The Great Grid Upgrade

North Humber to High Marnham

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North Humber to High Marnham

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nationalgrid

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1. Introduction

1.1 Overview

1.1.1 National Grid Electricity Transmission plc (National Grid) owns and maintains the national high voltage electricity transmission network throughout England and Wales.

1.1.2 The transmission network connects the power from where it is generated to the regional distribution network operators who then supply businesses and homes.

1.1.3 National Grid holds the Transmission Licence for England and Wales, and its statutory duty is to develop and maintain an efficient, coordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the Electricity Act 1989 (HM Government, 1989).

1.1.4 National Grid has developed plans for the North Humber to High Marnham Project (the Project). The Project would support the UK government's net zero target through the connection of new low carbon energy generation and by reinforcing the transmission network.

1.1.5 The Project would establish a new 400 kilovolt (kV) transmission connection approximately 90 kilometres (km) in length between a new substation to be built in the vicinity of Birkhill Wood, located to the north of Hull near Creyke Beck in the East Riding of Yorkshire, and a new substation at High Marnham in Nottinghamshire.

1.1.6 The reinforcement is needed because the existing transmission network, even with current upgrading, will not have sufficient capacity for the new renewable energy (a substantial proportion of which would be generated by offshore wind) that is expected to connect to the network over the next 10 years and beyond. Completion of the Project, together with other new reinforcements across the country, will meet this future energy transmission demand across the UK.

1.1.7 The Project is a Nationally Significant Infrastructure Project (NSIP), and National Grid is seeking development consent under the Planning Act 2008 (HM Government, 2008). NSIPs require a type of planning permission known as a Development Consent Order (DCO). Instead of applying to the local authority for planning permission, the developer must apply to the Secretary of State via the Planning Inspectorate for a DCO.

1.1.8 National Grid has submitted an application for development consent to the Planning Inspectorate for the Project. The Examining Authority (consisting of one or more examining inspectors), after a period of public examination, will make its recommendation to the Secretary of State for Energy Security and Net Zero, who in turn will decide on whether development consent should be granted.

1.1.9 The Project has been identified as being critical to delivering a network which supports the clean power pathways for 2030 delivery.

1.2 Purpose and Structure of the Document

1.2.1 This Statement of Statutory Nuisance has been produced as part of the application for development consent under the Planning Act 2008 (HM Government, 2008). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (HM Government, 2009) require DCO applications to be accompanied by (among other documents) a Statement of Statutory Nuisance.

1.2.2 Regulation 5(2)(f) states: *'(2) The application must be accompanied by— (f) 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*.'

1.2.3 This statement therefore sets out the matters in s79(1) of the Environmental Protection Act 1990 (EPA 1990) (HM Government, 1990) in respect of statutory nuisance, the potential of the Project to cause statutory nuisance, and the measures that have been incorporated into the Project to mitigate potential nuisance.

1.3 Environmental Protection Act 1990

1.3.1 Table 1.1 describes the matters that constitute 'statutory nuisances' within s79(1) of the EPA 1990 (HM Government, 1990) and whether they have been screened as applicable to the Project. Matters that are not applicable to the Project have been screened out of this statement.

1.3.2 This statement should be read alongside the Environmental Statement (ES) (Volume 6 of the DCO application) and **Application Document 7.3 Register of Environmental Actions and Commitments**, which contain embedded measures, control and management measures and additional measures to avoid or reduce potentially significant effects. Compliance with the Register of Environmental Actions and Commitments would be secured through Requirement 5 of Schedule 2 to **Application Document 3.1 Draft Development Consent Order**.

1.3.3 Statutory nuisances are matters listed in the EPA 1990 that are '*prejudicial to health*' or a '*nuisance'*. This is defined in s 79(7) of the EPA 1990 (HM Government, 1990) as '*injurious, or likely to cause injury, to health'*. The findings of the ES and the Environmental Impact Assessment (EIA) process have been drawn on to inform this statement, but it is acknowledged that the legal standard of what constitutes a statutory nuisance is different to what may be a significant environmental effect under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') (HM Government, 2017). Statutory bodies have not provided comments on the matters in Table 1.1 specifically within the context of 'statutory nuisances', but have provided comments on the scope of environmental assessment within the EIA through the EIA scoping process and through the statutory consultation on the Project.

