

STATUTORY NUISANCE STATEMENT

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

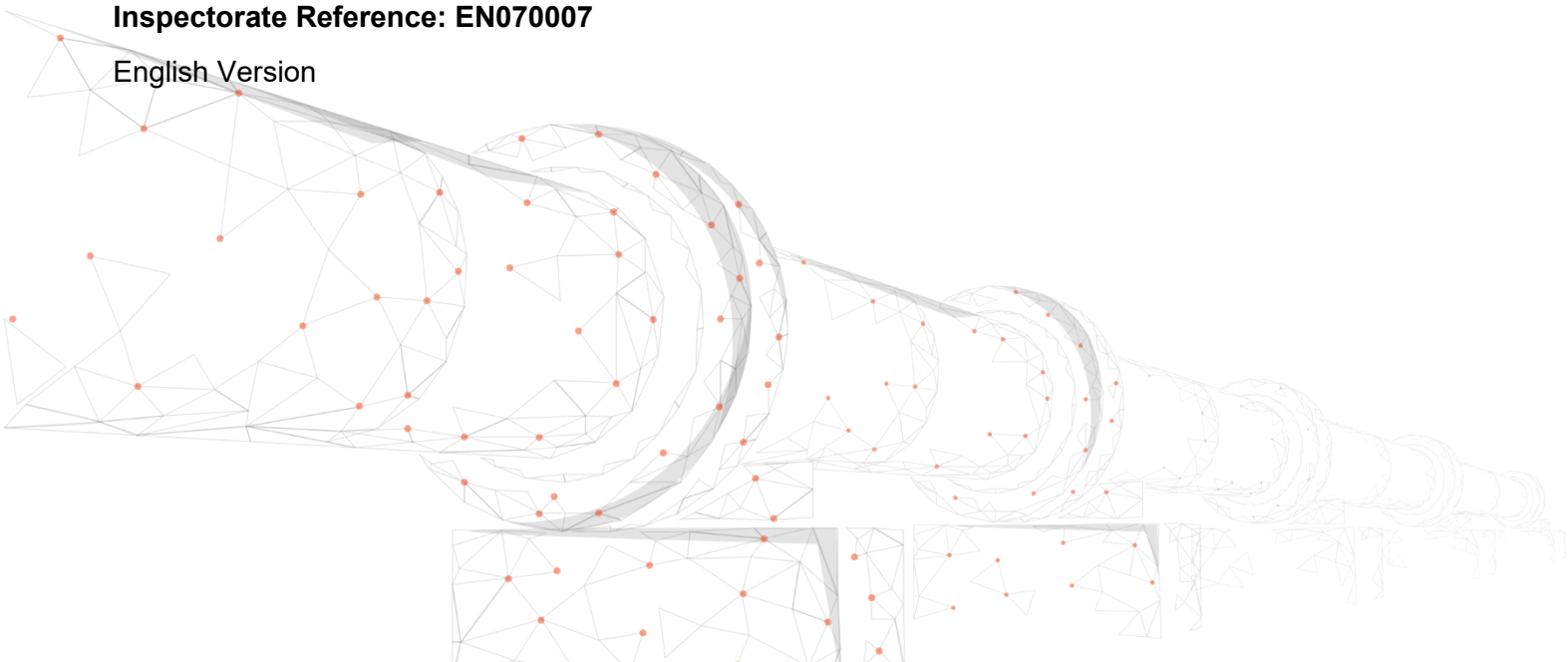
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EXECUTIVE SUMMARY

This Statutory Nuisance Statement has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') to support a Development Consent Order (DCO) application for the HyNet Carbon Dioxide Pipeline ('the DCO Proposed Development'). The DCO Application has been made under section 37 of the Planning Act 2008 ('PA2008') and submitted to the Secretary of State ('the SoS') for Business, Energy and Industrial Strategy ('BEIS').

The Applicant is seeking consent to build and operate a new underground carbon dioxide (CO₂) pipeline from Cheshire, England to Flintshire, Wales with necessary infrastructure for its operation including Above Ground Installations (AGIs) and Block Valve Stations (BVSs). This is a Nationally Significant Infrastructure Project (NSIP) as defined under section 14(1)(g) of the PA 2008 and meets the relevant qualifying criteria in section 21(1) of the PA2008.

