



The Sizewell C Project

5.12 Statement of Statutory Nuisance

Revision: 1.0
Applicable Regulation: Regulation 5(2)(f)
PINS Reference Number: EN010012

May 2020

Planning Act 2008
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009





SIZEWELL C PROJECT
STATEMENT OF STATUTORY NUISANCE

NOT PROTECTIVELY MARKED

Contents

Executive summary 1

1. Introduction 2

1.1 The Sizewell C Project 2

1.2 The purpose and structure of this document..... 3

2. Assessment of Statutory Nuisances 5

2.1 Introduction 5

2.2 Potential to cause a statutory nuisance 6

2.3 (d) Dust, steam, smell or other effluvia from premises so as to be prejudicial to health or a nuisance 9

2.4 (fb) Artificial light emitted from premises so as to be prejudicial to health or a nuisance..... 12

2.5 (g) Noise emitted from premises and (ga) noise emitted from or caused by a vehicle, machinery or equipment in a street so as to be prejudicial to health of a nuisance 17

2.6 Development Consent Order 21

2.7 Conclusion 21

References 23

Tables

Table 2.1 Reasons for the scoping out of potential sources of nuisance from this Statement of Statutory Nuisance 7

Plates

None Provided.

Figures

None Provided.

Executive summary

This Statement of Statutory Nuisance forms part of the application for development consent by SZC Co. to the Planning Inspectorate (PINS) under the Planning Act 2008 to construct, operate and maintain the Sizewell C Project (the ‘proposed development’).

The requirement for a Statement of Statutory Nuisance is set out in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (regulation 5(2)(f)), which requires that the application must be accompanied by “a statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 [EPA], and if so how the applicant proposes to mitigate or limit them” (Ref. 1.1).

The Sizewell C Project has the potential to engage one or more of the matters set out in section 79(1) of the Environmental Protection Act (Ref. 1.2) during the construction, operation and removal and reinstatement (where applicable) of the main development site and the associated development sites, as a result of:

- any dust, steam, smell or other effluvia arising on industrial, trade or business premises (section 79(1)(d));
- artificial light emitted from premises (section 79(1)(fb)); and
- noise emitted from premises (section 79(1)(g)), or emitted from or caused by a vehicle, machinery or equipment in a street (section 79(1)(ga)).

Taking into account the proposed primary and tertiary mitigation measures and controls set out in the **Environmental Statement (ES)** (Doc Ref. Book 6), the only matters addressed by the Environmental Protection Act which have been assessed in the **ES** as potentially giving rise to significant adverse effects of the proposed development are noise and lighting effects. To mitigate these impacts, further secondary mitigation measures are proposed where practical. Providing that the implementation of these measures is accepted by the affected receptors, the proposed development is not predicted to cause a nuisance or be prejudicial to health.

1. Introduction

1.1 The Sizewell C Project

1.1.1 This Statement of Statutory Nuisance forms part of the application for development consent by SZC Co. to the Planning Inspectorate (PINS) under the Planning Act 2008 to construct, operate and maintain the Sizewell C Project (the 'proposed development').

1.1.2 The proposed Sizewell C nuclear power station would comprise two UK EPR™ units with an expected net electrical output of approximately 1,670 megawatts (MW) per unit, giving a total site capacity of approximately 3,340MW. The design of the UK EPR™ units is based on technology used successfully and safely around the world for many years, which has been enhanced by innovations to improve performance and safety. The UK EPR™ design has passed the Generic Design Assessment process undertaken by UK regulators (Office for Nuclear Regulation and Environment Agency), and has been licenced and permitted at Hinkley Point C. Once operational, Sizewell C would be able to generate enough electricity to supply approximately six million homes in the UK.

1.1.3 In addition to the key operational elements of the nuclear power station, the Sizewell C Project comprises other permanent and temporary development to support the construction, operation and maintenance of Sizewell C. The key elements are the main development site and a series of off-site associated development sites in the local area. The main development site where the power station would be located also includes a temporary construction area, off-shore works, works on Land East of Eastlands Industrial Estate (LEEIE), a temporary accommodation campus, the enhancement of sports facilities in Leiston and fen meadow and marsh harrier compensation habitat (if required). The off-site associated development sites in the local area are:

- two temporary park and ride sites; one to the north-west of Sizewell C at Darsham (the 'northern park and ride'), and one to the south-west at Wickham Market (the 'southern park and ride') to reduce the amount of traffic generated by the construction workforce on local roads and through local villages;
- a permanent road to bypass Stratford St Andrew and Farnham (referred to as the 'two village bypass') to alleviate traffic on the A12 through the villages;

- a permanent road to bypass Theberton and Middleton Moor (referred to as 'Sizewell link road') to alleviate traffic from the A12 to the main development site along the B1122;
- permanent highway improvements at the junction of the A12 and B1122 east of Yoxford (referred to as the 'Yoxford roundabout') and other road junctions to mitigate the effects of Sizewell C construction traffic;
- a temporary freight management facility at Seven Hills on land to the south-east of the A12/A14 junction to manage the flow of freight to and from the main development site; and
- a temporary extension of the existing Saxmundham to Leiston branch line into the main development site ('the green rail route') and other permanent rail improvements on the Saxmundham to Leiston branch line, to transport freight by rail.

