

**M42 Junction 6 Improvement
Scheme Number TR010027
Volume 6**

6.9 Statement of Statutory Nuisance

Regulation 5(2)(f)

Planning Act 2008

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

January 2019

Infrastructure Planning

Planning Act 2008

M42 Junction 6 Improvement Scheme
Development Consent Order 2018

Statement of Statutory Nuisance

	Planning Act 2008 Section 5(2)(f)
Planning Inspectorate Scheme Reference	TR010027
Application Document Reference	6.9
Author	M42 Project Team, Highways England

Version	Date	Status of Version
Rev 1	January 2019	DCO Application

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document	1
1.2 The Scheme	1
1.3 Summary of Conclusions	4
2 Policy and statutory context	6
2.1 Policy context	6
2.2 Section 79(1) Environmental Protection Act 1990	6
3 Potential for breaches of Section 79(1) of the Environmental Protection Act 1990	8
3.1 Introduction	8
3.2 Dust arising on business premises (section 79(1)(d) of the EPA)	8
3.3 Accumulation or deposit (section 79(1)(e) of the EPA)	9
3.4 Artificial light emitted from premises so as to be prejudicial to health or a nuisance (section 79(1)(fb) of the EPA)	9
3.5 Noise emitted from premises, or emitted or caused by a vehicle or machinery in a street (section 79(1)(g) and (ga) of the EPA)	10
4 Conclusion	13

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Statutory Nuisance identifies whether the Scheme engages one or more of the statutory nuisances, set out in section 79(1) of the Environmental Protection Act 1990 (the EPA), and if so, how Highways England proposes to mitigate or limit such nuisances.
- 1.1.2 This Statement of Statutory Nuisance has been prepared in accordance with the requirements of section 37(3)(d) of the Planning Act 2008 and regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).
- 1.1.3 As this statement is part of the application documents, it should be read alongside and is informed by the other application documents. In particular, this statement should be read alongside the Environmental Statement (Application Document 6.1).

1.2 The Scheme

Location and elements

- 1.2.1 The Scheme would be implemented within an area broadly defined by M42 Junction 7 to the north, Birmingham Airport and Catherine-de-Barnes to the west, Middle Bickenhill and Hampton-in-Arden to the east, and M42 Junction 5 to the south.
- 1.2.2 A more detailed description of these proposals is as follows:
M42 Junction 5A
- 1.2.3 A new junction (M42 Junction 5A) is proposed approximately 1.8 km south of M42 Junction 6. This dumbbell junction would comprise two roundabouts immediately north of Solihull Road, each positioned either side of the M42 motorway and connected by a new bridge over the M42. The new junction would have south facing slip roads only, enabling M42 northbound traffic to exit the M42 motorway and join a new dual carriageway link road, and traffic travelling from the new link road to join the M42 motorway in a southbound direction.
- 1.2.4 The existing Solihull Road overbridge would be demolished and rebuilt on a slightly modified alignment to accommodate the new slip roads.
Dual carriageway link road and the local road network
- 1.2.5 A new 2.4 km long dual carriageway link road (the link road) would connect M42 Junction 5A with the A45 at Clock Interchange, replacing the existing connection between Catherine de Barnes Lane and Clock Interchange. The link would be predominately positioned in cutting to minimise visual and environmental impacts on Bickenhill and the surrounding countryside.
- 1.2.6 Catherine de Barnes Lane would be realigned between Birmingham Dogs Home and Clock Interchange, and the existing connection to Clock Interchange would be closed.
- 1.2.7 A new roundabout (Barber's Coppice roundabout) to the east of Birmingham Dogs Home would provide access to the northbound carriageway of the link road, nearby properties and the Warwickshire Gaelic Athletic Association (GAA) sports facility

(referred to by the users as Páirc na hÉireann). From Barber's Coppice roundabout, the realigned Catherine de Barnes Lane would pass over the link road on a new bridge. The existing T-junction with Shadowbrook Lane would be realigned to the north of its current location.

1.2.8 North of Barber's Coppice roundabout; Catherine de Barnes Lane, St Peters Lane and Clock Lane would provide local access only, with no direct access onto the A45.

1.2.9 A new roundabout (Bickenhill roundabout) located to the west of Bickenhill village would connect Catherine de Barnes Lane to St Peters Lane, and the link road southbound off-slip. From Bickenhill roundabout, Catherine de Barnes Lane would connect to Clock Lane via a new overbridge crossing the link road, and to St Peters Lane, via a modified T-junction.