The DCO Proposed Development will form part of the wider HyNet North West Project, ('the Project') which is a hydrogen supply and a Carbon Capture, Usage and Storage (CCS) project. The goals of the Project are to reduce CO₂ emissions from industry, homes and transport and support economic growth in the North West of England and North Wales.

The DCO Proposed Development is a critical component of the Project which, by facilitating the transportation of carbon, enables the rest of the Project to be low carbon. It will also allow onward tie-in to local carbon intensive industries to reduce CO₂ emissions. In addition to this, the construction of the CO₂ pipeline has the potential to generate regional and national demand for construction, engineering and manufacturing skills which will contribute to the economic benefit of the Project.

This Statutory Nuisance Statement considers the matters set out in Section 79(1) of the Environmental Protection Act 1990 (the EPA) in respect of statutory nuisance and identifies whether the DCO Proposed Development could cause statutory nuisance. It has been written in order to comply with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the 'APFP Regulations'), which states that any application for a DCO should be accompanied by a statement setting out whether the proposed development could cause a statutory nuisance, pursuant to Section 79(1) of the EPA. If such a nuisance could occur, the statement must set out how the applicant proposes to mitigate or limit the effects.

Potential statutory nuisance may include noise, vibration, dust, fumes, insects and emissions. Without appropriate mitigation, various types of potential nuisance could potentially result from the construction, operation, decommissioning of the DCO Proposed Development.

However, through the consolidation of mitigation in place as presented within the **Environmental Statement (ES) Volume II (Document reference D.6.2)**, listed within the **Register of Environmental Actions and Commitments (REAC) (Document reference D.6.5.1)** and secured in the DCO (**Document reference: D.2.4**), the Applicant has demonstrated that the DCO Proposed Development is unlikely to give rise to any statutory nuisance under the EPA.

1. INTRODUCTION

1.1. PURPOSE OF THE DOCUMENT

- 1.1.1. This Statutory Nuisance Statement has been prepared on behalf of Liverpool Bay CCS Limited (the 'Applicant') to support the application for a Development Consent Order (DCO) for the HyNet Carbon Dioxide Pipeline ('the DCO Proposed Development'). The DCO Application has been made under section 37 of the Planning Act 2008 (the 'PA 2008') and submitted to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS).
- 1.1.2. The Applicant intends to build and operate a new underground CO₂ pipeline from Cheshire, England to Flintshire, Wales. The pipeline will include necessary Above Ground Installations (AGIs) and Block Valve Stations (BVSs). The DCO Proposed Development will form part of HyNet North West ('the Project'), which is a hydrogen supply and Carbon Capture and Storage ('CCS') project. The goals of the Project are to reduce CO₂ emissions from industry, homes and transport and support economic growth in the North West of England and North Wales.
- 1.1.3. The purpose of this Statutory Nuisance Statement is to identify whether the DCO Proposed Development engages any of the statutory nuisances in Section 79(1) of the Environmental Protection Act 1990 (the EPA) and, if so, show how the Applicant proposes to mitigate the risk of such nuisance occurring.
- 1.1.4. The requirement for such a statement is set out in the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations 2009') at regulation 5(2)(f), which states that:
- "The application must be accompanied by...a statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990, and if so how the applicant proposes to mitigate or limit them".*

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet is an innovative low carbon and hydrogen energy project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero.
- 1.2.2. The DCO Proposed Development is a critical component of the Project which, by facilitating the transportation of carbon. The hydrogen production and CO₂ capture and storage elements of the Project do not form part of the DCO Proposed Development and will be delivered under separate consenting processes.
- 1.2.3. The DCO Application will seek consent for the construction, operation, maintenance and where applicable decommissioning of the DCO Proposed Development, comprising:

- **Ince Above Ground Installation (AGI) to Stanlow AGI Pipeline** – an approximate 4km section of new underground onshore pipeline (20” in diameter with capacity of up to 2.5 MtCO₂/yr at a pressure of approximately 38 barg) to transport CO₂;
- **Stanlow AGI to Flint AGI Pipeline** – an approximate 32km section of new underground onshore pipeline (36” in diameter with a capacity of up to 10 MtCO₂/yr at a pressure of approximately 35 barg) to transport CO₂;
- **Flint AGI to Flint Connection Pipeline** – an approximate 400m section of new underground onshore pipeline (24” in diameter with a capacity of up to 4.5 MtCO₂/yr at a pressure of approximately 33 barg) to transport CO₂;
- **Flint Connection to Point of Ayr (PoA) Terminal Pipeline** – an approximate 24 km section of existing Connah’s Quay to PoA underground onshore pipeline (24” in diameter) which currently transports natural gas but would be repurposed and reused to transport CO₂. This section of the Connah’s Quay to PoA Pipeline is referred to in the **Environmental Statement (ES) Volume II (Document Reference: D.6.2)** as the Flint Connection to PoA Terminal Pipeline. Construction along the Flint Connection to PoA Terminal Pipeline will be limited to works associated with connecting it to
 - the Flint AGI to Flint Connection Pipeline;
 - the three Block Valve Stations (BVSs) via installation of small sections of Tie-In pipeline (Included within the scope of the ES); and
 - the PoA Terminal (subject to approval of the TCPA Proposed Development so are not included within the scope of this EIA but assessed in Chapter 19 of the ES (**Document reference: D.6.2.19**)).
- **Four AGIs** - Ince AGI, Stanlow AGI, Northop Hall AGI, and Flint AGI.
- **Six BVSs** - located along:
 - The new Stanlow AGI to Flint AGI Pipeline (three in total);
 - the existing Flint Connection to PoA Terminal Pipeline (three in total);
- **Use of the existing pipeline** for the conveyance of CO₂;
- **Other above ground infrastructure**, including Cathodic Protection (CP) transformer rectifier cabinets and pipeline marker posts;
- **Utility Connection infrastructure**, including power utilities and Fibre Optic Cable (FOC); and

- **Temporary works** integral to the construction of the CO₂ Pipeline, including Construction Compounds and temporary access tracks.

- 1.2.4. The Order Limits of the DCO Application encompass the land required to construct, operate and maintain the DCO Proposed Development, including working areas for pipeline laydown, construction compounds and above ground infrastructure. The Order Limits are shown on the Works Plans (**Document reference: D.2.4**).
- 1.2.5. A full description of the DCO Proposed Development is detailed in Chapter 3 of the ES (**Document reference: D.6.2.3**).

1.3. BACKGROUND

- 1.3.1. Section 158 of the PA 2008 confers statutory authority for the purposes of a defence in civil or criminal proceedings for nuisance. Paragraph 4.14.1 of the Overarching National Policy Statement for Energy EN-1 (Department of Energy and Climate Change, 2011) states that:

“Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act 1990 (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority’s duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is ‘prejudicial to health’ and not a nuisance.”

- 1.3.2. Paragraph 4.14.2 states the importance of considering possible sources of nuisance under Section 79(1) of the EPA and how these can be mitigated or limited, so that appropriate requirements can be included in any DCO that is granted.
- 1.3.3. Whilst it is not anticipated that the construction, operation or decommissioning of the DCO Proposed Development would cause a statutory nuisance, Article 9 of the draft DCO (**Document reference: D.3.1**) which accompanies the Application contains a provision that would provide a defence to proceedings in respect of statutory nuisance. This article provides a defence to proceedings brought in a magistrates’ court under section 82(1) of the Environmental Protection Act 1990 in relation to certain nuisances set out in paragraph 79(1) of that Act. This is necessary because section 158 does not extend to the relatively rare situation by which if, somebody considers that the local authority ought to be tackling a nuisance using its statutory nuisance powers, but it is not, that person may apply to the magistrates’ court under section 82 of the Environmental Protection Act 1990. Accordingly, this article is seeking to fill in a legislative gap by extending the effect of section 158.

1.3.4.

