

REPORT

Boston Alternative Energy Facility

Statutory Nuisance Statement

Client: Alternative Use Boston Projects Ltd
Planning Inspectorate Reference: EN010095
Document Reference: 5.5
Pursuant to: APFP Regulation: 5(2)(f)
Reference: PB6934-RHD-ZZ-XX-RP-Z-3037
Status: Final/0.0
Date: 23 March 2021





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Document title: Boston Alternative Energy Facility

Document short title: Statutory Nuisance Statement
Reference: PB6934-RHD-ZZ-XX-RP-Z-3037
Status: 0.0/Final
Date: 23 March 2021
Project name: Boston Alternative Energy Facility
Project number: PB6934
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Date: 18/11/20 GB

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Date: 22/03/21 PS

Classification

Project related

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Executive Summary

This Statement has been prepared for the Boston Alternative Energy Facility (the Facility) pursuant to regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the “APFP Regulations”) which provides that an application for development consent 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 therefore) of the Environmental Protection Act 1990, and if so how the applicant proposes to mitigate or limit them”.

Section 79 (1) of the Environmental Protection Act 1990 (EPA 1990), as it applies in England and Wales, provides for a series of matters which could constitute a statutory nuisance.

Of these matters, the Facility could potentially lead to the following:

- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being 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; 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.

The potential impacts of the Facility in relation to these matters has been explored, taking evidence and results of assessments from the Environmental Statement (ES) (document reference 6.2) where necessary.

Mitigation measures, as proposed in the ES, would be applied to the construction, operation and maintenance of the Facility.

Taking this into account, as well as the embedded mitigation inherent in the design of the Facility, this Statement concludes that construction, operation and maintenance of the Facility would not give rise to impacts which would be likely to constitute a statutory nuisance as defined by the Environmental Protection Act 1990.

1 Introduction

1.1.1 This Statement in respect of Statutory Nuisance (the “Statement”) accompanies the application by Alternative Use Boston Projects Limited (the Applicant) for development consent under Section 37 of the Planning Act 2008.

1.1.2 This Statement has been prepared pursuant to regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the “APFP Regulations”) which provides that an application for development consent 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 therefore) of the Environmental Protection Act 1990, and if so how the applicant proposes to mitigate or limit them”.

1.1.3 This Statement has been prepared having regard to the requirements in Overarching National Policy Statement for Energy EN-1 paragraph 4.14.2 for consideration of possible sources of nuisance and how they might be mitigated or limited, and the *Planning Act Application Form Guidance* published by the Department for Communities and Local Government (DCLG) in June 2013.

1.1.4 This Statement describes the relevant nuisances defined in the EPA 1990, which are a result of the Facility. It should be read alongside the following documents which form part of the Application:

- The ES (document reference 6.2) which reports on likely significant environmental effects during the construction, operation, maintenance and decommissioning phases and identifies mitigation measures to avoid or minimise effects; and
- The Outline Code of Construction Practice (OCoCP) (document reference 7.1) through which mitigation measures identified will be applied during the construction of the Facility.

1.2 Environmental Protection Act 1990

1.2.1 Section 79(1) of the Environmental Protection Act 1990, as it applies in England and Wales, provides that each of the following matters constitutes a statutory nuisance:

- (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 of 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 or in Scotland, road;
 - (h) Any other matter declared by an enactment to be a statutory nuisance.
- 1.2.2 Paragraph (h) of Section 79(1) incorporates any other matter declared to be a statutory nuisance in any enactment. The Public Health Act 1936 provides that various other matters are statutory nuisances for the purposes of the Environmental Protection Act 1990. However, none of these matters are considered relevant to the Facility.
- 1.2.3 The remaining sub-sections in Section 79 contain exceptions and definitions. The following exceptions are relevant to the Facility:
- (1A) No matter shall constitute a statutory nuisance to the extent that it consists of, or is caused by, any land being in a contaminated state.
 - (1B) Land is in a “contaminated state” for the purposes of subsection (1A) above if, and only if, it is in such a condition, by reason of substances in, on or under the land, that:
 - (a) Harm is being caused or there is a possibility of harm being caused; or
 - (b) Pollution of controlled waters is being, or is likely to be, caused;And in this subsection “harm”, “pollution of controlled waters” and “substance” have the same meaning as in Part IIA of this Act.

