



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Statement in Respect of Statutory Nuisance

January 2024

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Oaklands Farm Solar Park Statement in Respect of Statutory Nuisance

Final report

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Executive Summary

This Statement in Respect of Statutory Nuisance has been prepared on behalf of Oaklands Farm Solar Limited ('the Applicant') in relation to an application for a Development Consent Order (DCO). The application is for a proposed solar farm with an associated Battery Energy Storage System ('the Proposed Development'). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar farm itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. A high voltage underground electricity cable would run through land at Fairfield Farm and Park Farm to the north to connect the solar farm to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent.

The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and 15(1) and (2) of the Planning Act 2008 (the Act) as it is for the construction of a generating station in England with a capacity in excess of 50 megawatts (MW). As such this Statement has been prepared to satisfy Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, which requires an application for a DCO to 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, and if so how the applicant proposes to mitigate or limit them*".

The matters in Section 79(1) of the Environmental Protection Act 1990 (EPA) that have been considered within this Statement are general site condition, air quality, artificial light, and noise and vibration, during all phases of the Proposed Development.

This Statement sets out appropriate mitigation measures to ensure that the Scheme has no significant effects that would give rise to a statutory nuisance. It is therefore demonstrated that no statutory nuisance effects are considered likely to occur.

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Chapter 1

Introduction

Introduction

1.1 This Statement in Respect of Statutory Nuisance ('the Statement') has been prepared on behalf of Oaklands Farm Solar Limited ('the Applicant') in relation to an application for a Development Consent Order (DCO). The Application is for a proposed solar farm with an associated Battery Energy Storage System ('the Proposed Development'). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar farm itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. A high voltage underground electricity cable would run through land at Fairfield Farm and Park Farm to the north to connect the solar farm to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent.

1.2 As the Proposed Development would be an onshore generating station with a generating capacity of over 50MW an application for a Development Consent Order is being made under the Planning Act 2008 to the Planning Inspectorate, for determination by the Secretary of State for Energy Security and Net Zero.

1.3 This Statement should be read alongside the Environmental Statement ('ES') (Document Ref 6.1) submitted as part of the Application.

Purpose of the Statutory Nuisance Statement

1.4 This Statement has been prepared in compliance with the requirements of Regulation 5 (2) (f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the "APFP Regulations") which states 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, and if so how the applicant proposes to mitigate or limit them"

1.5 This Statement is produced in the context that Section 158 of the Planning Act 2008 provides statutory authority for carrying out development or anything else which is authorised by the DCO as a defence against civil or criminal proceedings for nuisance.

1.6 Whilst it is not expected that the construction, operation, maintenance and decommissioning of the Proposed Development would cause a statutory nuisance, the draft DCO (Document Reference 3.1) accompanying the Application contains a provision at article 7 that would provide a defence to proceedings in respect of statutory nuisance (in respect of subparagraph (g) of section 79(1) of the Environmental Protection Act 1990 (EPA), subject to certain criteria.

Structure of this Statement

1.7 This Statement is structured as follows:

- Chapter 1: Introduction.
- Chapter 2: Legislative and Policy Context, sets out the relevant provisions of the EPA and the legislative and policy framework pertinent to statutory nuisance.
- Chapter 3: Assessment and Mitigation, considers the potential for the Proposed Development to give rise to statutory nuisances.
- Chapter 4: Conclusion, concludes that it is not expected that there would be a breach of Section 79(1) of the EPA during construction, operation, or decommissioning activities.

Chapter 2

Legislative and Policy Context

Environmental Protection Act 1990

2.1 Section 79(1) of the EPA sets out the matters which are considered to constitute 'statutory nuisances'. These are:

- *“(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;*
(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.”*

2.2 For the purposes of section 79(1)(g and ga) 'noise' includes vibration.

2.3 Guidance states that *“For a nuisance to be considered a statutory nuisance it must unreasonably and substantially interfere with the use or enjoyment of a home or other premises,*

or injure health or be likely to injure health. To be considered a nuisance, an activity must be ongoing or repeated; a one-off event would not usually be considered a nuisance”¹.

