DOCUMENT 5.3

nationalgrid

Statement of Statutory Nuisance

The Yorkshire and Humber (CCS Cross Country Pipeline) Development Consent Order

Under Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Application Reference: EN070001

June 2014

Executive Summary

1.1.1 This statement identifies the matters set out in Section 79(1) of the Environmental Protection Act 1990 in respect of statutory nuisance and considers whether the proposed Onshore Scheme would cause nuisance.

1.1.2 Paragraphs (a), (b), (e), (f), (fa) and (h) of Section 79(1) of the Environmental Protection Act 1990 have not been considered in this statement as they are not relevant to the project. Therefore only matters pertaining to (c) fumes or gases, (d) any dust, steam, smell or other effluvia, (fb) artificial light, and (g) and (ga) noise are outlined in this statement.

1.1.3 The construction activities that have the potential to create a nuisance will be controlled through National Grid's Contract Requirements and by the implementation of the environmental mitigation measures identified within the Environmental Statement through Code of Construction Practice and the Schedule 3 of the Development Consent Order, which includes measures that will minimise the potential to cause nuisance.

1.1.4 With proposed mitigation in place, it is not expected the construction, operational or decommissioning activities associated with the Onshore Scheme will give rise to a statutory nuisance under section 79 of the Environmental Protection Act 1990.

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1 Introduction

1.1 INTRODUCTION

1.1.1 The Project is a Carbon Dioxide transportation and storage system to support the provision of Carbon Capture and Storage (CCS) technology in the Yorkshire and Humber Region. The Project includes both onshore and offshore elements, both of which are subject to separate consenting regimes (the "Onshore Scheme" and the "Offshore Scheme" respectively). This report has only been prepared for the onshore elements of the Project collectively termed the Yorkshire and Humber CCS Cross Country Pipeline shortened to the Onshore Scheme.

1.1.2 This report presents the Statement of Statutory Nuisance for the Onshore Scheme to accompany the application for a Development Consent Order (DCO).

1.2 PURPOSE OF THIS REPORT

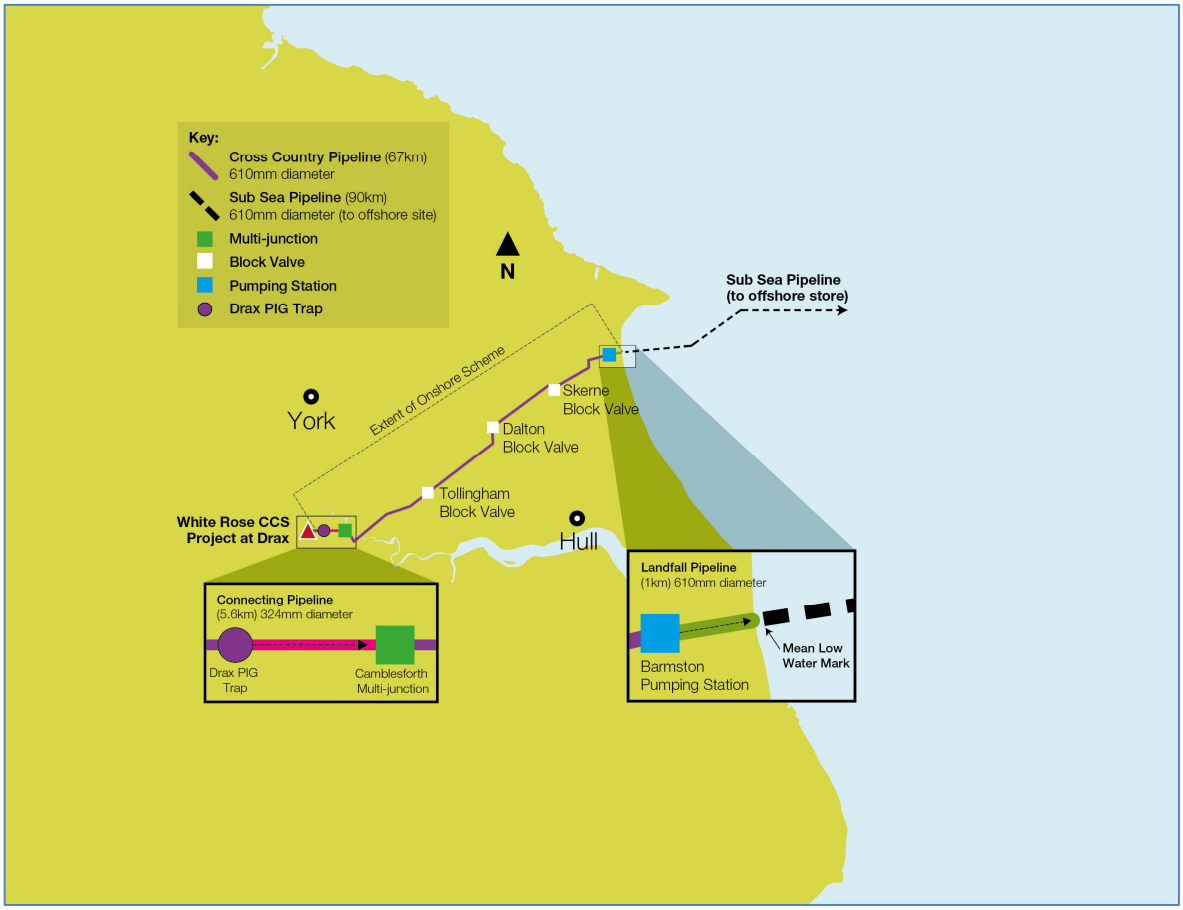
1.2.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 require DCO applications to be accompanied by (among other documents) a *'statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefore) of the Environmental Protection Act 1990(2), and if so how the applicant proposes to mitigate or limit them*' (Provision 5 (2)(f)).