1.3 The Proposed Development

1.3.1 The Applicant is applying to the Secretary of State under the Planning Act 2008 for the powers to construct, operate and maintain an Energy from Waste (EfW) plant. The Facility will have a generating capacity of approximately 102 megawatts electric (MWe) (delivering 80 MWe to the National Grid) using Refuse Derived Fuel (RDF) as a feedstock into a Thermal Treatment facility generating power via steam turbine engines. As the Facility will be in excess of 50 MWe capacity it is classified as a Nationally Significant Infrastructure Project (NSIP) under section 14 of the Planning Act 2008 and therefore requires a Development Consent Order (DCO) to authorise its construction and operation.

1.3.2 The Facility would comprise the following main elements:

- A wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
- A RDF bale contingency storage area, including sealed drainage, with automated crane system for transferring bales;
- Conveyor system running in parallel to the wharf between the RDF storage area and the RDF bale shredding plant. Part of the conveyor system is open and part of which is under cover (including thermal cameras);
- Bale shredding plant;
- RDF bunker building;
- Thermal treatment plant comprising three nominal 34 MWe combustion lines (circa 120 megawatts thermal (MWth)) and associated ductwork and piping, transformer pens, diesel generators, three stacks, ash silos and ash transfer network; and air pollution control residues (APCr) silo and transfer network;
- Turbine plant comprising steam turbine generators, make-up water facility and associated piping and ductwork;
- Air-cooled condenser structure, transformer pen and associated piping and ductwork;
- Lightweight Aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos for incoming ash, APCr, and binder material (clay and silt), a dedicated berthing point at the wharf, silt storage and drainage facility, clay storage and drainage facility, LWA workshop, interceptor tank, LWA control room, aggregate storage facility and plant for loading aggregate / offloading clay or silt;
- Electrical export infrastructure;

- Two carbon dioxide (CO₂) recovery plants and associated infrastructure, including chiller units;
- Associated site infrastructure, including site roads, pedestrian routes, car parking, site workshop and storage, security gate, control room with visitor centre and site weighbridge; and
- Habitat Mitigation Works for redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders within the Habitat Mitigation Area.

2 Matters Potentially Engaged

2.1 Introduction

2.1.1 The following matters set out in section 79(1) of the Environmental Protection Act 1990 are potentially engaged by the Facility:

- a. Air quality impacts (including odour) that could engage paragraph (d) of section 79(1);
- b. Insect infestation within the RDF bales which could engage paragraph (fa) of section 79(1);
- c. Impacts from artificial light which could engage paragraph (fb) of section 79(1); and
- d. Noise impacts which could engage paragraphs (g) and (ga) of section 79(1).

2.1.2 Each of these impacts are discussed further below.

2.1.3 To the extent that any potential impacts could engage any of the matters set out in Section 79(1) of the Environmental Protection Act 1990, proposed mitigation measures to limit such impacts are also described. This section has been prepared with reference to the Environmental Statement (ES) (document reference 6.2) and the OCoCP (document reference 7.1) which have been prepared to accompany the DCO application.

2.1.4 The following matters listed in Section 79(1) are not considered to be engaged by the Facility:

- Any premises in such a state as to be prejudicial to health or a nuisance (s. 79(1)(a));
- Smoke emitted from premises so as to be prejudicial to health or a nuisance (s. 79(1)(b));
- Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance (s. 79(1)(c));

- Any accumulation or deposit which is prejudicial to health or a nuisance (s. 79(1)(e)); and
- Any other matter declared by an enactment to be a statutory nuisance (s. 79(1)(h)).

2.2 Air Quality

Construction Phase: Construction Dust and Particulate Matter

2.2.1 The construction works associated with the Facility have the potential to impact on local air quality conditions in the following manner:

- Dust emissions generated by demolition, excavation, construction and earthwork activities associated with the construction of the Facility, have the potential to cause nuisance to, and soiling of, sensitive receptors;
- Emissions of exhaust pollutants, especially NO₂ and PM₁₀/PM_{2.5} from construction traffic on the local road network, have the potential to adversely impact upon local air quality at sensitive receptors situated adjacent to the routes utilised by construction vehicles; and
- Emissions of NO₂ and PM₁₀/PM_{2.5} from non-road mobile machinery (NRMM) operating within the proposed development site, have the potential to adversely impact local air quality at sensitive receptors near the works.