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

2.4 Regulation 5 (2) (f) of the APFP Regulations states that the Application for a DCO 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, and if so how the applicant proposes to mitigate or limit them”*

Overarching National Policy Statement for Energy EN-1

2.5 Paragraph 4.14.1 of the 2011 Overarching National Policy Statement (NPS) for Energy EN-1² (section 4.15 in the November 2023 draft NPS EN-1 to be designated³) states that: *“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 defence for proceedings for nuisance under Part III of the EPA (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 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied to 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”.*

2.6 Paragraph 4.14.2 states that *“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 IPC so that appropriate requirements can be included in any subsequent order granting development consent”.* This text is included in the 2023 NPS EN-1 draft to be designated at paragraph 4.15.5.

¹ Ares, E & Adcock, A. Nuisance Complaints (2018). House of Commons Library. Briefing Paper No CBP 8040

² Department for Energy and Climate Change (2011) Overarching National Policy Statement for Energy EN-1

³ Department for Energy Security and Net Zero (2023) Draft Overarching National Policy Statement for Energy EN-

Chapter 3 Assessment and Mitigation

Summary of Matters to be Engaged

3.1 The ES (Document Reference 6.1) accompanying the DCO application assesses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in section 79(1) of the EPA. Matters which are considered to be statutory nuisances under section 79(1) of the EPA are included in **Table 3.1**, with commentary on whether these matters are included or excluded from this Statement, depending on the assessment within the ES.

Table 3.1: Matters within EPA Section 79(1)

EPA Section 79(1) Matter	Engaged as a consequence of the project?
(a) any premises in such a state as to be prejudicial to health or a nuisance	This matter is considered in this Statement from paragraph 3.3.
(b) smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated from the project. This matter is not considered further within this Statement. Unplanned, emergency scenarios such as an accidental or technical fire are not considered relevant to this Statement. The Outline Battery Storage Safety Management Plan at Appendix 4.6 of the Environmental Statement considers fire risk associated with the Proposed Development.
(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	Section 79(1)(c) only applies to premises which are private dwellings as clarified by section 79(4). This matter is not considered further within this Statement.

EPA Section 79(1) Matter	Engaged as a consequence of 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	This matter is considered in this Statement from paragraph 3.13.
(e) any accumulation or deposit which is prejudicial to health or a nuisance	This matter is considered in this Statement from paragraph 3.3.
(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The site is currently agricultural land and will remain in agricultural use by grazing livestock throughout the operational phase of the development. Land managers will continue to comply with good practice guidance for both livestock welfare and the management of agricultural land. This matter is not considered further within this Statement.
fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	The nature of the Proposed Development provides no indication that insects will emanate from the premises or be attracted to it. This matter is not therefore considered further within this Statement.
fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered in this Statement from paragraph 3.23.
(g) noise emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered in this Statement from paragraph 3.30.
(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused	This matter is considered in this Statement from paragraph 3.30.

EPA Section 79(1) Matter	Engaged as a consequence of the project?
by a vehicle, machinery or equipment in a street	
(h) any other matter declared by any enactment to be a statutory nuisance	No other matters are considered to be a potential statutory nuisance associated with the construction, operation, or demolition of the Proposed Development.

Matters Engaged

3.2 This chapter considers the risk of the matters to be engaged (see **Table 3.1**) causing a statutory nuisance. It considers the construction and operational phases of the Proposed Development. In the ES, the effects of decommissioning are considered to be similar to, or often of a lesser magnitude than, construction effects and will be considered where possible in the relevant topic chapters of the ES. As such, the potential for statutory nuisance during the decommissioning phase is also considered to be similar or less than for the construction phase. The assessment below primarily considers the construction phase to represent the worst case in relation to risk of statutory nuisance.

Condition of the Site

3.3 The following paragraphs consider the following matters under EPA Section 79(1)(a) and (e):

- Any premises in such a state as to be prejudicial to health or a nuisance.
- Any accumulation or deposit which is prejudicial to health or a nuisance.