A45 Coventry Road and Clock Interchange

1.2.10 The link road would connect to the A45 via a reconfigured Clock Interchange roundabout, which would be widened to have three lanes, new traffic signals, and improvements to slip roads joining the interchange. On the approach to the Clock Interchange from the new link road, a segregated left turn lane would enable traffic to join the A45 and head westbound. Spurring off the northbound carriageway of the link road, prior to the junction at Clock Interchange, a new free flow slip road would allow road users to connect to the existing link leading to Airport Way; allowing direct access to Birmingham Airport and the National Exhibition Centre.

1.2.11 The existing segregated lane from Bickenhill Lane to the A45 eastbound would be closed. Works would also be undertaken to realign and widen Bickenhill Lane, immediately north of Clock Interchange.

M42 Junction 6 free flow links

1.2.12 A free flow link for A45 eastbound to M42 northbound traffic would be constructed on the north-west quadrant of the junction, with an underpass constructed beneath the existing National Exhibition Centre access. To facilitate construction of this link, a sloped abutment on the existing Eastway overbridge would be replaced with a retaining wall.

1.2.13 A free flow link from the M42 southbound to A45 eastbound would be constructed on the north-eastern quadrant of the junction. The existing connection to Eastway would be modified through the introduction of a new slip road and roundabout to maintain access from the M42 southbound to the National Exhibition Centre.

1.2.14 The slip road from the A45 eastbound to the Middle Bickenhill loop would be closed, and the the Middle Bickenhill loop connecting Eastway with the settlement of Middle Bickenhill would be upgraded to provide two-way access.

1.2.15 The existing M42 northbound to A45 westbound free flow link would be closed to traffic, and the M42 northbound off-slip road would be improved to accommodate four lanes of traffic and provide network resilience.

Modifications to the M42 motorway

1.2.16 Modifications would be undertaken to the M42 between Junctions 5 and 7 to alter the location and spacing of several emergency refuge areas (ERAs), and to accommodate the additional signing, gantries and road markings required by the new road layout.

Modifications to the Warwickshire Gaelic Athletic Association

- 1.2.17 The link road would sever the existing access to the Warwickshire Gaelic Athletic Association from Catherine de Barnes Lane, and would require land currently used for sports pitches. Modifications would be made to reconfigure the access and the layout of the affected pitches using adjacent land to the south of the facility, in order to secure its continued operation and viability.

Land take and accommodation works

- 1.2.18 Land currently subject to a range of uses would be permanently taken to accommodate the engineering, drainage and environmental components of the Scheme, and temporarily for construction purposes.
- 1.2.19 New tracks, gated accesses and an accommodation overbridge across the link road (to the south east of Barber's Coppice roundabout) would enable landowners, residents and businesses to continue to access their property and land interests.

Road signage, markings, barriers, lighting and surfacing

- 1.2.20 New road signage and markings would be installed across the Scheme. Barriers would be installed on new and improved sections of road, with the appropriate type of road surfacing applied to new and improved sections of road depending on local conditions.
- 1.2.21 The new junctions on the M42 and Clock Interchange would be lit, and some slip roads and local road junctions would be partially lit.

Earthworks and drainage

- 1.2.22 A combination of earthworks cuttings and embankments would be used to reduce the environmental impact of the Scheme, and to achieve the desired levels to connect into the existing road network.
- 1.2.23 Drainage infrastructure comprising kerb drains, gullies, filter drains, reed bed systems, pumping stations, underground storage tanks, culvert extensions and swales would be installed to capture, direct, store, treat and discharge carriageway run-off into drainage networks maintained separately by Highways England and Solihull Metropolitan Borough Council.
- 1.2.24 Several new access tracks would be formed to allow drainage infrastructure to be inspected and maintained.

Landscaping and boundary treatments

- 1.2.25 Measures comprising improved grassland, trees, hedgerows and scrub planting would be used to: integrate the Scheme into the local landscape; create and enhance ecological habitats; screen new road infrastructure in existing views; provide visual interest to road users; and compensate for vegetation loss.
- 1.2.26 Boundaries created or altered by the Scheme would predominantly be demarcated using wooden post and rail fencing and hedgerows.