This Statement first describes the legislative context for the identification of matters which may constitute statutory nuisance and the methodology for the assessment of these. This is followed by a summary of the assessment of the statutory nuisances, using information from the ES Chapters (Volume II) (**Document reference: D.6.2**), including any relevant mitigation measures and residual effects, which may either be embedded within the design of the DCO Proposed Development or secured through requirements within the DCO (**Document reference: D.3.1**).

2. APPROACH TO ASSESSMENT OF STATUTORY NUISANCE

2.1. LEGISLATIVE FRAMEWORK

2.1.1. Section 79(1) of the EPA identifies the matters which are considered to be statutory nuisance as follows:

- 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.*
 - fba) Artificial light emitted from premises artificial light emitted from premises and any stationary object so as to be prejudicial to health or a nuisance*
- g) *Noise emitted from premises so as to be prejudicial to health or a nuisance.*
 - ga) Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road.*
- h) *Any other matter declared by any enactment to be statutory nuisance.*

2.2. SIGNIFICANCE

2.2.1. The ES Volume II (**Document reference: D.6.2**) for the DCO Proposed Development provides an assessment of the potential effects on receptors as negligible, minor, moderate or major. Moderate and major effects are considered to be significant for the purposes of the EIA. While there are no such systematic criteria for defining statutory nuisance, for the purposes of this statement, it has been considered that effects which are not significant in EIA terms are extremely unlikely to be of a level which could constitute statutory nuisance. Accordingly, the EIA conclusions have been used to assist in identifying any risk of statutory nuisance for this statement.

2.2.2.

Matters which could give rise to statutory nuisance under Section 79(1) of the EPA are covered within Sections 3 and 4 of this report or are excluded as outlined in **Table 1**, depending on whether likely significant effects were identified within the ES.

Table 1 - EPA Section 79(1) Matters and Significance of Effects

EPA Section 79(1) Matters and Significance of Effects	Section within Statement to be Considered
(a) Any premises in such a state as to be prejudicial to health or a nuisance.	No premises are expected to be left in a state to be prejudicial to health or a nuisance as a result of the DCO Proposed Development. This matter is not considered further within this statement.
(b) Smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated during normal operation of the DCO Proposed Development. This matter is not considered further within this Statement.
(c) Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance.	The Air Quality Assessment did not identify any likely significant effects from emitted fumes or gases. This matter is therefore considered under Section 4 of this Statement.
(d) Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance.	The Air Quality Assessment did not identify any likely significant effects from dust, steam, smell or other effluvia. This matter is therefore considered under Section 4 of this Statement.
(e) Any accumulation or deposit which is prejudicial to health or a nuisance.	The Land and Soils assessment did not identify any likely significant effects for human receptors. This matter is therefore considered under Section 4 of this Statement.
(f) Any animal kept in such a place or manner as to be prejudicial to health or a nuisance.	No animals will be kept as part of the DCO Proposed Development. This matter is therefore not considered further in this Statement.
fa) Any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance.	The nature of the DCO Proposed Development provides no indication that insects will emanate any associated premises or be attracted to it. This matter is therefore not considered further in this Statement.

<p>(fb) Artificial light emitted from premises so as to be prejudicial to health or a nuisance.</p>	<p>The Landscape and Visual Assessment did not identify any likely significant effects relating to artificial lighting. This matter is therefore considered further in Section 4 of this Statement</p>
<p>(g) Noise emitted from premises so as to be prejudicial to health or a nuisance.</p>	<p>The Noise Assessment did not identify any likely significant effects. This matter is therefore considered further in Section 4.</p>
<p>(ga) Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road.</p>	<p>The Noise Assessment identified likely significant effects in the construction and decommissioning stages only. This matter is therefore considered further in Section 3.</p> <p>No significant effects due to noise are anticipated during operation of the DCO Proposed Development. This matter is therefore considered further in Section 4 of this Statement</p>
<p>(h) Any other matter declared by any enactment to be statutory nuisance.</p>	<p>No other matters are considered to be a potential statutory nuisance associated with the DCO Proposed Development.</p>