Construction and Decommissioning

3.4 The construction phase for the Proposed Development will consist of the following principal activities, outlined in the Indicative Construction Programme in **Appendix 4.1: Indicative Construction Programme** (ES Volume 3):

- Site set up (including installation of new access points, construction tracks, perimeter security fencing and CCTV).

- Construction of temporary construction compounds with storage and welfare units.
- Construction of the internal operational and maintenance access tracks across the Site.
- Site drainage and watercourse crossing installations/improvements.
- Concrete foundations laid for the Proposed Development's substation and Transformer Units across Site for solar output.
- Piling operations for the installation of PV mounting structures.
- Delivery to Site and mounting of the PV modules.
- Construction of the Proposed Development's substation.
- Excavation of trenches and laying of low and medium voltage cabling to connect the PV modules and energy storage facility to the Proposed Development's substation.
- Excavation of trenches and laying of 132kV cabling to connect to the National Grid Drakelow substation.
- Clearing Oaklands Farm construction compound for installation of concrete foundations and electrical infrastructure for the energy storage facility.
- Testing and commissioning of site equipment, including the PV modules and energy storage facility.
- Site restoration, landscape, and habitat management activities.

3.5 Construction control mechanisms are set out in the Outline Construction Environmental Management Plan (CEMP) in **Appendix 4.3** in Volume 3 of the ES (Document reference 6.1). This document provides guidance during the construction phase to promote good practice and avoid adverse impacts or nuisance. The CEMP is considered embedded mitigation in the EIA and the assessments assume that the measures in the CEMP will be implemented in full. Compliance with the Outline CEMP is secured by requirement 5 of the draft DCO.

3.6 The Outline CEMP includes measures such as a Site Waste Management Plan which outlined the practices to be put in place to ensure the control of waste on site, in a manner that is not detrimental to the local and wider environment. This encompasses the minimisation of waste and the removal of waste from site where necessary. All waste to be removed from the

Order limits will be undertaken by fully licensed waste carriers and taken to licensed waste facilities for recycling or disposal.

3.7 For decommissioning, a Decommissioning Management Plan has been prepared (ES **Appendix 4.5**) to provide similar controls. This will be secured through Requirement 20 in the Development Consent Order.

3.8 With these measures in place it is considered that the construction and decommissioning phases of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) or (e).

Operation

3.9 It is considered that the operation of the Proposed Development in its built form, as a solar farm plus Battery Energy Storage System, with related infrastructure, will not in itself cause the 'premises' within the Order Limits, to be in 'such a state' as to be prejudicial to health or nuisance.

3.10 During the operational phase, maintenance activity will be minimal and will be restricted principally to vegetation management, equipment maintenance and servicing, replacement of any components that fail, and monitoring. It is anticipated that maintenance and servicing would include the routine inspection, removal, reconstruction, refurbishment, or replacement of equipment as required to ensure the continued effective operation of the Proposed Development. The Operational Environmental Management Plan (**Appendix 4.4**) will outline the approach to operational and maintenance activities for the Proposed Development and will be secured by Requirement 9 of the Development Consent Order.

3.11 This phase of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) or (e).

Conclusion

3.12 With these measures in place, the construction, operation, and decommissioning phases of the project will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) and (e).

Air Emissions

3.13 This section considers the following matter under EPA Section 79(1)(d):

- Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance.

3.14 An air quality assessment has been undertaken and this is presented in the ES at **Chapter 16: Other Issues**. The assessment concludes that the construction phase will have the potential to create dust. However, with the implementation of mitigation measures to minimise dust emissions (detailed in Appendix A4 of **Appendix 16.1: Air Quality Assessment** and **Appendix 4.3: Outline Construction and Environmental Management Plan**), it is expected that any residual effects will be not significant.

Construction and Decommissioning

3.15 During construction and decommissioning there is the potential for emissions of dust and particles due to:

- Earthworks such as soil stripping and excavation for access roads, the Proposed Development's substation, and Battery Energy Storage System.
- Construction of the Proposed Development's substation control building.
- Track-out from the movement of construction and decommissioning vehicles.