1.2.2 This report therefore sets out the matters in Section 79(1) of the Environmental Protection Act 1990 in respect to statutory nuisance, the potential of the Onshore Scheme to cause statutory nuisance and the measures that have been incorporated into the Onshore Scheme to mitigate any such potential nuisances.

1.3 THE ONSHORE SCHEME

1.3.1 The Onshore Scheme comprises the construction of a Cross Country Pipeline and associated infrastructure including Pipeline Internal Gauge (PIG) Traps, a Multi-junction, three Block Valves, and a Pumping Station (collectively termed "Above Ground Installations" or "AGIs") and any necessary interconnecting local pipelines and associated works. These are illustrated on Figure 1 'High Level Schematic'.

Figure 1: Schematic of the Onshore Scheme



1.3.2 The Cross Country Pipeline will have an external diameter of up to 610 millimetre (mm) and will be sized to accommodate up to 17 million tonnes (mt) of Carbon Dioxide emissions per year. The Multi-junction would enable the connection of multiple pipelines from regional Carbon Dioxide emitters to the Onshore Scheme.

1.3.3 PIG Traps would be sited at the start and end of each pipeline to launch PIGs. These facilities are required to support the periodic inspection of pipelines as part of National Grid's planned pipeline inspection and maintenance programme. Block Valves are required at regular intervals along the length of the pipeline to support the operation of the system, and a Pumping Station is proposed to be constructed at Barmston, near to the coast, to re-pressurise the Carbon Dioxide before it is transported offshore.

2 Environmental Protection Act 1990

2.1 WHAT IS A STATUTORY NUISANCE

2.1.1 Section 79(1) of the Environmental Protection Act 1990 states 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; and

h) any other matter declared by any 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 nuisances which ought to be dealt with under section 80 below or sections 80 and 80A below and, where a complaint of a 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.'

2.2 WHAT IS PREJUDICIAL TO HEALTH OR A NUISANCE?

2.2.1 Nuisance is defined as:

'that which annoys or hurts, esp. If there be some legal remedy: that which is offensive to the senses: a person or thing that is troublesome or obtrusive in some way'

(Chambers English Dictionary).

2.2.2 Statutory nuisance may be interpreted to mean "something which is stopping you from enjoying your land or property" or "an activity that is, or is likely to be, damaging to health or a nuisance".

2.2.3 Prejudicial to health means *"injurious, or likely to cause injury, to health"* (Environmental Protection Act 1990).