Table 1.1 – Statutory nuisance and application to the Project

Matter	Screening to Assess Application to the Project
(a) any premises in such a state as to be prejudicial to health or a nuisance	There would be no premises in such a state so as to be prejudicial to health or a nuisance. Measures to avoid and/or control construction activities which have the potential to be prejudicial to health or create nuisance are included in **Application Document 7.3 Register of Environmental Actions and Commitments**, and where required within **Application Document 7.7 Outline Noise and Vibration Management Plan**. The Project is not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(b) smoke emitted from premises so as to be prejudicial to health or a nuisance	No burning of waste materials or bonfires would be permitted on-site as per control and management measure GG20 in **Application Document 7.3 Register of Environmental Actions and Commitments**. Smoke would not be emitted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	Emission of fumes and gases applies only to private dwellings (as noted in s79(4) of the EPA 1990) (HM Government, 1990) and is therefore not relevant to the Project.
(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance	Screened in as potentially applicable to the Project. Further information can be found within section 2.1 of this document.
(e) any accumulation or deposit which is prejudicial to health or a nuisance	The waste produced on the Project is expected to be low in volume. It is not expected to be contaminated and will be managed in accordance with the measure set out within **Application Document 7.3 Register of Environmental Actions and Commitments**. Accumulations or deposits of excavated material or waste are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance	No animals would be kept on-site as part of the Project during construction or operation (and maintenance). Animals are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	No materials would be stored on-site that could attract insects, and could cause a nuisance or be prejudicial to human health. Any food waste from the temporary construction compounds would be removed off-site and

Matter	Screening to Assess Application to the Project
	managed in accordance with the measures set out within **Application Document 7.3 Register of Environmental Actions and Commitments**. Insects emanating are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance	Screened in as potentially applicable to the Project. Further information can be found within Section 2.1 of this document
(g) noise emitted from premises so as to be prejudicial to health or a nuisance	Screened in as potentially applicable to the Project. Further information can be found within Section 2.1 of this document
(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	Screened in as potentially applicable to the Project. Further information can be found within Section 2.1 of this document
(h) any other matter declared by any enactment to be a statutory nuisance	There are no other matters or elements of the Project which could be considered to be a statutory nuisance.

2. Further Consideration of Matters

2.1 Dust, Steam, Smell or Other Effluvia (Section 79(1)(d))

Construction

2.1.1 As outlined in **Application Document 6.15 Environmental Statement Chapter 15 Air Quality** combustion related emissions from construction site vehicles and plant would not result in significant adverse effects and, therefore, would not constitute a statutory nuisance.

2.1.2 Some of the construction activities have the potential to generate dust emissions that could give rise to a statutory nuisance. Dust could be generated through activities such as the excavation, stockpiling and replacement of soil associated with soil stripping and the construction of haul roads and compound areas. Dust could also be generated by construction traffic using the construction access tracks. These could affect human receptors in the vicinity of the Project.

2.1.3 **Application Document 6.15 Environmental Statement Chapter 15 Air Quality** assesses the potential risk of causing adverse effects from dust at sensitive receptors. The assessment identifies a potentially high unmitigated risk of dust effects at some human and ecological receptors. However, good practice measures would be put in place to control dust emissions at source and to manage or reduce the release of dust beyond the boundaries of the construction areas. The control and management measures are set out in **Application Document 7.3 Register of Environmental Actions and Commitments** and **Application Document 6.15 Environmental Statement Chapter 15 Air Quality**.

2.1.4 **Application Document 6.15 Environmental Statement Chapter 15 Air Quality** concludes that, following implementation of the identified mitigation measures, the residual effects of construction dust would be not significant. It is expected that these dust control measures would reduce dust to a level which would neither generate a nuisance nor be prejudicial to health and, therefore, would not give rise to a statutory nuisance.

2.1.5 It is not anticipated that construction activities would give rise to any material amounts of steam, smell or other effluvia.

2.1.6 On the above basis, there would be no statutory nuisance related to dust, steam, smell or other effluvia during the construction phase of the Project.

Operation (and Maintenance)

2.1.7 Operational and maintenance activities associated with the Project are not anticipated to generate dust, steam, smell or other effluvia in quantities sufficient to cause a nuisance or be prejudicial to health, and, therefore, would not create a statutory nuisance.

2.2 Artificial Light (Section 79(1)(fb))

Construction

2.2.1 Temporary artificial lighting may be required to illuminate works associated with modifications to third party assets and other construction activities where continuous operations may be required for safety or engineering reasons. There may also be temporary artificial lighting at contained sites, such as temporary construction compounds, to aid safety and to provide security. Site lighting may also be required for working areas in consideration of winter working hours and non-standard working arrangements. This is assessed in **Application Document 6.6 Environmental Statement Chapter 6 landscape**, **Application Document 6.7 Environmental Statement Chapter 7 Visual**, Application **Document 6.8 Environmental Statement Chapter 8 Ecology**, **Application Document 6.9 Environmental Statement Chapter 9 Ornithology** and **Application Document 6.10 Environmental Statement Chapter 10 Cultural Heritage**.

