP:

- Construction of a 17km 132kV overhead electricity distribution connection between Clocaenog Forest and a terminal pole located south of Glascoed Road, B5381, near to St Asaph, both in Denbighshire;
- A temporary construction compound at Broadleys Farm, A453, Denbighshire and temporary storage or 'laydown areas' along the alignment, without which the overhead line could not be constructed;
- Access points for pedestrians and vehicles along the length of the Proposed Development for the duration of construction, without which the overhead line could not be constructed;
- Mitigation planting, and;
- Other integral works such as site preparation and clearance, earthworks, alteration of existing services, vegetation removal/planting and minor street works.

1.2.2 The main component of the Proposed Development is a new 17 kilometre 132,000 volt (132kV) Overhead Line from the proposed North Wales wind farm Collector Substation near Clocaenog Forest and which terminates in a field to the south of Trebanog, Groesffordd Marli (which is south of Glascoed Road, B5381), which is located approximately 1.8 kilometres from St Asaph substation.

1.2.3 The Order Limits also includes the land from an un-named highway to the south of Trebanog, Groesffordd Marli to the terminal point of the 132 kV Overhead Line. The DCO includes the land rights to install (and keep installed), retain, use, inspect, maintain, renew, remove and relocate an underground cable in this land. The DCO application does not include the development consent for the underground cable.

1.2.4 The 132kV Overhead Line would comprise conductors supported by double wood poles. The wood poles are generally no larger than 470mm in diameter, and will range between 11m and 16.6m in length. Taking into account that the nominal depth of the poles is 2.5m and the steel bracings and insulators add typically 2.3m to the length, the net result is that the actual conductor height above ground (at pole positions) is about 0.2m less than the pole length referred to. The average span between poles is 79m.

1.2.5 The Order Limits for the Proposed Development contain a Limit of Deviation (LoD) within which the 132kV Overhead Line will be located. The LoD provides a degree of flexibility to ensure that any environmental constraints, technical constraints or landowner requests can be accommodated. The LoD varies between 20m in areas with good ground conditions and 40m in areas with poor ground conditions.

1.2.6 The EIA assesses the Proposed Development.

## The Wider Scheme

1.2.7 The Proposed Development does not include all elements of the North Wales Wind Farms Connection and those elements not included within the Proposed Development are known as the Wider Scheme. This is because the following elements are considered to be "Associated Development", which, in Wales, cannot be included in an application for a development consent order. The Wider Scheme comprises:

- proposed works to St Asaph substation, including the development of an underground cable taking the connection point at St Asaph to the terminal point of the Proposed Development located in a field to the south of Trebanog, Groesffordd Marli (which is south of Glascoed Road, B5381)
- a new 132 kV electrical substation at Clocaenog Forest to act as the collector substation for four consented wind farms;
- temporary storage areas within the existing St Asaph substation and the Collector Substation at Clocaenog Forest, and;
- diversions of existing of lower voltage overhead line crossings.

## 1.3 Legislation and Policy Background

Environmental Protection Act 1990

1.3.1 Section 79(1) in respect of statutory nuisances provides as follows on the basis adopted for assessment:

*“(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'*

1.3.2 Section 79(2) contains exceptions to the above statutory nuisances. It states:  
 "...Subsection (1)(b), (fb) and (g) above do not apply in relation to premises

- (a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or*
- (b) occupied by or for the purposes of a visiting force;*

*Subsection (1)(b) above does not apply to—*

- (i) smoke emitted from a chimney of a private dwelling within a smoke control area,*
- (ii) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,*
- (iii) smoke emitted from a railway locomotive steam engine, or*
- (iv) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.*

*Subsection (1)(c) above does not apply in relation to premises other than private dwellings.*

*Subsection (1)(d) above does not apply to steam emitted from a railway locomotive engine.*

*Subsection (1)(fa) does not apply to insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981 (animals which are protected), unless they are included in respect of section 9(5) of that Act only.*

*Subsection (1)(fb) does not apply to artificial light emitted from—*

- (a) an airport;*

- (b) *harbour premises;*
- (c) *railway premises, not being relevant separate railway premises;*
- (d) *tramway premises;*
- (e) *a bus station and any associated facilities;*
- (f) *a public service vehicle operating centre;*
- (g) *a goods vehicle operating centre;*
- (h) *a lighthouse;*
- (i) *a prison.*

*Subsection (1)(g) above does not apply to noise caused by aircraft other than model aircraft.*

*Subsection (1)(ga) above does not apply to noise made—*

- (a) *by traffic,*
- (b) *by any naval, military or air force of the Crown or by a visiting force (as defined in subsection (2) above), or*
- (c) *by a political demonstration or a demonstration supporting or opposing a cause or campaign.”*

## **2 Potential Breaches of Section 79(1)**

2.1.1 In accordance with the emissions environmental impact assessment in the ES (Document reference 6.13) 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:

- b) smoke;
- c) fumes and gases;
- d) dust or other effluvia, and;
- g) noise from premises

