

SP MANWEB

Reinforcement to the North Shropshire Electricity Distribution Network



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Statement of Statutory Nuisance

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November 2018

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Electricity Distribution Network**

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The Planning Act 2008**The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009****Regulation 5(2)(f)****Reinforcement to the North Shropshire
Electricity Distribution Network****Statement of Statutory Nuisance**

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CONTENTS

1.1 INTRODUCTION	3
1.2 OVERVIEW OF THE PROPOSED DEVELOPMENT	4
1.3 LEGISLATION AND POLICY BACKGROUND	6
Environmental Protection Act 1990.....	6
1.4 POTENTIAL BREACHES OF SECTION 79(1)	7
Air Quality	9
Noise	11
1.5 CONCLUSIONS	13

Reference is made to the following DCO documents:

DCO Document	Document
6.3.2	Environmental Statement Appendix 3.2 Construction Environmental Management Plan
6.4	Environmental Statement Chapter 4: Approach and General Methodology
6.4.1	Environmental Statement Appendix 4.1 Noise and Air Quality Technical Note
7.2	Construction Report

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GLOSSARY

132,000 volt	The electrical capacity of the Proposed Development. Abbreviated to 132kv
Cable	An insulated conductor designed for laying underground
Conductor	Overhead wire(s) attached to wood poles which conduct electricity
Construction phase	Preparatory works and construction works which will take place before the Proposed Development becomes operational
Development Consent Order (DCO)	An order made by the relevant Secretary of State granting development consent following the submission of an application made pursuant to section 37 of the Planning Act 2008 for a NSIP
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
Draft Construction Environmental Management Plan (CEMP)	Sets out the standard good practice measures that will be adopted by contractors for any construction works associated with the Proposed Development
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 likely significant 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
kV	kilovolt (1000 volts)
Mitigation	Measures to avoid, reduce and offset environmental effects
Nationally Significant Infrastructure Project (NSIP)	A project designated under the Planning Act 2008
Overhead Line	132,000 volts overhead line from the Terminal Pole at Long Wood near Oswestry(SJ 31132 29877) to the SP Manweb Substation at Wem
Planning Act 2008 (the Act)	The legislation for Nationally Significant Infrastructure Projects which set out statutory requirements for, amongst

	other matters, applying for and determining applications for development consent
proposed development	The term used to describe a developer’s plans for new infrastructure that have yet to receive consent.
Proposed Development	The development for which an application for an order granting development consent is being made
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 Reinforcement to the North Shropshire Electricity Distribution Network Order 20[]
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
SP Manweb	The DNO for Cheshire, Merseyside, North Wales and Shropshire. The promoter of the Proposed Development.
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
Terminal Pole	Terminal structures used at either end of an overhead line. The terminal pole allows an overhead line to be connected either to an underground cable or directly to a substation gantry
Trident wood pole	A type of support structure that typically carries 132kV electricity cables.
Undergrounding	Electricity cables laid underground
Wood poles	Wooden poles used to support an overhead electricity line (either single or double) (see Trident wood pole)

STATEMENT OF STUTORY NUISANCE

1.1 INTRODUCTION

- 1.1.1 This Statement of Statutory Nuisance accompanies an application by SP Manweb plc (SP Manweb) under the Planning Act 2008 for an Order granting development consent for the Reinforcement to the North Shropshire Electricity Distribution Network (the 'DCO'). The DCO would grant powers to construct, operate and maintain a new 22.5 kilometre (approximate) 132,000 volt (132kV) connection between the existing Oswestry Substation and Wem Substation within the administrative boundary of Shropshire County (the 'Proposed Development').
- 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. Regulation 5(2) states that: "The application must be accompanied by - (f) 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, 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 statutory nuisances as defined in the Environmental Protection Act 1990, which have the potential to be caused by 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 Construction Report which describes the construction activities related to the Proposed Development (**DCO Document 7.2**);

- The Environmental Statement (ES) which reports on the likely significant environmental effects during construction, operation and dismantling phases and identifies mitigation measures to reduce, avoid or minimise effects, (**DCO Documents 6.1 -6.16**) and;
- The draft Construction Environmental Management Plan (CEMP) which sets out the management measures required of contractors for any construction works associated with the Proposed Development (**DCO Document 6.3.2**)

1.1.5 This Statement describes the relevant measures from the listed documents to reduce the relevant statutory nuisances as defined in the Environmental Protection Act 1990, which have the potential to arise as a result from the Proposed Development.

1.2 OVERVIEW OF THE PROPOSED DEVELOPMENT

1.2.1 The Proposed Development comprises a new 22.5 km 132kV electrical circuit between the existing SP Manweb Substations at Oswestry and Wem in North Shropshire, together with associated temporary construction works. The circuit would be a combination of underground cables and overhead line. Works are also required at the existing Oswestry and Wem Substations to accommodate the new circuit.