2.2.2 In all instances, construction lighting would be of the lowest luminosity necessary to safely perform each task and directional to avoid glare into residential properties. Construction lighting would be designed, positioned and directed to reduce intrusion into adjacent properties, moored boats on canals, protected species and sensitive habitats, and would be positioned to minimise light spill onto adjacent land and retained vegetation, as secured through control and management measures GG22 and related environmental commitments in the **Application Document 7.3 Register of Environmental Actions and Commitments**.

2.2.3 Lighting would be switched off when not in use and designed in accordance with Guidance Note 08/23 Bats and Artificial Lighting (Institution of Lighting Professionals and Bat Conservation Trust, 2023) and Guidance Note 01/26 The Avoidance of Obtrusive Light (Institution of Lighting Professionals, 2026). With these measures in place, the potential for temporary lighting to cause a nuisance would be low and there would be no likelihood of lighting being prejudicial to health.

Operation (and Maintenance)

2.2.4 No permanent operational lighting is proposed as part of the Project and there is no lighting associated with the proposed overhead line during operation. Any temporary lighting required during maintenance would be controlled as set out under construction above.

2.3 Noise and Vibration (Section 79(1)(g) and Section 79(1)(ga))

Construction

2.3.1 As outlined in **Application Document 6.16 Environmental Statement Chapter 16 Noise and Vibration**, temporary noise impacts resulting from construction activities are not considered to be significant. Vibration associated with construction vehicles passing along local roads is not considered to be significant.

2.3.2 Certain construction activities and equipment would produce noise and vibration during construction. This includes works associated with pylon construction and dismantling, modifications to third party services, the installation and use of

construction access tracks, the establishment and operation of construction compounds and laydown areas, stringing of the proposed overhead line, ancillary works and site reinstatement activities.

2.3.3 **Application Document 6.16 Environmental Statement Chapter 16 Noise and Vibration** identifies thresholds for Significant Observed Adverse Effect Levels (SOAELs), as required by the Government's Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010). Significant adverse effects during construction would occur where the SOAEL is exceeded at a receptor for a duration of more than 10 days in any 15 consecutive days, or more than 40 days in any consecutive six months. The assessment identifies a limited number of construction noise and vibration hot-spots where significant adverse effects could occur in the absence of mitigation. However, standard and readily feasible control and management measures, including best practicable means as set out in **Application Document 7.7 Outline Noise and Vibration Management Plan**, would be implemented. Under Requirement 4 of Schedule 2 to **Application Document 3.1 Draft Development Consent Order** a detailed Noise and Vibration Management Plan, substantially in accordance with the Outline Noise and Vibration Management Plan, must be submitted to the relevant local planning authority for approval and the approved detailed Noise and Vibration Management Plan must be complied with. **Application Document 6.16 Environmental Statement Chapter 16 Noise and Vibration** concludes that these measures would reduce effects to non-significant levels and that no residual significant adverse effects from construction noise or vibration are expected.

2.3.4 To constitute a statutory nuisance, a noise must occur regularly and continue for a period of time that makes it unreasonable. The short-term and transitory nature of the construction activities reduces the potential for a statutory nuisance to occur. **Application Document 7.3 Register of Environmental Actions and Commitments** and **Application Document 7.7 Outline Noise and Vibration Management Plan** outlines the control and management measures that would be used to reduce noise and vibration during construction. With the implementation of these measures, the likelihood of a statutory nuisance is negligible.

Operation (and Maintenance)

2.3.5 As outlined in **Application Document 6.16 Environmental Statement Chapter 16 Noise and Vibration**, no significant adverse operational noise effects have been predicted and no effects have been identified that would represent a nuisance under s79(1)(g) or s79(1)(ga) of the EPA 1990 during operation (and maintenance). Therefore, operation (and maintenance) of the Project is not expected to create a nuisance or be prejudicial to health.

3. Conclusion

3.1.1 This Statement of Statutory Nuisance identifies the matters set out in s79(1) of the EPA 1990 in respect of statutory nuisance and considers whether the Project has the potential to cause a statutory nuisance.

3.1.2 **Application Document 7.3 Register of Environmental Actions and Commitments** includes embedded, control and management measures and additional mitigation measures to avoid or reduce the effects of dust, lighting, noise and vibration. These mitigation measures would reduce impacts that could otherwise result in nuisance during construction. The development authorised by the DCO must be undertaken in accordance with a detailed Code of Construction Practice, substantially in accordance with **Application Document 7.2 Outline Code of Construction Practice**, which would be secured by Requirement 4 of Schedule 2 of **Application Document 3.1 Draft Development Consent Order**. National Grid and the Main Works Contractor(s) would carry out all work in accordance with the final Code of Construction Practice (CoCP) during the construction of the Project unless otherwise agreed with the relevant local planning authority.

3.1.3 With mitigation measures in place, no breach of s79(1) of the EPA 1990 is expected as a result of the Project.

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