1.2 The purpose and structure of this document

1.2.1 The requirement for a Statement of Statutory Nuisance is set out in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (regulation 5(2)(f)), which states that any application for development consent should be accompanied by “a *statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 [EPA], and if so how the applicant proposes to mitigate or limit them*” (Ref. 1.1).

1.2.2 Section 79(1) of the Environmental Protection Act (Ref. 1.2), provides that:

“ (1) [...] the following matters constitute “statutory nuisance” for the purposes of this Part [of the EPA], that is to say:

- (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;

NOT PROTECTIVELY MARKED

- (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;*
- (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; and*
- (h) any other matter declared by any enactment to be a statutory nuisance [...]"*

1.2.3 The rest of section 79 contains definitions and exceptions, including those relevant to this Statement as described in **Table 2.1** below.

1.2.4 This Statement has been prepared having regard to the requirements in the Overarching National Policy Statement for Energy (EN-1) (Ref. 1.3), specifically:

- Paragraph 4.14.1: *"Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a development consent order. Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act 1990 (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority's duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is "prejudicial to health" and not a nuisance."*
- Paragraph 4.14.2: *"It is very important that, at the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of*

the 1990 Act and how they may be mitigated or limited are considered by the [Secretary of State] so that appropriate requirements can be included in any subsequent order granting development consent."

1.2.5 This Statement provides an assessment of whether the proposed development engages one or more of the matters set out in section 79(1) of the Environmental Protection Act. The assessment has drawn upon the Environmental Impact Assessment (EIA) reported in the **ES**, including any relevant mitigation measures.

1.2.6 The EIA was undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref. 1.4) and the Marine Works (Environmental Impact Assessment) Regulations 2007 (Ref. 1.5).

2. Assessment of Statutory Nuisances

2.1 Introduction

2.1.1 As described in section 1 of this Statement, the Sizewell C Project comprises the development of the new nuclear power station and associated development at the main development site, and off-site associated development. Further detail on the proposed development is provided in **Chapters 2 to 4 of Volume 2** (Main Development Site) (Doc Ref. 6.3) and **Chapters 2 in Volumes 3 to 9** (Associated Developments) of the **ES** (Doc Ref. 6.4 to 6.10).

2.1.2 The **ES** provides a description of the likely significant effects of the proposed development on the environment, including effects that could engage one or more of the matters set out in Section 79(1) of the Environmental Protection Act. The **ES** classifies the effects on receptors as negligible, minor, moderate or major. As a general rule, moderate and major effects are considered to be significant, and negligible and minor effects are considered to be not significant for the purposes of the EIA, however professional judgement is also applied where appropriate.

2.1.3 The approach to mitigation is set out in **Volume 1, Chapter 6** (EIA Methodology) of the **ES** (Doc Ref. 6.2). It is explained that mitigation measures are those measures that are envisaged to prevent, reduce or, where relevant, offset any potential significant adverse effects of the proposed development. The technical topic chapters of the **ES** categorise mitigation under three main headings:

- Primary mitigation. This is often referred to as ‘embedded mitigation’ and includes modifications to the location or design of the development made during the pre-application phase that are an inherent part of the Sizewell C Project, become a fundamental part of the design for which consent is sought, and do not require additional action to be taken.
- Secondary mitigation. This is often referred to as ‘additional mitigation’ and includes actions that would require further activity in order to achieve the anticipated outcome. These are detailed in the **ES** topic chapters or defined plans. They would be imposed as part of the development consent requirements by the Secretary of State or as a planning obligation entered into by SZC Co., if not secured through a separate permit, licence or consent.
- Tertiary mitigation. This is imposed as a result of legislative requirements and/or standard sectoral practices. For example, applying emission controls to an industrial stack to meet the requirements of the Industrial Emissions Directive (Directive 2010/75/EU); or certain measures contained within the **Code of Construction Practice (CoCP)** (Doc Ref. 8.11).

2.1.4 The various mitigation measures are secured either through the Requirements set out at Schedule 2 of the **Draft Development Consent Order (Draft DCO)** (Doc Ref. 3.1) or as planning obligations under section 106 of the Town and Country Planning Act 1990 as provided in **Appendix J** to the **Planning Statement** (Doc Ref. 8.4).