2.3 STATUTORY NUISANCE AND ENVIRONMENTAL EFFECTS

2.3.1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) require (among other things) the following to be included within an Environmental Statement (ES):

2.3.2 'A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, **population,** fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

2.3.3 A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

(a) the existence of the development;

(b) the use of natural resources;

(c) the emission of pollutants, the creation of **nuisances** and the elimination of waste,'

2.3.4 The ES prepared for the Onshore Scheme therefore contains a description of the aspects of the environment likely to be significantly affected by the development, including '*population*' and resulting from the '*creation of nuisances'* it is appropriate to use the assessment of the effects reported within the ES (Volume

6.0) as an indicator to establishing whether there is a potential for a statutory nuisance under the Environmental Protection Act 1990 will be caused.

2.3.5 Potential health effects or nuisance due to emissions to air, emissions to water, land quality, waste and noise, are considered in the corresponding Chapters of the ES (Volume 6.0). The air quality Chapter (Chapter 6.12) assess potential effects associated with the generation and dispersal of dust and airborne particulate matter (d) as well as emissions from plant (b and c) on site and construction traffic. Lighting is considered in the Landscape and Visual Chapter (Chapter 6.11) (fb) and noise (g and ga) in the Noise Chapter of the ES (Chapter 6.13).

3 Potential to Cause Statutory Nuisance

3.1 INTRODUCTION

3.1.1 As stated in Section 2.3.4, the ES (Volume 6.0) has been used as an indicator to establishing whether there is a potential for a statutory nuisance, under the Environmental Protection Act 1990, to be caused. Due to this it is appropriate not to consider in this statement matters that have the potential to constitute "statutory nuisances" which are not applicable to the project which have also been scoped out of the ES (Volume 6.0). Therefore Paragraphs (a), (b), (e), (f), (fa) and (h) of Section 79(1) of the Environmental Protection Act 1990 are deemed to not be applicable to the project and are therefore are not considered within this statement due to the following:

- There will be no premises in such a state to as to be prejudicial to health or nuisance;
- There will be no burning during construction, operation or decommissioning therefore no smoke generated;
- No animals will be kept;
- The Onshore Scheme is not considered to be attractive to insects which are deemed to be prejudicial to health or a nuisance; and
- There are no other matters to consider.

3.1.2 The following sections outline the activities that have the potential to cause a statutory nuisance under the Environmental Protection Act 1990 and details mitigation which has been incorporated into the Onshore Scheme to prevent any such potential nuisance.

3.2 FUMES OR GASES, DUST, STEAM, SMELL OR OTHER EFFLUVIA

Construction Phase

3.2.1 There is a potential for fugitive dust and emissions to be generated from construction vehicles and plant during the construction phase.

3.2.2 The ES air quality assessment (Document 6.12 Sections 4.1.8 4.2.3 to 4.2.4, 4.3.18 and 4.3.21) did not include a quantitative assessment of construction traffic air quality effects as EPUK Guidance (EPUK, 2010) states that:

'a quantitative assessment is required if 'large, long term construction sites generate large HGV flows (>200 movements per day) over a period of a year or more'

3.2.3 Below this criterion, a quantitative assessment is not required and the potential effects should be considered insignificant. As the construction of the Onshore Scheme will generate fewer than 200 HGV movements per day, it can therefore be concluded that air quality effects resulting from construction traffic are unlikely to cause nuisance.

3.2.4 The potential human health effects from dust and airborne particulate matter have been considered in the ES (Document 6.12 Sections 7.1.1 to 7.9.6) and appropriate measures for the minimisation of predicted effects are outlined in the ES (Document 6.12 Tables 20, 21, 22 and 23) and in the Code of Construction Practice (Document 7.5, Section 8). With mitigation measures the significance of the dust effects will be reduced to 'Neutral' at human receptors and are therefore unlikely to cause nuisance.

3.2.5 Potential dust and construction vehicle and plant emissions will be avoided and/or reduced through the implementation of National Grid's Code of Construction Practice (Document 7.5, Section 8). The Code of Construction Practice incorporates the commitments made in the ES (Document 6.12 Tables 20, 21, 22 and 23) which include air quality and dust mitigation measures to prevent the generation of fugitive dust and to minimise vehicle emissions, as well as a Traffic Management Plan detailing traffic control measures and routeing (Document 7.5 Sections 6.2.1 to 6.12.2). A Requirement is included in the DCO to ensure that the Code of Construction Practice is implemented during construction.