Non-motorised user provisions

- 1.2.27 Measures comprising footpaths, cycle paths, underpasses and bridge crossings would be implemented at locations throughout the Scheme to enable the continued movement of non-motorised users on routes affected by temporary or permanent closures and diversions.
- 1.2.28 Enhancements would also be made to existing routes and facilities, including the relocation of existing bus stops affected by the Scheme.

Construction

- 1.2.29 Construction of the Scheme is anticipated to commence in 2020. Works would be undertaken in sequential phases to reduce the extent and duration of disruption to residents, businesses and road users, and would be completed in 2024.
- 1.2.30 Temporary construction compounds would be established at several locations across the Scheme to provide equipment and materials storage, welfare facilities and parking for contract staff. The main compound would be located north of Bickenhill village, to the immediate south east of Clock Interchange. A number of smaller compounds would be formed along the link road and at other locations requiring specific works or activities.
- 1.2.31 The construction phase would require the use of different equipment and machinery suited to the location and nature of the works to be undertaken. Enabling works undertaken prior to the main construction activities would include: the diversion of utilities; the demolition of a small number of existing buildings and structures; vegetation clearance; the stripping and storage of top soil; and the formation of temporary fencing and accesses.
- 1.2.32 Activities during the main construction phase would comprise: traffic management; earthworks; carriageway formation and realignment; the erection of structures; and the installation of supporting infrastructure. Restoration works would be carried out to return areas of land used temporarily to their former condition and use, upon completion of the works.

Future maintenance

- 1.2.33 The future maintenance of the Scheme would be undertaken on a routine basis, and following any major incidents or extreme weather events. Typical activities would include the inspection and repair of barriers and signage, carriageway repairs, renewal of road markings, maintenance of highway verges and boundaries, landscape management, and the inspection and maintenance of road drainage infrastructure.

1.3 Summary of Conclusions

- 1.3.1 This Statement of Statutory Nuisance identifies the matters set out in section 79(1) of the EPA in respect of statutory nuisances and considers whether the Scheme would engage one or more of those matters. It identifies that grounds (d) (dust arising on business premises), (fb) (artificial light emitted from premises), (g) (noise emitted from premises) and (ga) (noise emitted from or caused by a vehicle, machinery or equipment in a street) have the potential to be engaged by the construction or operation of the Scheme.

-
- 1.3.2 The construction and operation activities that have the potential to create a nuisance would be controlled through the design of the Scheme and mitigation as set out in the Outline Environmental Management Plan (OEMP) [TR010027/APP/6.11], The Register of Environmental Actions and Commitments (REAC) and the Environmental Statement [TR010027/APP/6.1].

2 Policy and statutory context

2.1 Policy context

- 2.1.1 Paragraphs 4.57 to 4.59 of the National Policy Statement for National Networks (NPSNN) state the importance of considering the possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and how they may be mitigated or limited during the examination of a Nationally Significant Infrastructure Project by the Examining Authority, so that any additional requirements to avoid statutory nuisance are included in subsequent orders granting development consent.
- 2.1.2 Paragraph 5.81 details that the construction and operation of national networks infrastructure has the potential to create a range of emissions such as odour, dust, steam, smoke and artificial light, as well as noise and vibration.
- 2.1.3 Paragraph 5.82 states "*Because of the potential effects of these emissions and in view of the availability of the defence of statutory authority against nuisance claims described previously, it is important that the potential for these impacts is considered by the applicant in their application, by the Examining Authority in examining applications and by the Secretary of State in taking decisions on development consent.*"
- 2.1.4 Paragraphs 5.84 to 5.86 state that where a development is subject to an Environmental Impact Assessment (EIA) the applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light and describe these in the Environmental Statement.

2.2 Section 79(1) Environmental Protection Act 1990

- 2.2.1 This Statement of Statutory Nuisance identifies whether the Scheme engages one or more of the statutory nuisances, set out in section 79(1) of the EPA, and if so, how Highways England proposes to mitigate or limit such nuisances.
- 2.2.2 Section 79(1) of the EPA (as it applies in England) provides that the following matters constitute statutory nuisances:
- i. any premises in such a state as to be prejudicial to health or a nuisance;
 - ii. smoke emitted from premises so as to be prejudicial to health or a nuisance;
 - iii. fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
 - iv. any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
 - v. any accumulation or deposit which is prejudicial to health or a nuisance;
 - vi. any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
 - vii. (fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;
 - viii. (fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;

- ix. noise emitted from premises so as to be prejudicial to health or a
- x. nuisance;
- xi. (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; and
- xii. any other matter declared by any enactment to be a statutory nuisance.