2.1.5 A **Mitigation Route Map** (Doc Ref. 8.12) is also submitted with the DCO application, which sets out all of the mitigation identified in the **ES** as well as other non-environmental mitigation proposed by SZC Co., together with the relevant securing mechanism.

2.2 Potential to cause a statutory nuisance

2.2.1 This section of the Statement considers each category of statutory nuisance in the Environmental Protection Act in turn, having regard to the environmental impact assessment for the proposed development, which includes construction, operation, and removal and reinstatement, as relevant.

2.2.2 Statutory nuisances that may arise as a result of decommissioning are not considered specifically in this Statement, as the scale and type of impact

during the decommissioning of Sizewell C is expected to be similar to or less significant than that for construction, and it is anticipated that a Decommissioning Environmental Management Plan (or similar) would be used, to apply comparable controls to the **CoCP** (Doc Ref. 8.11), during the decommissioning works. As such, the decommissioning of Sizewell C would be unlikely to increase the number of significant adverse effects predicted for construction, or give rise to any additional statutory nuisance, nor would it be prejudicial to health under section 79(1) of the Environmental Protection Act.

2.2.3 Potential sources of statutory nuisance that are not considered applicable to the proposed development and are not considered further within this Statement are identified in **Table 2.1** below. As the table explains, these have been identified either on the basis that there is no realistic potential for these nuisances to arise during any stage of the Sizewell C Project or on the basis of the exceptions provided for at sections 79(1A) to (6A) of the Environmental Protection Act.

Table 2.1 Reasons for the scoping out of potential sources of nuisance from this Statement of Statutory Nuisance

| Nuisance In Section 79(1) Of The Environmental Protection Act | Reason For Scoping Out Of Assessment |
|---|--|
| (a) any premises in such a state as to be prejudicial to health or a nuisance; | There are no premises on the Sizewell C Project sites in such a state that would be prejudicial to health or a nuisance. |
| (b) smoke emitted from premises so as to be prejudicial to health or a nuisance; | Smoke is not expected to be generated during any phase of the proposed development. As set out in the CoCP (Doc Ref. 8.11), no burning of waste or bonfires would be permitted on any of the sites during construction or the removal and reinstatement of the proposed development. |
| (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance; | Environmental Protection Act section 79(4) provides that this does not apply in relation to premises other than private dwellings. The Sizewell C Project does not involve the emission of any fumes or gases from private dwellings. |
| (e) any accumulation or deposit which is prejudicial to health or a nuisance; | There would be a need for materials to be excavated, transported and stored on-site during site clearance and construction. These operations would be managed in accordance with the Materials Management Strategy as provided in Appendix 3B, Volume 2 of the ES (Doc Ref. 6.3) and the CoCP (Doc Ref. 8.11), such that no accumulations or deposits that are likely to be prejudicial to health or a nuisance at any identified receptor are expected to occur. Any materials or soil affected by contamination |

| | |
|--|--|
| | would be appropriately identified, assessed and managed to ensure that it does not present a health risk, in accordance with the procedures defined in the CoCP . Any materials not suitable for re-use on site or waste generated would be managed in accordance with the Conventional Waste Management Strategy (Volume 2, Appendix 8A of the ES) prior to being removed off-site. |
| (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 proposed development. |
| (fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance; | The Sizewell C Project sites would be managed in accordance with the CoCP (Doc Ref. 8.11) and other relevant management plans to ensure that they do not attract and result in insects emanating from premises. For example, no materials that could attract insects would be stored on-site, and food waste from the construction compounds or accommodation campus would be managed in accordance with the Conventional Waste Management Strategy (Volume 2, Appendix 8A of the ES) prior to being removed off-site. |
| (h) any other matter declared by any enactment to be a statutory nuisance. | None declared. |

2.2.4 This Statement considers the following statutory nuisances under the Environmental Protection Act to be relevant to the construction, operation and removal and reinstatement (as applicable) of the Sizewell C Project:

- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises;
- (fb) artificial light emitted from premises;
- (g) noise emitted from premises; or
- (ga) noise emitted from or caused by a vehicle, machinery or equipment in a street, so as to be prejudicial to health or a nuisance.

2.2.5 With the exception of noise, the impacts that arise from the removal and reinstatement phase are predicted to be similar to or less significant than those during the construction phase. Noise effects during removal and reinstatement phase are assessed as part of the construction impact assessment in the relevant noise assessment for different parts of the development. This Statement, therefore, does not differentiate between the two phases of works.