2.2.2 The Institute of Air Quality Management (IAQM) guidance recommends that the dust emission magnitude is determined for demolition, earthworks, construction and trackout. There is not anticipated to be any demolition as part of the construction phase. The dust magnitudes for earthworks, construction and trackout were determined from site plans and in accordance with the IAQM methodology and are summarised in **Table 2-1**.

Table 2-1 Dust Emission Magnitude for the Facility

Construction Activity	Dust Magnitude	Justification
Earthworks	Large	Total site area > 10,000 m ²
Construction	Large	Total building volume > 100,000 m ³
Trackout	Large	> 50 outward HGV trips in any one day

2.2.3 The risk of potential impact of construction phase dust and PM₁₀ emissions during earthworks, construction and trackout is used to recommend appropriate mitigation measures. The dust magnitude for construction activities was categorised as **large** for earthworks, construction and trackout.

Mitigation

- 2.2.4 Step three of the IAQM guidance identifies appropriate site-specific mitigation. These measures are related to the site risk for each activity.
- 2.2.5 The dust assessment determined that there was a **medium risk** of impacts resulting from construction activities without the implementation of mitigation measures. Additional guidance is provided by the IAQM in relation to dust and air mitigation measures. It is recommended that the good practice measures outlined in the IAQM guidance are followed.
- 2.2.6 Recommendations will be detailed in the Air Quality and Dust Management Plan (AQDMP) to prevent or minimise the release of dust and/or dust being deposited on nearby receptors. Particular attention will be paid to operations which must unavoidably take place close to the site boundary. The effective implementation of the AQDMP will ensure that any potential dust releases associated with the construction phase will be reduced to suitable levels. The AQDMP will be included within the final CoCP before construction can begin, compliance with which is secured through DCO requirement 10. An outline CoCP (document reference 7.1) forms part of the DCO application, which will identify what must be included within the AQDMP.

Construction Phase: Air Emissions from Vehicle Movements

- 2.2.7 A moderate adverse effect was predicted at a receptor within the Haven Bridge AQMA as a result of construction traffic emissions; whilst the project-related impact was relatively small in magnitude, due to the elevated pollutant concentrations in this area the impact is classified as a greater magnitude.

Mitigation

- 2.2.8 The Outline Construction Traffic Management Plan (OCTMP) (document reference 7.2) includes a commitment requiring all construction vehicles to comply with the Euro VI emission standard where practicable (it is noted that some specialist vehicles may not be able to comply with this requirement). Project-related emissions would therefore be minimised insofar as is possible. The final CTMP produced in compliance with requirement 12 of the DCO will contain the same commitment.

Construction Phase: Odour from Capital Dredging

- 2.2.9 Capital dredging would be required to dredge the berthing pocket and dredged material would be disposed of on land. The decomposition of organic matter under anaerobic conditions can lead to odorous emissions, primarily as a result of hydrogen sulphide (H₂S). A risk-based assessment was undertaken to determine

the potential odour impacts of the capital dredging works in accordance with IAQM guidance (IAQM, 2016) (see **Chapter 14 Air Quality** of the ES (document reference 6.2.14)).

- 2.2.10 The overall source odour potential is considered to be **medium** based on the potential offensiveness of the odour and its low detection threshold.
- 2.2.11 The assessment, summarised in **Chapter 14 Air Quality** of the ES (document reference 6.2.14), identified that there would be a **negligible** effect of odour impact at all receptors with the exception of Powell Street (R5) and River Way (R16), which were found to have slight adverse effects. These slight adverse effects would be temporary in nature, occurring only in the construction phase during the capital dredge period. As such, the overall effect is considered to be **not significant**.