3.2.6 The commissioning of the pipeline will require the venting of carbon dioxide (which is odourless), however this venting will occur offshore at the storage site.

Operational Phase

3.2.7 During operation maintenance of the AGIs may be required up to twice a year. To allow maintenance to take place it will be necessary to close off the upstream and downstream pipelines and then to vent a small volume of Carbon Dioxide from the AGI internal pipework and equipment. Dense phase Carbon Dioxide is not defined as dangerous fluid (Safety Statement Document 6.4.7 Section 2.2.2). The Block Valve AGIs on the Yorkshire and Humber CCS Cross Country Pipeline Project Pipelines are located in accordance with the Pipeline Code PD 8010:2004 and are designed in accordance with ASME B31.3 and the risks associated with the spacing of Block Valves have been assessed using a Quantified Risk Assessment methodology and is shown to be acceptable (Safety

Statement Document 6.4.7 Section 7.2.1). Siting and construction requirements mean that no person will live immediately adjacent to an AGI, so any exposure is limited to passing the fence (Safety Statement Document 6.4.7 Section 4.2.1). The venting equipment and procedure adopted will ensure that the Carbon Dioxide will disperse to atmosphere with no measureable effect on the local air quality (Safety Statement Document 6.4.7 Section 8.0.1). In addition, the security fence located around AGIs is at a distance that is consistent with providing protection to the public. It can therefore be considered that venting during maintenance is unlikely to be harmful to health. Routine maintenance will create limited vehicle trips (up to six people present during routine maintenance works). Even if all six people travelled to and from site every day, the traffic generated will be much lower than the Environmental Protection UK (EPUK) criteria to undertake a quantitative assessment and therefore according to the guidance, the effects should be considered insignificant and are therefore unlikely to be harmful to heath.

Decommissioning

3.2.8 The decommissioning of the pipeline will require carbon dioxide to be purged from the line into the offshore storage therefore no carbon dioxide will be vented to atmosphere.

3.2.9 During the decommissioning phase, the demolition of the AGIs and track out activities have the potential to cause dust effects; however, these are considered to be of neutral significance at human receptors and are therefore unlikely to cause nuisance. Measures to minimise predicted effects are outlined in the ES (Document 6.12 Tables 23) and the Code of Construction Practice (Document 7.5, Section 8).

Mitigation

3.2.10 Measures which will be taken to control the adverse effects of vehicle and plant emissions are outlined in the Code of Construction Practice (Document 7.5, Section 8). Measures to minimise vehicle emissions:

- Using low emission vehicles and plant fitted with catalysts, diesel particulate filters or similar devices where practicable;
- 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 Project 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 (no idling vehicles); and

- Minimising the use of diesel or petrol powered generators and using mains electricity or battery powered equipment where practicable.

3.2.11 Measures to minimise dust generation and nuisance:

- Dust-generating activities, such as soil screening, to be located as far away from sensitive receptors as practicably possible;
- 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;
- The use of mechanical road sweepers on public roads at road crossings, construction compounds and other works accesses to clean roads (of dust and mud deposits) at appropriate intervals. If necessary mud deposits will be removed by hand;
- Wheel wash facilities will be provided at the Construction Compounds;
- Local spraying of working areas with water during prolonged periods of dry weather using bowsers or temporary static sprays, as necessary, to suppress dust generation;
- Handling and transfer of soil and dusty materials will be controlled to minimise dust generation;
- Hardcore surfacing to be provided at access and egress points to the public highway;
- Appropriate speed limit of 15mph to be enforced on the site running track to minimise dust generation;
- Implement a stakeholder communications plan that includes community engagement before and during work on site. Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. Record any exceptional incidents that cause dust, either on or off site and the action taken to resolve them;
- Recording of all dust and air quality complaints, identify cause and take appropriate measures to reduce emissions in a timely manner;
- Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results and make the log available to the local authority when asked. Carry out regular (weekly) dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary;
- Plan site layout so that machinery and dust causing activities are not located close to receptors, where possible. Avoid site runoff where possible. Where practical remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site;
- Only use registered carriers to take waste off-site;