2.3 (d) Dust, steam, smell or other effluvia from premises so as to be prejudicial to health or a nuisance

2.3.1 The following **ES** chapters and their associated appendices provide detailed assessments of potential air quality impacts, including the assessment of dust and other emissions emitted from premises associated with the Sizewell C Project:

- **Volume 2** Main Development Site, **Chapter 12** Air Quality (Doc Ref. 6.3); and
- **Volumes 3 – 9** Associated Development, **Chapters 5** Air Quality (Doc Ref. 6.4 to 6.10).

a) Construction

i. Main development site

2.3.2 As described in **Volume 2, Chapter 12** (Air Quality) of the **ES**, construction works on the main development site would involve a number of distinct activities including excavation, loading, haulage and stockpiling from which dust emissions could occur as a result of material movement, exposure to wind and weathering, or from re-mobilisation of any spilled materials or mud from roadways (trackout).

2.3.3 A dust risk assessment has been undertaken for the main development site and the associated development sites, and it assesses the potential risk to human health and nuisance from particulate matter (PM₁₀) and settleable dust arising from unmitigated construction activities, principally in the areas where the main earthworks would be undertaken and associated materials handling and stockpiling. The assessment also considers exhaust emissions of PM₁₀ from non-road mobile machinery (NRMM) used on the site.

2.3.4 The assessment of activities without mitigation has identified a high potential risk of dust soiling impacts, principally associated with earthworks and trackout activities in the borrow pit and spoil storage areas, and on the LEEIE for the duration of the construction. Earthworks and trackout activities in land to the west of the main development site (site access and accommodation campus) during the initial site establishment and removal and reinstatement, without mitigation, also represent a high risk of dust soiling impact.

2.3.5 The risk assessment considers the ability of embedded (primary) mitigation measures to control the risk of emissions to air such that significant effects are not experienced at sensitive receptor locations. The **CoCP** (Doc Ref. 8.11) sets out dust mitigation measures recommended by the Institute of Air Quality Management for a site which has ‘high dust risk’ (including activity-specific measures) (Ref. 1.6). These measures would be conservatively implemented across the main development site, even if actual risks are lower within a particular site or phase of works. Where the risk of a significant effect has been identified, additional (secondary) site-specific and activity-specific mitigation measures have been defined as appropriate. In summary, the assessment concludes that the residual effects would be **not significant** with the mitigation measures implemented. Monitoring of specific activities and of baseline dust levels would be undertaken during construction to ensure that mitigation measures are effective and that residual impacts would be **not significant**.

2.3.6 As described in **Appendix 12F** of **Volume 2** of the **ES** (Doc Ref. 6.3), the impact of emissions from the proposed Campus Energy Centre combined heat and power unit has been modelled, using the proprietary dispersion model ADMS5.2, to determine the likely worst-case Process Contributions at sensitive receptor locations. These have been added to the background pollutant concentrations to determine the overall predicted environmental concentration at sensitive receptor locations, which have then been assessed against air quality standards. The combined heat and power would be designed, maintained and operated in accordance with Medium Combustion Plant Directive requirements. The assessment has considered an optimised stack height to minimise ground-level air quality impacts balanced against the visual impacts of taller stack.

2.3.7 Combined heat and power modelling results show that hourly mean NO₂ concentrations and 8-hour rolling mean CO concentrations at all receptors all have an imperceptible magnitude of change. The air quality effects are determined to be **not significant** at all receptors.

ii. [Associated development sites](#)

2.3.8 The principal risk from the construction of the associated development sites relates to earthworks, as this phase of construction typically requires soil and spoil material to be moved to prepare each site for construction. Dust risk assessments undertaken for each of the associated development sites assessed the risk of dust soiling effects and human health effects of PM₁₀. The assessment also considers exhaust emissions of PM₁₀ from NRMM. With the implementation of the primary and secondary mitigation measures

set out in the **CoCP** (Doc Ref. 8.11), the assessment concludes that the residual impacts would be **not significant**.

2.3.9 The air quality assessment also assessed the operation of the associated development (on and off-site) during the construction of Sizewell C. It concluded there would be **no significant** effects during the operation of the sites and no nuisance is expected to arise.

iii. Conclusion (Construction)

2.3.10 Dust and other emissions during construction of the Sizewell C Project would be controlled and would not give rise to any significant effects or any statutory nuisance nor would it be prejudicial to health under section 79(1)(d) of the Environmental Protection Act.

b) Operation

i. Main development site – diesel generators

2.3.11 The operational Sizewell C nuclear power station would include two UK EPRs™ supported by up to twelve backup diesel generators, with an aggregated thermal input exceeding 50MWth. An Environmental Permit will be sought under Schedule 1, Part 2, Chapter 1, Section 1.1, Part A(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) for the operation of the Combustion Activities (CA) (referred to as the “Combustion Activity Permit”).

2.3.12 An assessment of potential impacts on air quality from emissions from the diesel generators has been undertaken in support of the DCO application and the application for the Combustion Activity Permit, and is provided in **Appendix 12C** of **Volume 2** of the **ES** (Doc Ref. 6.3).