Operational Phase: Odour

- 2.2.12 There is the potential for the Facility to generate odour during its operation, primarily due to handling and processing of RDF.
- 2.2.13 Maintenance dredging at the Facility's dredging pocket will be undertaken during the operational phase which may be a source of odour; however, this activity is already undertaken within The Haven and it is considered unlikely that significant decomposition of organic material would occur between each maintenance dredging cycle which would give rise to significant odour impacts. As such, operational phase odour impacts from dredging have not been considered further. A risk-based assessment was undertaken to determine the potential odour impacts of RDF processing in accordance with IAQM guidance (IAQM, 2018).

Mitigation

- 2.2.14 Despite the assessment in the ES confirming that the overall effect of odour during construction and operation will be not significant, the Facility will nevertheless employ several measures to ensure that the magnitude of any odour releases is reduced further. These are as follows:
- Baled RDF will be unloaded from vessels directly onto conveyors for transfer to the shredding building. These conveyors would be open at the Wharf to facilitate loading but are covered thereafter.
 - Air from inside the shredding building and the RDF storage bunker will be continually extracted and fed to the thermal treatment process for use as combustion air with a sufficient residence time to destroy odours. Whilst each EfW line undergoes routine maintenance, the remaining two will continue to

be operational and therefore the odorous air would continue to be combusted.

- The building will require maintenance access and will therefore be fitted with fast-acting roller shutter doors to minimise the time in which odours could be released.
- The RDF bunker will include a partition so that one side can be completely emptied; this will prevent build-up of odorous materials.
- A temporary RDF storage area will be provided on the Wharf to enable storage of bales when the bunker reaches full capacity. The area would accommodate two days of feedstock (approximately 6,500 tonnes) and bales would be stored for a maximum of five days before being delivered to the shredding building. The bales will be tightly wrapped in plastic to prevent any odours.
- Should any bales become damaged whilst in storage or during unloading from vessels, the bales would be transferred to a covered damaged bale storage area and re-baled prior to reinstatement in the storage area. As such, any odorous releases would be limited in magnitude and duration.

2.2.15 Overall, the source odour potential is considered to be **small** due to the employment of odour management methods. The assessment, detailed in **Chapter 14 Air Quality** of the ES (document reference 6.2.14), identified that there would be a negligible effect of odour impacts at all receptors. As such, the overall impacts is considered to be **not significant**.

Conclusion

2.2.16 Taking the above into consideration with the secured mitigation measures, it can be concluded that construction and operation of the Proposed Development would not give rise to impacts which would be likely to constitute a statutory nuisance under Section 79(1)(d) of the Environmental Protection Act 1990.

2.3 Lighting

2.3.1 During construction, lighting of compounds and construction areas could be required in low-light situations during the working day, particularly during winter and working hours around dusk or darkness.

2.3.2 The Facility will operate 24 hours per day during operation. Lighting would be required to allow safe working conditions for certain site activities.

Construction Phase

2.3.3 To ensure the lighting during the construction phase is appropriately managed a number of measures to avoid the creation of nuisances have been incorporated in the OCoCP (document reference 7.1), compliance with which is secured through a DCO requirement. These include the following lighting requirements for reducing impacts on bats:

- All temporary lighting to be designed in line with the BCT Bats and Lighting in the UK guidance (2018). This to include the use of directional lighting during construction;
- Construction phase lighting will be limited to permitted working hours in low light conditions, with lower-level security lighting outside of these times; and
- Ensure that dark corridors remain in place during the construction phase.

2.3.4 In addition, lighting requirements with regards to minimising navigational distractions to users of the Haven could include the following:

- the careful locating of lighting columns within the Facility;
- the careful design of the lighting columns to ensure that they are no taller than needed;
- angling the face of lights downwards, away from the river and avoiding angling them up or downstream to prevent light spilling down The Haven;
- ensuring the lighting is passive, i.e. it automatically dims when there is no movement within the Facility such as when there is no construction activity at night; and
- restricting the use of mobile lighting that is taller than any fixed lighting columns and not operating such lighting outside of normal construction hours.