1.2.2 The Proposed Development includes the following elements:

- Works within the boundary of the existing SP Manweb Substation at Oswestry including underground cable and the installation of electrical switchgear and associated equipment;
- Approximately 1.2km of 132kV underground cable between Oswestry Substation and a 132kV terminal structure at Long Wood (SJ 31132 29877);
- Approximately 21.3km of 132kV of overhead line supported by Trident wood poles from the terminal structure at Long Wood

(SJ 31132 29877) to the existing SP Manweb Substation at Wem Substation; and

- Works within the existing SP Manweb Substation at Wem including the installation of a new 132kV to 33kV transformer.

1.2.3 The Proposed Development also includes work to facilitate the new electrical circuit including:

- Undergrounding six short sections of existing SP Manweb lower voltage overhead lines in order to ensure safe electrical clearance for the new overhead line; and
- Temporary works required for the construction of the new overhead line including seven temporary laydown areas, welfare unit, security cabin, access tracks, vegetation clearance and reinstatement planting.

1.2.4 The construction compound for the Proposed Development would be located at the existing SP Manweb depot at Maesbury Road, Oswestry Industrial Estate, where site offices and welfare facilities are already in place. As this is an existing depot this compound is not included within the application. The construction compound would cater for the following:

- Bulk delivery (HGV) and storage of materials, the main components being wood poles, wood baulks, conductor, stay wire, crossarm assemblies and insulators; and
- Storage of construction plant and equipment.

1.3 LEGISLATION AND POLICY BACKGROUND

Environmental Protection Act 1990

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

“(1)...the following matters constitute “statutory nuisances” for the purposes of this Part of the Act that is to say:-

- a) any premises in such a state as to be prejudicial to health or a nuisance;*
- b) smoke emitted from premises so as to be prejudicial to health or a nuisance;*
- c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;*
- d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*
- e) any accumulation or deposit which is prejudicial to health or a nuisance;*
- f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;*
- fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*
- fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;*
- g) noise 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) onwards contains exceptions to the above statutory nuisances.

1.4 POTENTIAL BREACHES OF SECTION 79(1)

1.4.1 In accordance with ES Appendix 4.1 – Noise and Air Quality Technical Note (**DCO Document 6.4.1**) this Statement considers the following statutory nuisances under Section 79(1) of the Environmental Protection Act 1990 to be potentially applicable to the Proposed Development:

- c) fumes and gases;
- d) dust or other effluvia, and;
- g) noise from premises
- ga) noise caused by a vehicle, machinery or equipment

1.4.2 Section 79(1)(a), (b), (e), (f), (fa), and (h) are deemed not to be applicable to the Proposed Development due to the following, and will not be considered further:

- (a) no premises are proposed for the Proposed Development that would be in such a state that would be prejudicial to health or a nuisance;
- (b) no burning of waste or other material shall be permitted. This is controlled by the draft CEMP (**DCO document 6.3.2**);
- (e) no accumulations or deposits that would be prejudicial to health or a nuisance will be generated by the Proposed Development;
- (f) no animals will be kept on site as part of the Proposed Development;

- (fa) no materials would be stored on site which would attract insects which could cause a nuisance or be prejudicial to health; and
- (h) there are no other matters or elements of the Proposed Development which could be considered to be a statutory nuisance.

1.4.3 This Statement concludes that the only matters comprised in Section 79(1) of the Environmental Protection Act 1990, which may potentially be engaged as a consequence of the Proposed Development are:

c) and d) relating to air quality and odour; and;

g) and ga) relating to noise (which for the purposes of the above, include vibration).

1.4.4 The identified statutory nuisances could occur as a result of activities during construction, operation/maintenance and dismantling phases of the Proposed Development. The potential environmental effects that result from the operation/maintenance and dismantling of the Proposed Development are considered to have similar effects to the construction of the Proposed Development. As such, the measures identified in this statement for statutory nuisances caused by construction activities, also apply to operation/maintenance and dismantling activities.

1.4.5 The potential for the statutory nuisances detailed in section 1.4.1 are covered in Appendix 4.1 – Noise and Air Quality Technical Note (**DCO Document 6.4.1**).