2.2.3 Section 79 contains other exceptions and definitions in respect of statutory nuisance. The particular exceptions of relevance to the Scheme are:

- i. Section 79(4) – clarifies that subsection 1(c) (fumes or gases emitted from premises) does not apply in relation to premises other than private dwellings; and
- ii. Section 79(6A) – clarifies that subsection (1)(ga) (noise emitted by a vehicle or machinery in a street) does not apply to noise made by traffic but could apply to construction vehicles or plant.

2.2.4 Definitions are set out in section 79(7), and include the following relevant terms:

- i. 'dust' does not include dust emitted from a chimney as an ingredient of smoke;
- ii. 'fumes' means any airborne solid matter smaller than dust; 'gas' includes vapour and moisture precipitated from vapour;
- iii. 'industrial, trade or business premises' means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;
- iv. 'noise' includes vibration;
- v. 'prejudicial to health' means injurious, or likely to cause injury, to health; 'premises' includes land and ... any vessel;
- vi. 'private dwelling' means any building, or part of a building, used or intended to be used, as a dwelling;
- vii. 'street' means a highway and any other road, footway, square or court that is for the time being open to the public.

3 Potential for breaches of Section 79(1) of the Environmental Protection Act 1990

3.1 Introduction

3.1.1 This section considers the types of impacts associated with the Scheme that could potentially engage one or more of the matters set out in section 79(1) of the EPA.

3.1.2 The provisions of section 79(1) of the EPA that could potentially be engaged by the Scheme are:

- i. (d) any dust arising on business premises; (fb) artificial light emitted from premises;
- ii. (g) noise emitted from premises; and
- iii. (ga) noise emitted from or caused by a vehicle, machinery or equipment in a street.

3.1.3 As noted above, subsection 79(1)(ga) (noise emitted by a vehicle or machinery in a street) does not apply to noise made or smoke, fumes or gases emitted by traffic. Accordingly, these provisions would not be engaged by the traffic which will use the Scheme during its operational phase or construction traffic but could be engaged by noise generated by construction vehicles on site, plant and machinery.

3.1.4 It is noted that statutory nuisance category (c) (emission of fumes and gases) applies only to private dwellings (as noted in section 79(4) of the EPA) and is therefore not relevant to the Scheme.

3.1.5 Each of these categories of statutory nuisance potentially engaged by the Scheme is considered below.

3.2 Dust arising on business premises (section 79(1)(d) of the EPA)

3.2.1 During the construction phase of the Scheme there would be activities with the potential to cause dust arisings, such as earth moving and demolition, of such a scale as to have the potential to generate complaints of effects on amenity and to cause a nuisance. Chapter 6 of the Environmental Statement ((TR010027/APP/6.1) assesses the likely air quality impacts associated with the construction and operational phases of the Scheme. It considers potential impacts from the construction phase of the Scheme arising from dust generating activities such as earth moving and demolition, and emissions arising from non-road mobile machinery.

3.2.2 As part of this assessment, the potential dust impacts on receptors during the construction phase caused by dust arisings from the site have been assessed on human receptors located within 200 metres of the construction site or affected road network (ARN) during operation.

3.2.3 The methodology for the assessment of construction dust and its conclusions are presented within Chapter 6 of the Environmental Statement [TR010027/APP/6.1].

3.2.4 The construction phase dust assessment is set out in section Chapter 6 of the Environmental Statement [TR010027/APP/6.1]. It concludes that the adoption of the suggested mitigation measures would minimise the risk of generating dust arisings of sufficient magnitude to generate significant adverse effects at sensitive receptors.

- 3.2.5 The same conclusion is reached by the Environmental Statement in relation to other emissions.
- 3.2.6 Environmental Statement Chapter 6 [TR010027/APP/6.1] explores the potential mitigation measures that could be applied to the Scheme and the relevant measures are secured through the OEMP [TR010027/APP/6.11]. These include measures such as site inspections, vehicle speed limits, screening, and planning site layout to ensure dusty activities are located away from receptors.
- 3.2.7 No significant dust arisings are expected as a result of the operation of the Scheme, thus no mitigation measures for dust are required during operation.
- 3.2.8 With the measures described above in place, dust arisings during construction and operation would be controlled and would not give rise to any nuisance, nor would it be prejudicial to health under section 79(1)(d) of the EPA.

