

Keuper Gas Storage Project

Statement of Statutory Nuisance

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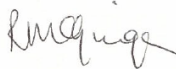

Application Reference No: EN030002

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**THE INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND
PROCEDURE) REGULATIONS 2009**

KEUPER GAS STORAGE PROJECT

STATEMENT OF STATUTORY NUISANCE

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Document title:	Statement of Statutory Nuisance
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1 Introduction

1.1 OVERVIEW

- 1.1.1 This Statement of Engagement has been prepared in accordance with Regulation 5(2) (f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the 'APFP Regulations'). These regulations require an applicant for a Development Consent Order (DCO) to provide a statement as to whether the application engages Section 79(1) (Statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (the '1990 Act').
- 1.1.2 It accompanies the application for the Keuper Gas Storage Project (the Project) for a DCO made to the Planning Inspectorate (PINS) under Section 37 of the Planning Act 2008 (the PA 2008). The Project will involve construction and operation of an underground gas storage facility and associated infrastructure on and under land in the Holford Brinefield, north of Middlewich, Cheshire.
- 1.1.3 The Project will improve security of gas supply to the national supply network. It will accept gas from National Grid's gas network, the National Transmission System (NTS) during periods of low demand and store it in new, gas storage salt cavities in the southern part of the Holford Brinefield. During high gas demand from consumers, the gas will be withdrawn from storage, conditioned and exported to the NTS. The Project therefore provides an important function in managing variations in the supply – demand balance to provide flexibility, reliability and competitive prices for consumers.
- 1.1.4 This statement is required in order to identify whether the Project may engage one or more of the matters set out in Section 79(1) of the 1990 Act, and if so how Keuper Gas Storage Limited (KGSL and or the Applicant) proposes to mitigate or limit them. It should be read in conjunction with the Environmental Statement (ES), Document 6.1 of this DCO application.

1.2 THE PROPOSED DEVELOPMENT

- 1.2.1 The Project includes a number of component parts, split into three main development areas, listed below. The DCO will be subject to the requirements regarding the approved plans, landscaping, highway access, construction methodology amongst other matters as set out in Schedule 9 to the DCO.

Main Assessment Area

1.2.2 The Main Assessment Area where the solution mining will take place and the gas storage cavities and processing plant will be located is shown in ES Figure 5.3.

1.2.3 Two sets of infrastructure will be required in this area:

- extension of the existing INOVYN Enterprises Limited's (IEL) brine and water pipework system and new Solution Mining Compound (SMC) to allow the creation of the cavities and provide continued supply of brine to IEL's customers; and
- new infrastructure to allow the storage, processing and transfer of natural gas to and from the NTS, comprising of a new Gas Processing Plant, Gas Marshalling Compounds (GMC) and a pipe distribution network to/from the cavities.

Whitley Pumping Station Assessment Area

1.2.4 This work will re-instate an existing but out of use pumphouse on Marsh Lane, Whitley to improve brine flow along one of the existing brine pipelines between Holford Brinefield and Runcorn. This pipeline will be used to transport surplus brine, not required by customers, from the Main Assessment Area during solution mining for discharge at Runcorn. This is referred to in the ES as the Whitley Pumping Station Assessment Area.

Runcorn Outfall Assessment Area

1.2.5 A new brine discharge outfall into the Manchester Ship Canal will be constructed at the Runcorn Site. This will allow surplus brine resulting from the solution mining of the Gas Storage Cavities which is not required by INOVYN's customers for use in manufacturing to be discharged. A pipebridge will be constructed over the Weaver Navigation Canal to carry the brine pipeline from a tie-in point at the Runcorn Site to the wall separating the Weaver Navigation from the Manchester Ship Canal. A new section of pipebridge along this wall will then transport the brine to the proposed discharge point in the Manchester Ship Canal. This is referred to in the ES as the Runcorn Outfall Assessment Area.

1.3 STATUTORY NUISANCE REPORT

- 1.3.1 Regulation 5(2) (f) of Applications: Prescribed Forms and Procedures (APFP) Regulations states that an application for a DCO should be accompanied by a written statement that sets out whether the proposal could cause a statutory nuisance, as defined in s.79 (1) Environmental Protection Act 1990 (EPA). If such a nuisance could occur, the statement must set out how the applicant proposes to mitigate or limit the effects.
- 1.3.2 Section 158 of the PA 2008 confers statutory authority for carrying out development or other matters authorised by a DCO. Such authority confers a defence in any civil or criminal proceedings for nuisance.
- 1.3.3 Whilst it is not expected that the construction, operation, maintenance and decommissioning of the Project would cause a statutory nuisance, the draft DCO contains a provision that would provide a defence to proceedings for statutory nuisance should they be initiated against the applicant or any future operators.
- 1.3.4 This statement first describes the legislative context for the identification of matters which constitute a statutory nuisance and the methodology for the assessment of these. This is followed by a summary of the assessment of statutory nuisances, using information from the ES, including any relevant mitigation measures and residual effects, whether embedded within the design of the Project or secured through requirements within the DCO.