3.16 Mitigation measures, incorporated into **Appendix 4.3: Outline Construction and Environmental Management Plan**, will be implemented to ensure no significant dust effects result from the construction or decommissioning phases. This mitigation is taken from the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of Dust from Demolition and Construction'⁴. The mitigation includes:

Communications

- Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environmental manager/engineer or the site manager.

⁴ IAQM. (2016). Guidance on the Assessment of Dust from Demolition and Construction v1.1

- Display the head or regional office contact information.
- Implementation of a Dust Management Plan.

Site Management

- Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
- Make the complaints log available to the local authority when asked.
- Record any exceptional incidents that cause dust and/or air emissions, either on- or off-site, and the action taken to resolve the situation in the log book.

Monitoring

- Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the Local Authority when asked.
- Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust area being carried out and during prolonged dry or windy conditions.

Preparation and Maintaining the Site

- Plan the site layout so that machinery and dust-causing activities are located away from receptors, as far as is possible.
- Erect solid screens or barriers around dusty activities or the site boundary that are as at least as high as any stockpiles on site.
- Avoid site runoff of water or mud.

Operating Vehicle/Machinery and Sustainable Travel

- Ensure all vehicles switch off their engines when stationary – no idling vehicles.
- Avoid the use of diesel- or petrol-powered generators and use mains electricity or battery-powered equipment where practicable.

Operation

- Only use cutting, grinding, or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g., suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.
- Use enclosed chutes, conveyors, and covered skips.
- Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.

Waste Management

- No bonfires and burning of waste materials.

3.17 The Proposed Development will not increase traffic above the level of the IAQM/EPUK screening criteria during the construction or decommissioning phase. Therefore, a detailed air quality assessment is not necessary as the Proposed Development will have an insignificant effect on local air quality due to vehicle emissions.

3.18 The decommissioning phase will be similar in nature, duration, and extent to the construction phase, albeit likely to be shorter and of lower magnitude due to the small amount of decommissioning required. It has therefore not been necessary to separately assess this phase and the effects for assessment purposes are assumed on a conservative basis to therefore be the same as the construction phase. Therefore, the mitigation measures proposed for implementation during the construction phase will be appropriate for application to decommissioning and will be included in a Decommissioning Environmental Management Plan, an outline of which is included at **Appendix 4.5** of the ES.

Operation

3.19 The Proposed Development will not introduce any sources of emissions and as such there will be no associated operational air quality effects.

3.20 The operation of the Proposed Development will not increase traffic above the level of the IAQM/EPUK screening criteria during the operational phase. Therefore, a detailed air quality

assessment is not necessary as the Proposed Development will have an insignificant effect on local air quality due to vehicle emissions.

3.21 The Operational Environmental Management Plan (**Appendix 4.4**) will outline the approach to operational and maintenance activities for the Proposed Development to avoid adverse air emissions and will be secured by Requirement 9 of the Development Consent Order.

Conclusion

3.22 With these measures in place, the construction, operation, and decommissioning phases of the project will not give rise to impacts which would constitute a statutory nuisance under s79(1) (d).

Artificial Light

3.23 This section considers the following matter under EPA Section 79(1)(fb):

- Artificial light emitted from premises so as to be prejudicial to health or a nuisance.

3.24 A statutory nuisance would exist if artificial light substantially interfered with the wellbeing, comfort, or enjoyment of an individual's property. Usually this would mean that lights were causing a nuisance on a regular basis. Artificial lights may cause a nuisance if they are not maintained or used properly.

3.25 Effects from Glint and Glare are not covered by statutory nuisance legislation, as it does not cover natural light. Glint and Glare effects are however assessed in detail in ES **Chapter 14: Glint and Glare** (Doc ref 6.1) and effects will not be significant following mitigation through screening secured within the Outline Landscape and Environmental Management Plan (within **Appendix 5.6** of the ES).