Air Quality

- 1.4.6 The main issues of, c) fumes or gases and d) dust or other effluvia that have been identified as a potential issue during construction are:
- Dust deposition, from pole excavation and the use of stone for trackway;
 - Elevated sulphur dioxide (PM₁₀) concentrations, as a result of dust generating activities on site; and
 - An increase in concentrations of airborne particles and NO₂ due to exhaust emissions from diesel powered vehicles and equipments used on site and on the road network.
- 1.4.7 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.
- 1.4.8 Potential fugitive dust emission and on-site combustion related emissions would be avoided or minimised through the implementation of the CEMP (**DCO document 6.3.2**). The draft CEMP includes the following measures:
- Ensuring all vehicle movements are kept to the absolute minimum;
 - Rigorously enforcing appropriate speed limits for all construction vehicles on site to minimise dust generation through the use of signage and tool box talks;
 - The Environmental Clerk of Works (ECoW) will carry out check of the Contractors vehicles to ensure low emission vehicles and plant fitted with catalysts, diesel particulate filters or similar devices are utilised where practicable;

- The ECoW will carry out checks to ensure plant is well maintained, with routine servicing of plant and vehicles to be carried out in accordance with manufacturer's recommendations by the Contractor;
- Requiring that all construction vehicles hold current MOT certificates;
- 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; and
- Regular cleaning of site work areas and wheel washing facilities if necessary.

1.4.9 SP Manweb's experience of assessing the exhaust emissions from deliveries to the main construction compound at Maesbury Road, on-site plant and site traffic suggests that they are unlikely to make a significant impact on local air quality, and do not therefore need to be quantitatively assessed. As requested by Shropshire Council construction traffic will avoid the centre of Wem, thereby not creating a potential air pollution problem in Wem.

1.4.10 Based on the above, there is limited potential for air quality effects associated with the construction or operation/maintenance of the Proposed Development. Therefore there would be no statutory nuisance related to air quality matters during the construction or operation/maintenance of the Proposed Development.

Noise

- 1.4.11 The potential for nuisance caused by noise (g) emitted from premises and noise from construction vehicles (ga) is in relation to:
- Noise from construction activities on site
 - Construction traffic activities
 - Transformer noise
- 1.4.12 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 noise emissions throughout the construction period. This would incorporate the use of measures to control noise emissions that do not unreasonably inhibit the work, and the use of working methods that result in minimum effects compatible with normal working practices.
- 1.4.13 Appendix 4.1 – Noise and Air Quality Technical Note (**DCO Document 6.4.1**) confirms that the standard construction working hours will be restricted to:
- Monday to Friday between 0700 and 1900 hours during the months of March to October and between 0730 and 1730 hours or during daylight hours, whichever is the shorter, during the months of January to February and November to December and
 - 07:00 – 13:00 Saturday, and;
 - No work on Sundays or bank/public holidays
- 1.4.14 Some works may be required outside of the working hours such as scaffolding/netting, highways crossings and completion of works that cannot be safely stopped.
- 1.4.15 Measures for the control of noise during the construction works are set out below and included within the draft CEMP (**DCO document 6.3.2**).
- appropriate choice of plant and equipment such as low noise generators and quieter plant and equipment as far as reasonably

practicable;

- Regular plant maintenance to keep plant in good working condition;
- Reduce noise from all vehicles, plant and equipment using effective exhaust silencers;
- Careful phasing of the proposed operations; and
- In locations where there is the potential for noise disturbance, the provision of temporary barriers around static plant (pumps, generators) and equipment liable to create noise whilst in operation as suggested in Section 8 of British Standard 5228-1:2009 *Code of Practice for noise and vibration*.

1.4.16 SP Manweb understands that good stakeholder relations are often the most effective way to manage potential noise impacts on site. Therefore, local residents and other receptors would be informed of the progress of the works, including when and where the noisiest activities would be taking place and how long they would be expected to last. Any noise complaints would be effectively recorded, investigated and addressed. In addition, the draft CEMP (**DCO document 6.3.2**) includes implementation of measures to reduce noise impacts.

1.4.17 With the implementation of the measures outlined above controlled by the CEMP SP Manweb does not expect any statutory noise nuisance from construction activities.

1.4.18 There is the potential for noise emitted from premises (g) from the operation of the Proposed Development, specifically, the proposed 132kV transformer at Wem substation. Appendix 4.1 – Noise and Air Quality Technical Note (**DCO Document 6.4.1**) contains a noise impact assessment to determine whether excessive levels of substation noise would be present at the substation boundary. The assessment concludes that, with an agreed limit

applied to the noise levels for the transformer, the levels of noise generation would not cause disturbance to local residents.

- 1.4.19 In light of the assessment presented in the ES (Appendix 4.1 – Noise and Air Quality Technical Note (**DCO document 6.4.1**)) SP Manweb does not expect any statutory noise nuisance from operational activities.

1.5 CONCLUSIONS

- 1.5.1 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.
- 1.5.2 With the proposed measures in place, it is not expected that there would be a breach of Section 79(1) of the Environmental Protection Act 1990 during construction or dismantling activities. The operation/maintenance of the Proposed Development is also unlikely to cause nuisances as defined in Section 79(1).