2.3.13 The emissions from the diesel generators have been modelled, using the proprietary dispersion model ADMS5.2, to determine the likely worst-case Process Contributions at sensitive receptor locations. These have been added to the background pollutant concentrations to determine the overall predicted environmental concentration at sensitive receptor locations, which have then been assessed against air quality standards. Both short- and long-term human health effects during commissioning and routine testing have been modelled and assessed.

2.3.14 The dispersion modelling of emissions of identified pollutants (NO₂, PM₁₀ and PM_{2.5}) from the diesel generators predicts there to be no exceedances of air quality standards at human health receptors for both short- and long-

term effects. In addition, there would be negligible emissions of deposited dust.

ii. [Main development site – nuclear auxiliary stack](#)

2.3.15 Emissions of pollutants that could occur from the nuclear auxiliary stack have been considered and assessed in **Volume 2, Chapter 12** of the **ES** (Doc Ref. 6.3) using the same methodology and significance criteria as outlined above for the diesel generators. The level of emissions has been identified to be insignificant and would not give rise to any nuisance including releases of odour.

iii. [Associated development sites](#)

2.3.16 The air quality assessment of the operation of the permanent associated development concluded there would be **no significant** effects during the operation of the sites and no nuisance is expected to arise.

iv. [Conclusion \(Operation\)](#)

2.3.17 Emissions from the operation of the Sizewell C Project would be controlled and would not give rise to any significant effects or any nuisance nor would they be prejudicial to health under section 79(1)(d) of the Environmental Protection Act.

2.4 [\(fb\) Artificial light emitted from premises so as to be prejudicial to health or a nuisance](#)

2.4.1 The following **ES** chapters and their associated appendices provide detailed assessments of the landscape and visual effects of the proposed development, including the appraisal of impacts from artificial light at night:

- **Volume 2** Main Development Site, **Chapter 13** Landscape and Visual (Doc Ref. 6.3); and
- **Volumes 3 – 9** Associated Development, **Chapters 6** Landscape and Visual (Doc Ref. 6.4 to 6.10).

a) [Construction](#)

i. [Main Development Site](#)

2.4.2 During construction of the proposed development, temporary artificial lighting would be required to provide illumination for construction activities

providing a safe working environment in the absence of natural light, allowing workers and site traffic to safely undertake various construction-related tasks and to provide security lighting. There is the potential for significant effects associated with the introduction of temporary artificial lighting on nearby receptors. Lighting would be managed as outlined in the **Lighting Management Plan (LMP)** as provided in **Appendix 2B** to **Volume 2** of the **ES** (Doc Ref. 6.3).

2.4.3 For the main development site, a night-time appraisal of lighting proposed has been undertaken, as detailed in the **Volume 2, Chapter 13** of the **ES** (Doc Ref. 6.3). This concludes that there is the potential for significant effects to be experienced by visual receptors in an area approximately extending between the site northwards to Minsmere and Dunwich Heath, eastwards into the immediate offshore zone, south to Sizewell Gap and west to the area around Leiston Abbey. Effects southwards from the edge of The Walks and along the coast towards Aldeburgh Beach car park would be **not significant**.

2.4.4 Measures to minimise impacts are set out in the **LMP**. The **LMP** includes objectives to target lighting where it is required; avoid all unnecessary illumination (such as illumination of construction company logos) and minimise upward lighting and light spill to neighbouring areas. A range of primary and secondary mitigation measures would be adopted to address the potential impact from the construction phase lighting. These include:

- adopt the lowest safe lighting levels possible for task being undertaken;
- minimise the visual effects at night from lighting and light spill where practicable;
- use a luminaire with good optical control;
- minimise the mounting height of the luminaire, based on lowest safe operational height;
- direct luminaires into the area to be lit (light from the boundary inwards);
- ensure the luminaire is mounted at zero degrees to the horizontal and avoid any tilt;

- if required, make use of manufacturer's supplied custom louvers; and
- provide local control for the lighting so it may be switched off when not required.

2.4.5 In addition to the physical equipment, lighting would be placed such that it makes use of the existing and proposed topography, such as:

- keep mounting heights lower than fences and bunding, where practicable; and
- position equipment so it is not visible to sensitive receptors by using natural screening.

2.4.6 Installed lighting would be periodically inspected during construction. This would help to maintain the levels of lighting in accordance with current best practice and standards whilst controlling and minimising the potential impact from lighting as far as practicable. The **CoCP** (Doc Ref. 8.11) sets out measures for community liaison, including the management of queries and complaints.

ii. *Associated development sites*

2.4.7 The construction and removal and reinstatement works (where applicable) of the associated development would generally be undertaken during day-time hours, or between the hours of 07:00 and 19:00 and therefore would have a reduced requirement for lighting. Where required, the **CoCP** (Doc Ref. 8.11) sets out a number of measures to minimise lighting impacts during construction.