- 2.3.5 Construction phase lighting shall be designed, installed and controlled to limit any potential impact upon the surrounding area by minimising sky glow, glare and light spillage in accordance with British Standards Lighting would be installed to comply with the following regulations, standards and guidance documents, including:
- Lighting at Work, HSG 38, Health and Safety Executives Books Publication;
 - Lighting Guides, LG1 and LG6 published by the Chartered Institution of Building Services Engineers; and
 - Light and lighting – lighting of workplaces. Outdoor workplaces, BS 12464-2.
- 2.3.6 Luminaries to be mounted on any lighting columns would be of flat glass construction with 0-degree tilt to minimise any potential glare, sky glow and obtrusive light to the surrounding areas.
- 2.3.7 The use of mobile lighting taller than the fixed lighting columns shall be minimised and not be operated outside of normal construction hours (08:00 to 20:00 Monday to Saturday (with an option for 07:00 to 19:00 Monday to Saturday)).

Operational Phase

- 2.3.8 An Outline Lighting Strategy (document reference 7.5) has been prepared to support the DCO application. The Outline Lighting Strategy deals with limiting the potential for obtrusive light from the Facility during the operational phase and establishes design objectives for the lighting design to minimise the effects of obtrusive light to within guideline levels.
- 2.3.9 The Outline Lighting Strategy recommends design principles to limit obtrusive light. These design principles are taken from BS standards recommended lighting techniques.
- 2.3.10 It is envisaged that providing these principles are followed, there is not anticipated to be significant levels of obtrusive light generated by the Facility during operation.

Conclusion

- 2.3.11 It is considered that with the application of embedded mitigation measures and appropriate design principles, construction and operation of the Facility would not give rise to impacts which would be likely to constitute a statutory nuisance under Section 79(1)(fb) of the Environmental Protection Act 1990.

2.4 Noise emitted from the Facility

Construction Phase: Noise from On-Site Construction

2.4.1 Construction impacts will be temporary in nature and include noise and vibration generating activities associated with:

- Site preparation for Wharf, LWA facility, Power Export Island, Transformers;
- Construction and erection of the EfW Bases, Turbine House, Air Cooled Condensers, Fuel Conveyors; and
- Operation of the concrete batching plant.

2.4.2 It is assumed that construction works will be undertaken between the hours of 08:00 to 20:00 Monday to Saturday (with an option for 07:00 to 19:00 Monday to Saturday). Accordingly, assessments were undertaken for the daytime reference period and the evening and weekend reference period.

Mitigation

2.4.3 Noise associated with piling is predicted to be the largest contributor of noise at receptor locations during construction. Mitigation in the form of a piling shroud, enclosing the length of the pile and the point of impact, is required to reduce the noise levels associated with piling; should this be required during the British Standard (BS) 5228 (2014) evening and weekend reference period.

2.4.4 For the peak construction traffic there is a predicted **moderate adverse** significance for noise at one receptor location (Nursery Road / Lealand Way) as a worst case. For all other receptors, the effect significance is **minor adverse**. Therefore, mitigation is required at this particular location, however; the impact for peak construction traffic is considered temporary, short-term, infrequent and local.

2.4.5 The significance of construction traffic noise at this location has been demonstrated as being capable of being reduced to acceptable levels, by implementing a CTMP (an OCTMP forms part of the DCO application (document reference 7.2)), and a final CTMP will be produced pursuant to requirement 12 of the DCO. This will include provisions to reduce the traffic flows along Nursery Road / Lealand Way as defined in **Chapter 10 Noise and Vibration** of the ES (document reference 6.2.10).

Construction Phase: Vibration

2.4.6 Operation of piling rigs and ancillary equipment is expected to produce the greatest vibration impacts and is therefore taken forward as the worst case for vibration assessment (see **Chapter 10 Noise and Vibration** of the ES (document reference 6.2.10)).

Mitigation

2.4.7 There are several ‘best practice’ measures that should always be implemented to minimise vibration impacts while retaining productive efficiency. Examples include:

- choosing alternative, lower impact equipment or methods wherever possible;
- scheduling the use of vibration-causing equipment, at the least sensitive time of day;
- routing, operating or locating high vibration sources as far away from sensitive areas as possible;
- sequencing operations so that vibration-causing activities do not occur simultaneously;
- isolating the equipment causing the vibration on resilient mounts; and
- keeping equipment well maintained.