3.3 Accumulation or deposit (section 79(1)(e) of the EPA)

- 3.3.1 During the construction phase of the Scheme there would be potentially dust generating activities, such as earth moving and demolition. Chapter 6 of the Environmental Statement [TR010027/APP/6.1] assesses the likely air quality impacts associated with the construction and operational phases of the Scheme. It considers potential impacts from the construction phase of the Scheme arising from dust generating activities such as earth moving and demolition, and emissions arising from non-road mobile machinery.
- 3.3.2 As part of this assessment, the potential accumulation and deposition of dusty material through changes in dust deposition rates at receptors during the construction phase have been assessed on human receptors located within 200 metres of the construction site or affected road network (ARN) during operation.
- 3.3.3 The methodology for the assessment of construction dust and its conclusions are presented within Chapter 6 of the Environmental Statement [TR010027/APP/6.1]
- 3.3.4 Environmental Statement Chapter 6 [TR010027/APP/6.1] assessed the implications of the Scheme with the application of the relevant measures as defined within the OEMP [TR010027/APP/7.2]. These include measures such as site inspections, vehicle speed limits, screening, and planning site layout to ensure dusty activities are located away from receptors.
- 3.3.5 The construction phase dust assessment is set out in Chapter 6 of the Environmental Statement. It concludes that the adoption of the mitigation measures to limit the dust arisings from the construction site would minimise the risk of significant adverse effects due to changes in the dust deposition rate at sensitive receptors.
- 3.3.6 No significant dust nuisance is expected as a result of the operation of the Scheme and therefore no mitigation measures for dust are required during operation. This is because during operation, the Scheme would not be a significant dust emission source.
- 3.3.7 With the measures described above in place, dust during construction and operation would be controlled and would not give rise to any nuisance, nor would it be prejudicial to health under section 79(1)(e) of the EPA.

3.4 Artificial light emitted from premises so as to be prejudicial to health or a nuisance (section 79(1)(fb) of the EPA)

- 3.4.1 For artificial light to count as a statutory nuisance it must do one of the following:

- i. unreasonably and substantially interfere with the use or enjoyment of a home or other premises; or
 - ii. injure health or be likely to injure health.
- 3.4.2 The construction phase of the Scheme would introduce additional temporary lighting, as a result of the provision of lighting for works compounds and general working areas in winter months.
- 3.4.3 The majority of construction activity would be undertaken between the hours of 7am to 5pm on weekdays, and 7am to 1pm on Saturdays. During those working hours, artificial lighting of construction areas during the summer months would be kept to a minimum.
- 3.4.4 It is possible that there may be a requirement for limited night-time working in certain areas for traffic management purposes, for example where works affect the motorway junctions, although this remains to be confirmed. There will be no extended night-time work.
- 3.4.5 Lighting would be managed in compliance with the OEMP, in order to minimize the adverse impacts of site lighting, for example by directing lights towards the working areas and avoiding light-spill. Due to the limited duration of any nighttime works and the application of mitigation measures, it is considered that no statutory nuisance will arise during construction.
- 3.4.6 The potential nuisance created through operational lighting would be reduced through the detailed design of the Scheme, minimising the impact of road lighting through careful placement where such a system was deemed essential. This would reduce the effect of lighting on the surrounding environment.
- 3.4.7 Of those receptors that are likely to receive artificial lighting in connection with construction or operation of the Scheme, it is not envisaged that such lighting would impact on health of the receptors nor unreasonably or substantially interfere with the use or enjoyment of a home or other premises. With the application of mitigation measures included in the OEMP, no statutory nuisance under section 79(1)(fb) would arise during construction or operation of the Scheme as a result of artificial lighting.

3.5 Noise emitted from premises, or emitted or caused by a vehicle or machinery in a street (section 79(1)(g) and (ga) of the EPA)

- 3.5.1 The Scheme has the potential to generate noise during construction from the operation of construction plant.