- During material handling operations always keep the number of handling operations to a minimum and ensure that dusty material is not moved or handled unnecessarily;
- When loading vehicles in the vicinity of receptors and under dry windy conditions conducive to dust dispersal, use material handling methods that minimise the generation of airborne dust. Damp down with water using a water bower where there are visible dust issues and under prolonged dry conditions;
- When loading vehicles drop heights must be kept to a minimum. Damp down with water using a water bowser where there are visible dust issues and under prolonged dry conditions;
- Where there is an option, stockpiles will be located as far away from sensitive human and ecological receptors as possible;
- Ensure slopes of stockpiles, tips and mounds are at an angle not greater than the natural angle of repose of the material. Avoid sharp changes of shape;
- Where there is visible dust from the stockpile, such as during prolonged hot, dry weather, and it appears to be causing a problem, use of water sprays will be considered; and
- Vehicles to have vertical exhausts where possible to reduce dust re suspension. Regular vehicle maintenance to minimise diesel smoke emission. Construction vehicles will conform to at least Euro III standards. Turn off vehicles engines when not in use.

Conclusion

3.2.12 The mitigation measures identified in the ES (Document 6.12 Tables 20, 21, 22 and 23), and committed to via the Code of Construction Practice (Document 7.5 Section 8), the implementation of which is a requirement of the Onshore Scheme (Document 3.1 Schedule 3), are sufficient to ensure that a statutory nuisance is unlikely to occur as a result of fumes or gases, dust, steam, smell or other effluvia.

3.3 ARTIFICIAL LIGHT

Construction Phase

3.3.1 At construction compounds and specific locations (such as during the Horizontal Directional Drilling, and for specific activities at the AGI sites) where night working is required or in poor light conditions during normal working hours, portable lighting units will be used where necessary to ensure safe working and/or site security. The pipeline working width will generally be unlit. Site or welfare cabins, equipment and lighting will be sited so as to minimise visual intrusion insofar as is consistent with the safe and efficient operation of the work site. Site lighting will be positioned and directed to minimise glare and nuisance

to residents, walkers and to minimise distractions or confusion to passing drivers on railways or adjoining public highways (Document 7.5 Section 3.4.2). The potential for this temporary lighting to cause annoyance and hence a nuisance is therefore very low.

Operational Phase

3.3.2 None of the AGIs will be permanently lit at night. Consideration has been given to the need for permanent lighting at each of the AGI sites, and in the majority of cases the need for lighting has been designed out. Access and egress safety lighting will be provided at the PIG Trap, Multi-junction and the three Block Valves. This safety lighting will be fixed to the external wall of the instrument building and will only operate on the limited occasions when the start or finish of the maintenance work coincides with the hours of darkness.

3.3.3 At Barmston Pumping Station it is proposed that all lighting will be building or surface mounted (if possible) to reduce the prominence of the light source. In addition the use of lighting at the Pumping Station would only be required when maintenance activities are being undertaken during the hours of darkness, which is only likely to occur during the winter months when darkness reduces the length of a normal working day. The exception to this would be if/when emergency maintenance works might be required during night time hours. If/when night time maintenance is required at any of the other five AGIs (usually only in an emergency) temporary lighting will be erected for the duration of the works.

3.3.4 The limited lighting (visibility and time when lighting would be in use) provided at these sites is unlikely to cause annoyance and therefore constitute a nuisance.

Decommissioning

3.3.5 Lighting requirements are likely to be similar to that required for the construction phase for the AGI sites. However as the pipeline is to be left in the ground there will be no need for any 24 hour lighting in relation to decommissioning of the Pipeline (i.e. at non-open cut crossings). Therefore it is very unlikely that this temporary lighting will cause nuisance.

Mitigation

3.3.6 The Code of Construction Practice (Document 7.5 Section 3.4.2) confirms that any lighting required during construction of the pipeline and AGIs will be directional and low-level, whilst being consistent with the safe and efficient operation of the work site. The siting of the Onshore Scheme away from human receptors as far as possible has also reduced any risk of nuisance by design.

Conclusion

3.3.7 The mitigation measures committed to in the Code of Construction Practice (Document 7.5 Section 3.4.2) the implementation of which is a requirement of the Onshore Scheme, and the design and operation of lighting required during the Onshore Schemes operational phase are sufficient to ensure that a statutory nuisance is unlikely to occur as a result of artificial light.