Operational Phase: Increased Daytime Noise

2.4.8 The impact of the predicted unmitigated noise levels (ground floor level during the daytime) from the proposed development at surrounding residential receptors.

2.4.9 **Chapter 10 Noise and Vibration** of the ES (document reference 6.2.10) identified the Air-Cooled Condensers as the dominant noise source, along with the Wharf handling cranes, the transformer at the Power Export Zone, EfW Plant – Thermal Treatment Building, 6.5 MW Chillers and Plant Feed Transport Pens.

Mitigation

2.4.10 Mitigation measures include:

- Attenuating the Air-Cooled Condensers noise level at source by 15 dBA;
- Reducing the 6.5 MW Chillers to a Sound Power Level of 85 dBA;
- Reducing the H4 Transformers to a Sound Power Level of 80 dBA;
- Reducing the Power Export Zone to a Sound Power Level of 80 dBA;

- Upgrading the Sound Reduction Index of Buildings: Mobile Plant Workshop including WC, Bale Shredders, EfW Plant – Thermal Treatment Building, Turbine Generator Hall, ASCO Plant – Carbon Capture, Bottom Ash Storage and Processing Plant, Plant Workshops, Lightweight Aggregate Plant and Workshops for LWA Plant; and
- Reducing the Wharf Cranes to a Sound Power Level of 97 dBA.

2.4.11 Effective mitigation measures can also include partial or full enclosure, screening through natural topography or intervening buildings, reducing the sound power level of the unit, a reduction in noise break-out from building elements, along with best practice measures.

Operational Phase: Vibration

2.4.12 Operation of the Facility is not expected to produce significant vibrational impacts during operation due to embedded engineering design to minimise vibrational effects on the plant at source, thus minimising transmission of vibration to the surrounding structures and environment.

2.4.13 Vibration impacts are of negligible adverse significance. Therefore, no additional mitigation is required.

2.5 Noise emitted from or caused by a vehicle, machinery or equipment in the street

Operational Phase: Increased Night time Noise

2.5.1 The increased night time noise levels at Marsh Lane – East of Wyberton Low Road junction, Marsh Lane- West of Wyberton Low Road junction and A16 – North of Marsh Lane Roundabout are considered significant in EIA terms, the impact is moderate, continuous long term and local.

2.5.2 As described in **Chapter 10 Noise and Vibration** of the ES (document reference 6.2.10), the dominant equipment and plant were identified. Therefore, the same mitigation measures as those implemented for daytime operation will apply to night time operation (**Section 2.4.9**) and consequently there will not be a significant effect.

Conclusion

2.5.3 Taking into consideration the above, it can be concluded that construction and operation of the Proposed Development would not give rise to impacts which would be likely to constitute a statutory nuisance under Section 79(1)(g) or Section 79(1)(ga) of the Environmental Protection Act 1990.

2.6 Insect Infestation

- 2.6.1 During operation of the Facility, insect infestation within the bales will be controlled as required by the conditions of the environmental permit authorised by the Environment Agency. Systems will be in place prior to baling to prevent infested RDF from being baled.
- 2.6.2 Bales will be processed quickly at the Facility and shipped shortly after baling (i.e. not be stored for long periods), therefore minimising the potential for infestation.
- 2.6.3 Taking into consideration the above, it can be concluded that construction and operation of the Proposed Development would not give rise to impacts which would be likely to constitute a statutory nuisance under Section 79(1)(fa) of the Environmental Protection Act 1990.

3 Conclusion

- 3.1.1 This Statement has been prepared in accordance with regulation 5(2)(f) of the APFP Regulations, which requires any DCO application to be accompanied by a statement considering whether the proposal would engage one or more of the statutory nuisances set out in Section 79(1) of the Environmental Protection Act 1990.
- 3.1.2 Detailed assessments have been undertaken to assess potential air quality impacts, noise levels, artificial lighting and insect infestation generated by the Facility during construction and operation.
- 3.1.3 In all cases, the application of secured mitigation measures is expected to avoid any effects giving rise to a statutory nuisance under Section 79(1) of the Environment Protection Act 1990.

4 References

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