Construction

- 3.5.2 Chapter 12 of the Environmental Statement [TR010027/APP/6.1] assesses the likely noise and vibration impacts associated with construction of the Scheme. The assessment considers the impacts of construction noise and vibration at a selection of residential properties in close proximity to the works, including site compounds and haul roads within the boundary of the works.
- 3.5.3 Chapter 12 of the Environmental Statement predicts likely significant adverse effects at the closest receptors to the site clearance, surfacing works drainage, fencing, A45 NMU bridge gantry demolition, earthworks for new link road and piling and capping the NW free flow bridge. The environmental statement notes that

noise levels are predicted to exceed the Significant Observed Adverse Effect Level (SOAEL) for short periods, during the:

- i. site clearance and surfacing works and Solihull Road bridge demolition at night at Woodside and Mayfield on Solihull Road,
- ii. NW free flow link bridge piling and capping at Bridge House, Church Lane and two properties in Wyckhams Close
- iii. earthworks constructing the new link road at The Dale, Catherine de Barnes Lane; Rose Cottage, Orchard Cottage, Ivy Cottage and The Barn at Glebe Farm, St Peter's Lane; Church Garth and Harpsford on St Peter's Lane; 1,2, 3 Clock Cottages, Clock Lane; Cedar Cottage, Laurel Cottage, Beech Cottage and Ash Cottage on Clock Lane.

- 3.5.4 The OEMP [TR010027/APP/6.11] includes measures to reduce as far as practicable the change in noise levels experienced at the affected receptors. Those measures include the requirement to prepare a noise and vibration management plan that will include details and locations of acoustic screening, measures to integrate noise management within works method statements and provision for noise insulation or temporary re-housing if appropriate and necessary.
- 3.5.5 Section 60 of the Control of Pollution Act 1974 relates to the control of noise on construction sites and enables the local authority to serve a notice of its requirements for the control of site noise and vibration on the person(s) deemed to be responsible for, or carrying out the works. The notice allows the local authority to specify methods, plant or machinery used for the works, specify hours during which the construction work can be carried out, and specify the level of noise that can be emitted by the works.
- 3.5.6 Section 61 of the Control of Pollution Act 1974 allows for the main contractor to obtain consent from the local authority regarding noise requirements of the works prior to them commencing. It may be in the interest of the contractor to apply for consent because once it has been granted the local authority cannot take action under section 60 of the Control of Pollution Act 1974 or section 80 of the EPA, so long as the consent remains in force and the contractor complies with its terms.
- 3.5.7 While significant residual adverse effects are predicted by the assessment, taking into account the mitigation and other measures secured in the OEMP, and the temporary and transient nature of the noise generating works, the construction of the scheme is unlikely to be prejudicial to health or cause a nuisance and is unlikely to give rise to a statutory nuisance under section 79(1)(g) or (ga) of the EPA.

Operation

- 3.5.8 In Chapter 12 of the Environmental Statement [TR010027/APP/6.1], the assessment has concluded that the operational traffic noise and vibration effects on Noise Sensitive Receptors (NSRs) are considered to not generate significant adverse noise effects.
- 3.5.9 As part of the Scheme, the sport pitches at Warwickshire Gaelic Athletics Association (WGAA) would be reconfigured. Although the final design of the reconfiguration of the site has not been agreed, Chapter 12 has assessed the potential noise impacts of the worst case scenario. It has been predicted that the noise from the reconfigured pitches could result in a 3 dB increase at the nearest NSR however the predicted noise levels are below the daytime World Health Organisation (WHO) guidelines level lower criterion of 50 dB L_{Aeq} and are lower or similar to the existing ambient

noise levels at the nearest NSR. The club house building may be relocated closer to the nearest NSR. It is assumed that the use of the clubhouse would continue as a venue that holds functions with amplified music. However, no information is available regarding noise levels from the existing clubhouse and the proposed specification of the configuration is not known. As such, a noise limit for the new club house has been set based on guidance in the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' and associated Annex.

- 3.5.10 Provided the noise limits for the club is met, the operation of the reconfigured WGAA is therefore unlikely to give rise to a statutory nuisance under section 79(1)(g) of the EPA.

4 Conclusion

- 4.1.1 This statement of Statutory Nuisance identifies the matters set out in section 79(1) of the EPA in respect of statutory nuisances and considers whether the Scheme would engage one or more of those matters.
- 4.1.2 The construction and operation activities that have the potential to create a nuisance has been controlled through the design of the Scheme and mitigation as set out in the OEMP and the supporting Register of Environmental Actions and Commitments (REAC) [TR010027/APP/6.11], both of which would be refined further in the appointed contractors' Construction Environment Management Plan (CEMP) for the works.
- 4.1.3 With the measures in place, none of the statutory nuisances identified in section 79(1) of the EPA are predicted to arise during the construction or operation of the Scheme.