3. LIKELY SIGNIFICANT EFFECTS

- 3.1. EPA SECTIONS 79(1) (G) NOISE EMITTED FROM PREMISES SO AS TO BE PREJUDICIAL TO HEALTH OR A NUISANCE AND (GA) NOISE THAT IS PREJUDICIAL TO HEALTH OR A NUISANCE AND IS EMITTED FROM OR CAUSED BY A VEHICLE, MACHINERY OR EQUIPMENT IN A STREET OR IN SCOTLAND, ROAD.**
- 3.1.1. The assessment of noise and vibration is presented within Chapter 15 of the ES (**Document reference: D.6.2.15**).
- 3.1.2. The assessment identifies that construction and decommissioning of the DCO Proposed Development is likely to result in temporary significant effects upon multiple noise sensitive receptors. This relates to daytime and night-time noise impacts as a result of construction activities upon receptors primarily located in Sections 3, 4 and 5 (as illustrated in Figure 3.2 – DCO Proposed Development (**Document reference: D.6.4.3.2**) including residential areas of Mollington, Sandycroft, Aston, Ewloe and Northop Hall. Decommissioning is anticipated to cause temporary significant effects upon one receptor – this being the nearest dwelling to the Cornist Lane BVS.
- 3.1.3. As described in Chapter 3 of the ES (**Document reference: D.6.2.3**), for construction activities associated with the trenchless installation techniques, continual 24-hour working may be required to allow the tunnelling activities to be completed as safely and quickly as possible. The duration of 24 hour working at the majority of trenchless crossings is not likely to exceed a period of days, though the longer crossings in difficult ground conditions are expected to last up to four weeks. The extended four week period of working is expected to be only at six specific crossings:
- TRS 01: Hapsford railway line (and spur to Encirc glass factory)
 - TRS 02: A5117 (north of M56 Chester Services)
 - TRS 28: River Dee
 - TRS 31/32: Chester Road
 - TRS 38: Church Lane
 - TRS 37: A494
- 3.1.4. For construction activities associated with these trenchless installation techniques, some receptors are likely to experience an adverse noise impact during the evening and night-time of either medium or high magnitude. However, it is acknowledged that, at the majority of crossings, this activity will occur occasionally and for a short period of time and less than the period defined within Chapter 15 of the ES (**Document reference: D.6.2.15**) i.e. 10 or more days or nights in any 15 consecutive days or nights; or a total number of days exceeding 40 in any six consecutive months.

- 3.1.5. Therefore, it is considered not to be a significant effect at most locations and a significant effect at specific locations where the period exceeds the duration defined above in **Paragraph 3.1.4**.
- 3.1.6. These significant effects may therefore cause the following Statutory Nuisance as set out in EPA Section 79(1):
- (ga) Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road.
- 3.1.7. Mitigation measures specified in the ES would reduce the risk of statutory nuisance from occurring as far as reasonably practicable through the application of standard controls on working and specific measures to address noise. This includes measures inherent in the design as well as additional measures which will be secured via the **Register of Environmental Actions and Commitments (REAC) (Document reference: D.6.5.1)**. Measures include:
- Prior consent agreement for any works outside core hours, where there is potential for significant adverse effects.
 - Contact details for nominated site contact for local residents to deal with complaints and engaging with local residents.
 - Selection of quiet and low noise equipment and methodologies.
 - Optimal location of acoustic screening to minimise noise adverse effects.
 - Optimal location of equipment on site to minimise noise disturbance.
 - The provision of acoustic enclosures around static plant, where necessary and appropriate.
 - Use of less intrusive alarms, such as broadband vehicle reversing warnings, wherever possible.
- 3.1.8. Prior to the commencement of the construction period, a Noise and Vibration Management Plan will be produced and agreed with the Local Authorities setting out the requirements for noise and vibration mitigation measures. The production of a Noise and Vibration Management Plan and agreement with the Local Authorities is a requirement in the Draft DCO (**Document reference: D.3.1**). The measures set out in this plan will seek to achieve a noise level reduction of 10dB(A). It is expected that this could be achieved by the use of temporary noise barriers, enclosures and selection of quiet plant, where possible and practicable.
- 3.1.9. The construction programme will seek to minimise the duration of high noise generating construction activities, as far as practicably possible. Where construction activities near sensitive areas are expected to affect residents with a magnitude of medium and high, and exceeds the duration defined above in **Paragraph 3.1.4**, then a set of enhanced mitigation measures will be discussed

and agreed with the appropriate Local Authority through a Noise and Vibration Management Plan