3.4 NOISE

Construction Phase

3.4.1 There is a potential for noise effects during the construction phase, due to construction traffic and activities. With appropriate mitigation, noise effects from construction are considered to range from moderate/minor adverse at the worst affected noise sensitive receptors within 150 metres (m) of the works, and negligible to minor at noise sensitive receptors 200 m from the works. Noise levels during the construction period will not be continuous. As construction activities proceed down the pipeline there will be periods when there is no heavy machinery operating. In addition there will also be notable gaps between each of the construction stages when no activities will be undertaken. Therefore noise levels will both rise and fall during the project's duration and it is not anticipated that residents will have to live with a constant increase in noise. Potential noise receptors will only be subjected to construction noise for relatively short time periods over the construction period.

3.4.2 Noise effects are considered in detail along with an outline of the appropriate measures for the minimisation of predicted effects in the ES (Document 6.13 Sections 8.1.3 to 8.1.9) and in the Code of Construction Practice (Document 7.5 Section 7). British Standard (BS) 5228 provides detailed advice on methods of minimising nuisance from construction noise. This can take the form of reducing source noise levels, control of noise spread and, in areas of very high noise levels, insulation at receptors. The Code of Construction Practice (Document 7.5 Section 7) and requirements (Document 3.1 Schedule 3) outline the commitments made in the ES to minimising noise. These measures include specifying working methods, hours of working and implementing noise controls in accordance with 'best practical means'[1], as well as a Traffic Management Plan detailing traffic control measures and routeing. Of most importance is a commitment in the Code of Construction Practice (Document 7.5 Section 7) to limiting construction noise to the following:

[1] The term 'Best Practicable Means' is defined in Section 72 of the Control of Pollution Act where 'practicable' means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications'.

Table 1 Proposed Construction Noise Control Levels		
Effect Assessment Period		**Construction Noise Threshold (facade)**
Day of Week	**Time of Day**	**SPL, dB $L_{Aeq,T}$**
Monday – Fridays Saturday	07.00 – 19.00 07.00 – 19.00	70 70
Monday – Saturdays	19.00 – 23.00	65
Sundays & Bank Holidays	07.00 – 19.00 19:00 – 23:00	65 60
Each Day	23.00 – 07.00	55

3.4.3 In addition, noise sensitive locations adjacent to the construction site and/or pipeline route will be identified in consultation with the relevant Environmental Health Officer(s) and, where appropriate, further noise limits agreed.

3.4.4 The implementation of these measure and agreed noise limits, as well as the intermittent and short- term nature of noise effects during construction ensure that the potential for a statutory nuisance to occur due to noise has been minimised and will be unlikely.

Operational Phase

3.4.5 All AGIs will be unmanned and operated remotely. There will be a need for routine maintenance up to twice a year, which will require venting of carbon dioxide, which could lead to a minor adverse effect, however the noise effects during operation will be negligible for the remainder of the time at the nearest noise sensitive receptors. Noise limits will be set for the Drax PIG Trap and Barmston Pumping Station stipulating that noise from these sites will not be above the existing background noise levels at the nearest noise sensitive receptors. Noise limits during maintenance venting will also be set at the nearest noise sensitive receptors, venting will also be limited to 20 minutes twice per year during the hours to 07:00 to 19:00. Operational mitigation measures are identified in the ES (Document 6.13 Sections 8.1.15 to 8.1.26).

3.4.6 Routine maintenance will create limited vehicle trips (up to six people present during routine maintenance works).Even if all six people travelled to and from site every day, the effects should be considered insignificant and are therefore unlikely to cause a noise nuisance.

Decommissioning

3.4.7 The decommissioning noise effects are likely to be broadly similar to those during the construction phase, apart from the pipeline construction effects and the effects of traffic associated with the installation of the pipeline which will not recur, as the pipeline will remain insitu. Measures to minimise predicted effects are outlined in the ES (Document 6.13 Sections 8.1.3 to 8.1.9) and in the Code of Construction Practice (Document 7.5 Section 7).