2.4.8 The following sections consider the operation of the associated development during the construction of Sizewell C.

Park and ride sites and the freight management facility

2.4.9 Section 79(5B) of the Environmental Protection Act excludes artificial light emitted from bus stations, public service vehicle operating centres or goods vehicle operating centres.

2.4.10 For the park and ride sites and the freight management facility, lighting would be required in the car park areas and along the access road to maintain safe and secure operations. Lighting columns would have a maximum height, with lanterns, of 6 metres (m) within car parking areas and access roads, and 10m on roundabouts and slip roads. Lighting would

also be directed away from the site boundaries to minimise any impact on adjacent properties. If lights cannot be positioned in such a way because of physical constraints, or for safety reasons, then localised screening of the lights, including shielding of luminaires with demountable shields to reduce the backward spill of light, would be used to reduce disturbance where appropriate. The lanterns would utilise LED based light fittings, to ensure energy efficiency, with zero-degree tilt.

2.4.11 To further assist in mitigating obtrusive light, a Central Management System has been proposed for the lighting which would be capable of dimming parts of the site independently from others (with the site envisaged to be divided into six to eight main sections), as usage changes through the day. The system would allow for seasonal variations in the operational hours of the external lighting.

2.4.12 Residential properties to the north and east of the northern park and ride are predicted to experience a potentially significant visual effect from the proposed development lighting, though this would be managed as outlined in the **LMP** and no statutory nuisance is expected to occur. Significant visual effects from lighting are not predicted at the southern park and ride or the freight management facility. There are no residential properties in close proximity of the freight management facility that could be impacted by operations of the facility.

Two village bypass, Sizewell link road and other highway improvements

2.4.13 The routes of the proposed two village bypass and Sizewell link road would be mostly unlit, except at the A12 western roundabout and the A12/A1094 eastern roundabout on the two village bypass and the A12 western roundabout and the B1122 northern roundabout on the Sizewell link road where lighting would be required as it is an intrinsically dark area and the proposed road introduces a new deviation of the existing route. The remaining junctions would have low traffic flows and be similar to existing unlit rural junctions and would therefore be unlit to minimise light spill.

2.4.14 Significant visual effects from lighting are not predicted to arise from either of the road schemes, Yoxford roundabout or the other highway improvements, on the basis that where lighting is provided, it is sensitively designed to minimise impacts.

Rail

2.4.15 The design of the proposed rail development includes the following measures to minimise landscape and visual effects of the permanent lighting:

- the level crossing lighting would be in compliance with the Network Rail standard; and
- the level crossing lighting would be designed so as to not cause significant levels of glare to road users, train drivers or signallers and others operating the crossing.

2.4.16 The assessment of potential effects on residential properties in the vicinity of the proposed rail development identifies that significant visual effects are not predicted to arise, on the basis that where lighting is provided, it is sensitively designed to minimise impacts.

iii. Conclusion (Construction)

2.4.17 Whilst significant visual effects would be likely during the construction of the main development site, implementation of the **LMP** and **CoCP** (Doc Ref. 8.11) would manage lighting to minimise these effects as far as practicable and so as not to generate a nuisance or be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act.

2.4.18 During the construction of the associated development sites, lighting would be limited and managed, and would not give rise to any nuisance, nor would it be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act.

2.4.19 Whilst significant visual impacts would be likely during operation of the northern park and ride site, the levels of lighting would be maintained in accordance with current best practice and standards whilst ensuring the potential impact from lighting is controlled and minimised as far as practicably possible and so as not to generate a nuisance or be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act. The operation of all other associated development sites would likewise not give rise to any nuisance nor would the operation be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act.

b) Operation

i. Main Development Site

2.4.20 The main sources of artificial lighting during the operational phase would be similar to the existing Sizewell B power station, including illumination to permanent security fences/checkpoints, lighting to all areas in the security fence and permanent car park. Furthermore, permanent lighting would be located at the new permanent access at the interface with the public

highway and roads outside the security fence and substations. Temporary lighting would also be characteristic including during an outage in the outage car park at Pillbox Field and the beach landing facility/access when this is in use. In addition to point source illumination, light would be reflected off the proposed Sizewell C structures and skyglow is also anticipated to occur.

2.4.21 During operation, significant effects could be experienced immediately adjacent to the main development site including along Sizewell Beach towards Minsmere coast and Dunwich. The operational effects on visual receptor groups from lighting would be **not significant**.

2.4.22 As for construction, the **LMP** includes objectives and measures to minimise operational lighting from Sizewell C.

ii. [Associated development sites](#)

2.4.23 The operation of the permanent associated development sites would not give rise to additional effects beyond those identified during the construction phase.

iii. [Conclusion \(Operation\)](#)

2.4.24 During operation of the Sizewell C Project, lighting would be managed in accordance with the **LMP** and would not give rise to any statutory nuisance nor would the operation be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act.