4. INSIGNIFICANT EFFECTS

4.1. EPA SECTION 79(1) (C) FUMES OR GASES EMITTED FROM PREMISES SO AS TO BE PREJUDICIAL TO HEALTH OR A NUISANCE

4.1.1. The assessment of impacts upon air quality is presented in Chapter 6 of the ES (**Document reference: D.6.2.6**).

4.1.2. The assessment considers the potential impacts resulting from emissions from plant, equipment and vehicles during the construction stage and from temporary venting during operational stage.

4.1.3. The assessment concludes that with the following mitigation measures (amongst others) in place, no significant effects are predicted:

- Develop and implement a stakeholder communications plan that includes community engagement before work commences on site.
- Record all air quality complaints, identify causes, take appropriate practicable measures to reduce emissions in a timely manner, and record the measures taken.
- Record any exceptional incidents that cause dust and/or air emissions (either on or off site) and any action taken to resolve the situation in the logbook.
- Ensure all vehicles switch off engines when not in use – no idling vehicles.
- Avoid the use of diesel or petrol powered generators for example by using hybrid site generators where practicable.
- An Odour Management Plan will be put in place to notify local residents (as early as possible) of all planned pigging campaigns and manifold venting. Prior notification to the local residents will reduce concern amongst the population should odours be detected. The Odour Management Plan will be produced in accordance with the Environment Agency's Guidance on Odour Management.

4.2. (D) ANY DUST, STEAM, SMELL OR OTHER EFFLUVIA ARISING ON INDUSTRIAL, TRADE OR BUSINESS PREMISES AND BEING PREJUDICIAL TO HEALTH OR A NUISANCE.

4.2.1. The assessment of impacts upon air quality is presented in Chapter 6 of the ES (**Document reference: D.6.2.6**).

4.2.2. The assessment considers the likelihood for construction works to cause dust impacts to local receptors such as residents as well as the potential for temporary venting during operation to cause odour impacts.

4.2.3. The assessment concludes that with the following mitigation measures (amongst others) in place, no significant effects are predicted:

- Undertake daily on-site and off-site inspections (up to a minimum of 50m from the site boundary), where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked;
- Develop and implement a Dust Management Plan (DMP), which will include measures to control other emissions, approved by the Local Authority;
- Agree dust deposition, dust flux, or real-time PM₁₀ continuous monitoring locations with the Local Authority. Continuous monitoring will be undertaken at Centralised Compounds, with visual inspections elsewhere.
- Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the Local Authority when asked;
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate;
- Use covered skips;
- Pigging campaigns and manifold venting will wherever possible take place during the working day, and not overnight. This will decrease the chances of venting occurring during a stability class G meteorological condition (clear, very stable nights) and therefore minimising the concentrations of H₂S during the operations.

4.3. **(E) ANY ACCUMULATION OR DEPOSIT WHICH IS PREJUDICIAL TO HEALTH OR A NUISANCE**

4.3.1. The assessment of ground conditions is presented in Chapter 11 of the ES (**Document reference: D.6.2.11**).

4.3.2. The assessment identified a number of possible sources of contamination which have the potential to impact human health during construction. However, with the implementation of the following mitigation measures (amongst others) the effects are not predicted to be significant:

- If during construction and excavation works any contaminated material is revealed, then the movement of such material, either on or off site, will be completed in consultation with the relevant public body, being the EA or NRW;
- Acute exposure to potential contamination will be mitigated through normal working practice using appropriate Risk Assessment Method Statement (RAMS) and use of standard Personal Protective Equipment (PPE) and hygiene best practice;

- Any unexpected contamination or differing ground conditions from those expected (i.e., those detailed in the Phase II Geoenvironmental Report) encountered during the works should have robust mitigation protocols recorded set out within the **Register of Environmental Actions and Commitments (REAC) (Document reference: D.6.5.1)** with protocols in relation to human health risk, controlled water risk and potential ground gas generation;
- A suitable remediation strategy will be produced if required following any additional Ground Investigation of point sources of contamination or if unexpected Made Ground is encountered during the construction phase. The remediation strategy will be approved by the Local Authority (FCC / CWCC) prior to being implemented to mitigate unacceptable contaminated land related risks.