Mitigation

3.4.8 The Code of Construction Practice (Document 7.5 Section 7) includes the following commitments, as well as the construction noise limits identified above in 3.4.2:

- Construction works will be confined to the normal working hours where possible. Night-time work will be kept to an absolute minimum;
- Loading/unloading areas will be located away from residential properties and shielded from properties where practicable;
- Careful selection of plant items, construction methods and programming. Where possible only plant conforming to relevant national, EU or international standards and directives, and recommendations on noise and vibration emissions will be used;
- All vehicles, plant and equipment associated with the construction works will be properly maintained in good efficient working order, fitted with effective exhaust silencers and operated in such a manner to avoid causing excessive noise emission. Where plant has been designed to operate with engine covers to reduce noise, these will be used and remain closed while the plant is in operation. Unless otherwise directed, items or plant in intermittent use will be shut down during idle periods;
- Static plant (such as pumps, compressors and generators) and equipment liable to create noise and/or vibration whilst in operation will, as far as reasonably practicable, be positioned so as to cause minimum noise disturbance, located away from sensitive receptors. Construction plant would however need to be located at the limits of work and there may be little scope for increasing the separation distance between plant and receptor locations. If necessary, acoustic barriers or enclosures will be provided;
- On sites where a generator is required for prolonged periods of time, consideration will be given to use of the use of a silent generator;
- Where possible all major compressors will be ‘sound-reduced’ models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and all ancillary pneumatic

percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers;

- Noisy plant would be screened as appropriate to prevent nuisance;
- Contractors will be required to adhere to the codes of practice for construction working and piling set out in British Standard BS 5228:2009 including guidance to minimise noise emissions, insofar as these are reasonably practicable and applicable to the work site;
- When possible, piling should not take place before 8 am or after 6 pm Monday to Friday and on Saturdays should not take place before 9 am and after 1 pm. When possible piling should not take place on Sundays or Bank holidays or during the night-time periods. Silent piling techniques are preferred where conditions allow;
- Machines in intermittent use will be shut down in the intervening periods between work or throttled down to a minimum;
- Audible warning systems, such as vehicle reversing sirens, will normally be set to as low a setting as is compatible with safety requirements;
- Personnel would be instructed to reduce noise and vibration as part of their induction training and as required prior to specific work activities;
- No employees, subcontractors and persons employed on the site will cause unnecessary noise from their activities e.g. excessive 'revving' of vehicle engines, music from radios, shouting and general behaviour etc; and
- Careful handling of materials and positioning of items to ensure they are not dropped, thereby minimising the noise impact.

3.4.9 To minimise the effects of construction traffic, the following will be considered:

- The use of sufficient clear signage to ensure that construction vehicles use only designated routes; and
- Strict control to prohibit parking on the kerbside or in the vicinity of Noise Sensitive Receptors near the construction works.

Conclusion

3.4.10 The mitigation measures identified in the ES (Document 6.13 Sections 8.1.3 to 8.1.27), and committed to via the Code of Construction Practice (Document 7.5 Section 7), the implementation of which is a requirement of the Onshore Scheme, and other DCO requirements (noise limits) are sufficient to minimise the potential for a statutory nuisance due to noise and it is therefore concluded that nuisance is unlikely to occur as a result of noise.

4 Conclusions

4.1.1 This statement identifies the matters set out in Section 79(1) of the Environmental Protection Act 1990 in respect of statutory nuisance and considers whether the Onshore Scheme would cause nuisance.

4.1.2 With proposed mitigation in place, it is unlikely that a statutory nuisance will occur that would be a breach of Section 79(1) of the Environmental Protection Act 1990 during construction, operational or decommissioning activities.

4.1.3 The construction activities that have the potential to cause a nuisance will be controlled through implementation of the environmental mitigation measures identified within the ES (Volume 6.0) which are committed to within DCO requirements (Document 3.1 Schedule 3) or through the Code of Construction Practice (Document 7.5).

5 References

ASME B31.3-2010 Process Piping, ASME Code for Pressure Pipeline, B31, The American Society of Mechanical Engineers.

BSI, (2009) BS 5228:2009 Part 2 – 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'

Control of Pollution Act 1974

Environmental Protection Act 1990

Environmental Protection UK (EPUK) (2010) Development Control: Planning For Air Quality

PD 8010:2004 Code of practice for pipelines – Part 1 titled 'Steel pipelines on land'.

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

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)