2.5 [\(g\) Noise emitted from premises and \(ga\) noise emitted from or caused by a vehicle, machinery or equipment in a street so as to be prejudicial to health of a nuisance](#)

2.5.1 Section 79(6A) of the Environmental Protection Act provides that category (ga) does not apply to noise made by traffic (amongst other things). Noise arising from the road traffic associated with the Sizewell C Project is therefore excluded.

2.5.2 The following **ES** chapters and their associated appendices provide detailed assessments of the effects of noise emissions from the proposed development:

- **Volume 2** Main Development Site, **Chapter 11** Noise and vibration (Doc Ref. 6.3); and

- **Volumes 3 – 9** Associated Development, **Chapter 4** Noise and vibration (Doc Ref. 6.4 to 6.10).

a) **Construction**

i. **Main development site**

2.5.3 As described in **Volume 2, Chapter 11** of the **ES** (Noise and vibration) (Doc Ref. 6.3), construction works on the main development site would involve a number of distinct activities which, without mitigation, have the potential to give rise to significant noise effects. These include:

- Phase 1a: Initial site stripping/levelling and concurrent noisy activities;
- Phase 1b/2: Construction of site infrastructure and earth moving;
- Phase 3/4: Construction of above ground power station buildings; and
- Phase 5: Removal of temporary facilities/ restoration of the land.

2.5.4 During construction, the site layout would incorporate noise barriers in the form of landscape bunds and/or acoustic screens in order to reduce, as far as practicable, the spread of construction noise from the main development site to identified noise-sensitive receptors.

2.5.5 In addition, the standard of good practice outlined in BS 5228-1 would be followed, as set out in the **CoCP** (Doc Ref. 8.11) and includes:

- Selection of quiet plant and techniques in accordance with good practice in BS5228 for all construction, demolition and earth moving activities.
- Switching off equipment when not required.
- Use of reversing alarms that ensure proper warning whilst minimising noise impacts off site.
- Provision of training and instruction to construction site staff on methods and techniques of working to minimise off-site noise impacts.

2.5.6 BS 5228-2 gives detailed advice on standard good practice for minimising impacts from construction vibration. The key requirements of BS5228-2 are

set out in the **CoCP** (Doc Ref. 8.11) and it would be a requirement of the contractors to adhere to this.

2.5.7 Predictive construction noise modelling was completed including the effects of these mitigation measures for all assessment scenarios. As detailed in the **ES** it is predicted there would be **significant** adverse effects on residential properties close to the boundary of the main development site, from the initial stripping/levelling activities on the main development site and the LEEIE during Phase 1A, at night in Phases 3/4 when the green rail route is operational at night and necessary 24-hour continuous tunnelling and excavation work are required, and during the removal and reinstatement phase (Phase 5).

2.5.8 A noise mitigation scheme, provided in **Appendix 11H** of **Volume 2** of the **ES** (Doc Ref. 6.3) has been developed that accompanies the DCO application. This sets out principles that will apply during construction and operation of the Sizewell C Project to mitigate noise and vibration effects, in particular in respect of whether the noise and vibration effects of the Sizewell C Project qualify for noise mitigation or an offer of temporary rehousing. Wherever SZC Co. has identified potentially significant effects associated with the Sizewell C Project at the application stage, commitment is given to undertaking a refreshed noise assessment post the grant of any DCO and in advance of the noise generating activity to identify properties that may require additional noise insulation or temporary rehousing.

2.5.9 This scheme would complement and be separate from the Sizewell C Property Price Support Scheme which is a scheme launched by SZC Co. in November 2019 and which offers to make up the difference in value for properties sold within defined areas close to the DCO application boundary, based on the difference between the with and without Sizewell C valuations.

2.5.10 In conclusion, during the construction and reinstatement on the main development site construction noise has the potential to give rise to significant adverse effects at certain times and in certain locations. However, with the implementation of the mitigation that has been proposed, and assuming uptake of the noise mitigation scheme, this would not give rise to a statutory nuisance under section 79(1)(g) of the Environmental Protection Act.

ii. **Associated Development Sites**

2.5.11 The principal risk from the construction of the associated development sites relates to early phases of construction including site setup, site stripping and earthworks, and to the reinstatement phase following their use.

However, for most associated development sites, with the exception of the two village bypass and Sizewell link road, **no significant** noise effects are expected with the implementation of good practice measures in accordance with BS 5228-1, as set out in the **CoCP** (Doc Ref. 8.11).

2.5.12 Through the proposed control measures during construction and reinstatement of associated developments, **no significant** noise or vibration effects are predicted at sensitive receptors.

2.5.13 Operation of the associated development sites during the construction of Sizewell C, with the exception of the two village bypass, Sizewell link road and green rail route, is also not predicted to give rise to significant noise effects.