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Identification and assessment of statutory nuisance

2.1.1 Section 79(1) of the 1990 Act identifies the matters considered to be a 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;*
- 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.*
- H. *Any other matter declared by any enactment to be a statutory nuisance*

2.1.2 Given the nature of the Project, the only categories of potential nuisance in section 79 of the Environmental Protection Act 1990 which might be engaged are:

- 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*
- 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*

2.1.3

The following sections discuss each matter associated with the Project, considering each of the three Project components as appropriate.

3 Potential statutory nuisances

3.1 FUMES OR GASES EMITTED FROM PREMISES (C)

Main Assessment Area

- 3.1.1 Predicted air quality concentrations, as presented in Chapter 10 of the ES, indicate that there would not be any significant adverse impacts at any of the assessed receptors due to fumes or gases from the sources identified during the construction and operation of the Project. Therefore this will not result in nuisance at receptors.

3.2 ANY DUST, STEAM, SMELL OR OTHER EFFLUVIA ARISING ON INDUSTRIAL, TRADE OR BUSINESS PREMISES (D); AND ANY ACCUMULATION OR DEPOSIT (E)

Main Assessment Area

- 3.2.1 Potentially significant dust impacts and effects on human receptors are identified during earthworks pipe laying and construction activities.
- 3.2.2 Implementation of the mitigation measures (set out in Chapter 10: Air Quality of the ES and Schedule 9 of the DCO) will reduce the magnitude of impact on human receptors to negligible, and is therefore unlikely to result in statutory nuisance or be prejudicial to health.
- 3.2.3 Mitigation measures include implementation of a Construction Environmental Management Plan (CEMP), a draft of which is presented in Annex A of the ES. The appointed main Contractor will develop a comprehensive Plan with Cheshire West and Chester Council (CWCC) and KGSL prior to the commencement of any construction.

3.3 ARTIFICIAL LIGHT EMITTED FROM PREMISES (FB)

Main Assessment Area

- 3.3.1 Chapter 14: Landscape and Visual of the ES has considered the potential effects of the Project's external lighting on the night time landscape during construction and operation.
- 3.3.2 Task lighting will be required at certain locations during construction to ensure a safe working environment for contractors. Lighting will be required at each cavity throughout the drilling activity (a 24hr operation), but only during late afternoon/early evening in the winter months for all other locations. The task lighting will be positioned and angled to shine away from any neighbouring properties.
- 3.3.3 During operation continuous floodlighting will not be required. Low level on-demand security lighting will, however, be required for the Gas Processing Plant, Gas Marshalling Compounds and Solution Mining Compound at each wellhead.
- 3.3.4 The effects of lighting during construction and operation are considered to range from small to negligible, as described in Chapter 14 of the ES. Therefore, it is concluded that this will not result in nuisance at receptors.
- 3.3.5 The details of external lighting to be used in the Project will be agreed with Cheshire West and Chester Council prior to construction commencement.

Whitley Pumping Station

- 3.3.6 Construction at Whitley (over approximately six months) will be day time only, However it is assumed that temporary task lighting will be required as dictated by daylight levels. The task lighting will be positioned and angled to shine away from any neighbouring properties. There is no operational lighting associated with the Project at Whitley and no light is expected to be required for decommissioning. Therefore this will not result in nuisance at receptors.

Runcorn Site

- 3.3.7 It is assumed that temporary task lighting will be required at certain locations during construction and decommissioning. Given the already bright illumination from the existing baseline, the magnitude of change will be negligible (Chapter 24 of the ES). There is no operational lighting associated with the Project at Runcorn. Therefore this will not result in nuisance at receptors.

3.4 NOISE EMITTED FROM PREMISES (G)

Main Assessment Area

3.4.1 Chapter 9 of the ES concludes that there will be no significant effects as a result of noise during construction or operation when mitigation is implemented. Mitigation embedded in the Project, such as placing loudest noise sources indoors, supplying low noise design equipment (eg. fans), and adding silencers on air intakes/outlets, will be supplemented by mitigation including acoustic screens or enclosures on major outdoor equipment, where necessary. These acoustic mitigation measures will reduce the overall noise levels at receptors and, at the same time, will reduce the risk of any audible tone.

3.4.2 As noise levels during operation will result in no significant effects, it is concluded that noise levels from the Project will not result in nuisance.

Whitley Pumping Station Assessment Area

3.4.3 As set out in Chapter 18 of the ES, there will be no significant effects on receptors from noise during construction or operation and therefore no resultant nuisance.

Runcorn Outfall Assessment Area

3.4.4 As set out in Chapter 21 of the ES, there will be no significant effects on receptors from noise during construction or operation and therefore no resultant nuisance.

4 Conclusion

- 4.1.1 This statement identifies those matters set out in Section 79(1) of the Environmental Protection Act 1990 in respect of statutory nuisance and considers whether the Project could cause a statutory nuisance.
- 4.1.2 The main potential for the Project to engage the matters set out in Section 79(1) of the Environmental Protection Act 1990 would be during the construction phase of the Project. Those matters which are considered likely to have the potential to cause a statutory nuisance (such as noise) would however be controlled through implementation of measure set out in the CEMP, which will be agreed with Cheshire West and Chester Council prior to construction.
- 4.1.3 During operation embedded and proposed mitigation, as presented in the ES, will result in no significant environmental effects and no resultant statutory nuisance.