4.4. (FB & FBA) ARTIFICIAL LIGHT EMITTED FROM PREMISES SO AS TO BE PREJUDICIAL TO HEALTH OR A NUISANCE

4.4.1. The potential for impacts of artificial lighting, which is expected to be temporarily required during construction at construction compounds and working areas as well as during operation at the AGIs and BVSs have been scoped out of the assessment in Chapter 12 of the ES (**Document reference: D.6.2.12**).

4.4.2. During construction, task orientated lighting will be used in shifts at the lowest luminosity necessary for safe delivery of each task i.e. it will not be continuous. It will be designed, positioned, and directed to reduce the intrusion into adjacent properties and habitats. The exception to this would be at trenchless crossings where 24 hour working may be required. This will be a maximum 4 week period at each location although the duration of 24 hour working at the majority of trenchless crossings is not likely to exceed a period of days. It is therefore considered temporary in nature and unlikely to result in significant effects.

4.4.3. In operation, no permanently switched on lighting is required except at Stanlow AGI where the lighting associated with columns up to 5m height may be on permanently for security reasons. Due to the location within the existing refinery which is already lit this is therefore unlikely to result in significant effects. While there will be permanent lighting columns at the AGIs and BVSs during operation, these will be operated manually for maintenance or inspection purposes only. Lighting will therefore only be on for short, temporary periods. It is therefore unlikely that lighting would result in significant effects.

4.5. (G) NOISE EMITTED FROM PREMISES SO AS TO BE PREJUDICIAL TO HEALTH OR A NUISANCE

4.5.0. During the operational phase, the noise levels of the equipment in each of the AGIs and BVSs will be limited to the following levels at the nearest receptor, or a similar configuration of values as appropriate to comply with the requirement in the Draft DCO (**Document reference: D.3.1**) on operational noise so as to

avoid the potential for adverse significant effects at the nearest noise sensitive receptors.

Table 2 - Operational Noise Level Assumptions

Plant	Location	Noise Level LAeq,T dB
One air conditioning unit per kiosk	1m from unit	65
One extraction fan per kiosk	1m from unit	65

4.5.1.

The way in which the levels will be achieved will be finalised during detailed design. However, measures anticipated included selection and use of low noise plant, orientation of noise sources, acoustic enclosures, acoustic louvres among others. Rating noise levels for normal mode of operation predicted at 1m from the façade of noise sensitive receptors as listed in **Table 15-22** and **Table 15-23** of Chapter 15 of the ES (**Document reference: D.6.15**) will not be exceeded (**D-NV-011** of the **Register of Environmental Actions and Commitments (REAC)** (**Document reference: D.6.5.1**) and will be secured through a Requirement in the **Draft DCO (Document Reference: D.3.1)**.

5. CONCLUSION

5.1. POTENTIAL FOR NUISANCE

- 5.1.1. This Statement identifies the matters set out in Section 79(1) of the EPA in respect of statutory nuisance and considers whether the DCO Proposed Development could cause a statutory nuisance.
- 5.1.2. The only matters addressed by the ES which has been assessed as likely to be significant for the DCO Proposed Development and which may have a bearing on the EPA is the following item under Section 79(1) of the EPA:
- g) Noise emitted from premises so as to be prejudicial to health or a nuisance.*
- ga) Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road.*
- 5.1.3. However, it is demonstrated in **Section 3** of this Statement that the DCO Proposed Development would implement mitigation to minimise the impact and duration of high noise generating construction and decommissioning activities, as far as practicably possible.
- 5.1.4. Other potential nuisance aspects have been considered in **Section 4** and through embedded mitigation, no statutory nuisance effects are considered likely to occur.