2.5.14 For the operation of the road schemes during the construction phase of the Sizewell C Project, the road traffic noise levels were predicted using the calculation method described in Calculation of Road Traffic Noise (Ref. 1.7). Road traffic flow data was used to predict levels at each receptor or receptor group for reference cases occurring during peak construction, and once all construction work at the main development site is complete. Rail noise on the green rail route was assessed considering the increased Sizewell C Project related night time rail traffic using the main and branch lines.

2.5.15 As outlined in paragraph 2.5.1, section 79(6A) of the Environmental Protection Act provides that category (ga) does not apply to noise made by traffic (amongst other things). Noise arising from the road traffic associated with the Sizewell C Project is therefore not considered further in this Statement of Statutory Nuisance.

2.5.16 However, it is identified in the respective noise chapters of the **ES - Chapters 4 of ES Volumes 5, 6 and 9**, (Doc Ref. 6.6, 6.7 and 6.10) that a number of sensitive receptors have been identified at which significant noise effects are predicted during operation of the two village bypass, Sizewell link road and green rail route. Where significant adverse effects on properties are predicted for the duration of use of the associated development, further mitigation is proposed including the implementation of the noise mitigation scheme.

iii. Conclusion (Construction)

2.5.17 Noise impacts during construction of the Sizewell C Project would be controlled and would not give rise to any statutory nuisance nor would it be prejudicial to health under section 79(1)(g) or (ga) of the Environmental Protection Act.

b) Operation

i. Main development site

2.5.18 Predictive noise modelling of the operational power station has been undertaken and **no significant** adverse effects from the operation of Sizewell C are predicted.

ii. Associated Development Sites

2.5.19 Much of the associated development will be removed and the existing land reinstated on completion of the construction phase of the Sizewell C Project. However the two village bypass and Sizewell link road would remain available for use by the Sizewell C Project and also members of the public.

2.5.20 As outlined in paragraph 2.5.1, section 79(6A) of the Environmental Protection Act provides that category (ga) does not apply to noise made by traffic (amongst other things). Noise arising from the road traffic using the two village bypass and Sizewell link road is therefore not considered further in this Statement.

iii. Conclusion (Operation)

2.5.21 Noise emissions from the operation of the Sizewell C Project would be controlled and would not give rise to any nuisance nor would they be prejudicial to health under section 79(1)(g) or (ga) of the Environmental Protection Act.

2.6 Development Consent Order

2.6.1 Article 10 of the **Draft DCO** (Doc Ref. 3.1) would provide a defence, subject to certain criteria, to proceedings in respect of statutory nuisance falling within sub-paragraph (d), (fb), (g) or (ga) of section 79(1) of the Environmental Protection Act.

2.7 Conclusion

2.7.1 This Statement considers whether the Sizewell C Project engages any of the matters in section 79(1) of the Environmental Protection Act. It considers the findings of the EIA in the **ES** in respect of impacts that could give rise to a statutory nuisance resulting from the construction (and removal and reinstatement, as applicable) and operation of the Sizewell C Project.

2.7.2 The Sizewell C Project has the potential to engage one or more of the matters set out in section 79(1) of the Environmental Protection Act during the construction, operation and removal and reinstatement (where applicable) of the main development site and the associated development sites, as a result of:

- any dust, steam, smell or other effluvia arising on industrial, trade or business premises (section 79(1)(d));
- artificial light emitted from premises (section 79(1)(fb)); and
- noise emitted from premises (section 79(1)(g), or emitted from or caused by a vehicle, machinery or equipment in a street (section 79(1)(ga)).

2.7.3 Taking into account the proposed primary and tertiary mitigation measures and controls set out in the **ES**, the only matters addressed by the Environmental Protection Act which have been assessed in the **ES** as potentially giving rise to significant adverse effects of the proposed development are noise and lighting effects. To mitigate these impacts, further secondary mitigation measures are proposed where practical. Providing that the implementation of these measures is accepted by the affected receptors, the proposed development is not predicted to cause a nuisance or be prejudicial to health.

References

- 1.1 Parliament of the United Kingdom. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, (London, 2009)
- 1.2 Parliament of the United Kingdom. The Environmental Protection Act 1990
- 1.3 Department of Energy and Climate Change, Overarching National Policy Statement for Energy (EN-1) (London: The Stationery Office, 2011).
- 1.4 Parliament of the United Kingdom, The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended), (London, 2017)
- 1.5 Parliament of the United Kingdom, The Marine Works (Environmental Impact Assessment) Regulations 2007, (London, 2007)
- 1.6 Institute of Air Quality Management. Guidance on the Assessment of Dust from Demolition and Construction. 2016. (Online) Available from: <https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf> (Accessed April 2019)
- 1.7 Calculation of Road Traffic Noise (CRTN), Department of Transport, Welsh Office (1988)