- 2.1.2 This Statement concludes that Section 79(1)(a), (e), (f), (fa), (ga) 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.
- 2.1.3 This Statement concludes that the only matters comprised in Section 79(1) of the 1990 Act, which may potentially be engaged as a consequence of the authorised project are:
- 2.1.3.1 b), c) and d) relating to air quality and odour; and;
- 2.1.3.2 g) relating to noise (which for the purposes of the above, include vibration).
- 2.1.4 The identified nuisances could occur as a result of activities during construction and decommissioning phases of the Proposed Development. The potential environmental effects that result from the decommissioning of the Proposed Development are considered to have similar effects to the construction of the Proposed Development. As such, the mitigation measures identified in this Statement for nuisances caused by construction activities, also apply to decommissioning activities.
- 2.1.5 The operation of the Proposed Development is unlikely to cause nuisances as defined in Section 79(1). The design of the Proposed Development has management measures described in the CEMP (document reference 6.18) to reduce any potential nuisances as identified in the Environmental Protection Act 1990.
- 2.1.6 The potential for the nuisances detailed in section 2.1.1 are covered in the Chapter 13 of the ES (document reference 6.13).

## **2.2 b) smoke, c) fumes or gases and d) dust or other effluvia**

- 2.2.1 The main impacts on air quality that have been identified as a potential issue, assessed and mitigation measures proposed in the ES Chapter 13 Emissions (document reference 6.13) are:
- Dust from construction activities; and
  - Emissions from construction traffic
- 2.2.2 In accordance with modern working practices, the principles of the “best practicable means” (BPM), as defined in the Control of Pollution Act 1974 would be used to reduce emissions throughout the construction period. This would incorporate the use of measures to control emissions that do not unreasonably inhibit the work, and the use of working methods that result in minimum effects compatible with normal working practices.
- 2.2.3 Potential fugitive dust emission and on-site combustion related emissions would be avoided or reduced through the implementation of a proposed CEMP. This includes the following measures:
- Ensuring all vehicle movements are kept to the absolute minimum
  - Rigorously enforcing appropriate speed limits for all construction vehicles.

- Using low emission vehicles and plant fitted with catalysts, diesel particulate filters or similar devices.
- Requiring that plant is well maintained, with routine servicing of plant and vehicles to be carried out in accordance with manufacturer's recommendations.
- Requiring that all construction vehicles hold current MOT certificates and that they comply with the exhaust emission regulations for their class.
- Requiring all vehicles to switch off engines when not in use
- Minimising the use of diesel or petrol powered generators and using mains electricity or battery powered equipment where practicable
- No burning of waste materials to be permitted on site.
- Vehicle loads to be sheeted during the transportation of loose or potentially dusty material or spoil.
- Regular cleaning of site work areas.

2.2.4 Also outlined in the emission chapter of the ES, emissions to air associated with the traffic from the construction and decommissioning phases of the Proposed Development do not meet the relevant criteria for quantitative assessment to be carried out. As no statutory thresholds are anticipated to be exceeded, no statutory nuisance is expected.

### **2.3 G) noise emitted from premises**

2.3.1 The potential for this nuisance is covered in the ES Chapter 13 Emissions (document reference 6.13).

2.3.2 The main potential impacts in relation to noise and vibration that have been identified as a potential issue, assessed and mitigation measure proposed in the ES would be considered to be:

- Noise and vibration from construction activities on site
- Construction traffic activities

2.3.3 In accordance with modern working practices, the principles of the "best practicable means" (BPM), as defined in the Control of Pollution Act 1974 would be used to reduce emissions throughout the construction period. This would incorporate the use of measures to control emissions that do not unreasonably inhibit the work, and the use of working methods that result in minimum effects compatible with normal working practices.

2.3.4 The mitigation to be put in place to secure that a nuisance does not arise in the ordinary course of events will be secured by following best practice methods as outlined in the CEMP (document reference 6.18), which are proposed to include:

- Location and orientation of plant shall be away from nearest sensitive receptors wherever possible;

- Where practicable, inherently quiet plant will be selected to provide reduction of noise at source (reducing the number of plant can reduce the intensity of the activity, although this will serve to prolong the period of activity and consequently noise generation);
- Controlling noise at source by effective silencers on machines;
- Avoiding unnecessary running of machinery;
- Use of acoustic covers on machinery and plant; and
- Construction contractors will be required to adhere to the Code of Construction Practice given in BS5228 and the Control of Pollution Act 1974 to minimise noise emissions.
- Deliveries and waste removal from the construction compound is scheduled to specific times where possible; and
- The capacity of any potential haulage vehicles are maximised to reduce the number of trips made.

2.3.5 ES Chapter 13 Emissions also set out a number of specific mitigation measures:

- In the vicinity of poles 133, 157 and 218:
  - Select inherently quiet plant
  - Limit where practicable the times when plant operate simultaneously and ensure machines are not left idling when not in use
  - Adhere to BS 5228 – Code of Practice for noise and vibration control on construction and open sites (see Appendix 1).
- In the vicinity of poles 50 and 214
  - Use, where practicable, a portable noise screen close to the jackhammer at relevant points between the noise source and the sensitive receptor.

### **3 Conclusion**

#### **3.1 Conclusion**

3.1.1 This Statement identifies the matters set out in Section 79(1) of the Environmental Protection Act 1990 in respect of statutory nuisances and considers whether the application would engage one or more of those matters on the basis adopted for assessment.

3.1.2 With the proposed best practice methods and mitigation measures in place, it is not expected that there would be a breach of Section 79(1) of the 1990 Act during construction or decommissioning activities. The operation of the Proposed Development is unlikely to cause nuisances as defined in Section 79(1).