Construction and Decommissioning

3.26 The Site construction compounds would be lit using temporary lighting columns. Security lighting will be installed on buildings, storage and welfare units which will be downward facing.

3.27 The Outline Construction Environmental Management Plan (ES **Appendix 4.3**) and Decommissioning Environment Management Plan (ES **Appendix 4.5**) set out controls to ensure

lighting does not cause a nuisance. Lighting is to be used during agreed working hours (one hour period before sunrise and a one-hour period after sunset) and that which is necessary for security. Lighting will be positioned and directed to avoid nuisance to residents and wildlife and/or causing distractions to drivers on adjacent roads.

Operation

3.28 During operation, permanent lighting with motion sensors will be installed within the substations and Battery Energy Storage System compounds. No area of the compound will be continuously lit during operation. Lighting is controlled by the Outline Operational Environmental Management Plan (ES **Appendix 4.4**). The closed circuit television (CCTV) system will utilise infra-red lighting. Therefore, there will be no lighting at the perimeter of the Site and no potential for a statutory nuisance.

Conclusion

3.29 With these measures in place, the construction, operation, and decommissioning phases of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under s79(1)(fb).

Noise and Vibration

3.30 This section considers the following matter under EPA Section 79(1) (g) and (ga):

- Noise emitted from premises so as to be prejudicial to health or a nuisance.
- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street.

3.31 The elements relevant to section 79(1) are those relating to noise emitted from premises (which includes land) and from vehicles, machinery and equipment in a street. Traffic noise is specifically excluded from consideration by section 79 (6A) (a) and is not considered further.

3.32 Noise is assessed in detail in ES **Chapter 11: Noise and Vibration**. The assessment concludes that there will be no significant effects in relation to Noise and Vibration. Effects from vibration were scoped out of the assessment.

Construction and Decommissioning

3.33 The construction activities considered to be those with the most potential to result in adverse noise effects (where they occur in close proximity to surrounding receptors), which may lead to nuisance are set out below:

- Directional drilling, including possible night time works.
- Movement of construction vehicles on Site.
- Trench excavations.
- Establishing site compounds and access tracks.
- Piling to install solar PV panels.

3.34 Measures to control noise and vibration will be adopted. These measures represent Best Practicable Means and are included as embedded mitigation within the Outline Construction Environmental Management Plan (see **Appendix 4.3** of the ES) and will be included in a Decommissioning Environmental Management Plan which will be prepared prior to the decommissioning phase and secured through Requirement 17 in the Development Consent Order. The Outline Decommissioning Environmental Management Plan is available in **Appendix 4.5** of the ES.

3.35 The principles presented within BS 5228⁵ section 7.3 Execution of works will be followed: *“All available techniques should be used to minimize, as far as is appropriate, the level of noise to which operators and others in the neighbourhood of site operations will be exposed”*. These include consideration to the hours of working, quiet working methods where reasonably practicable, control of the construction noise at source, and control of the spread of noise (section 8 of BS 5228).

3.36 In addition, Best Practical Means as described in the Control of Pollution Act 1974 will be adopted including:

- Selection of low noise plant and construction techniques where possible.
- Application of noise silencers.

⁵ British Standards Institute (2009), BS 5228:2009+A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites

- Application of rubber linings in dumpers to reduce noise impact.
- Minimise drop height of materials.
- All plant to be properly maintained and operated in accordance with manufacturer's instructions.
- Any fixed construction plant items to be located as far from noise sensitive properties as possible and screened if required and practical with temporary hoardings.

3.37 Construction will occur during daytime hours only. The proposed working hours are 07:00-19:00 hours on weekdays during the summer (with reduced hours in winter months), 08:00 – 14:00 hours on Saturdays, and no working on Sundays, Bank or Public Holidays.

3.38 Noise and vibration during decommissioning is assumed to be no greater than that during construction. Therefore, decommissioning has not been assessed as a separate stage within the ES.

Operation

3.39 The ES considered the following sources of noise during the operational phase:

- Solar panel string Inverters.
- Distributed medium voltage Transformer Stations.
- Transformers within the Proposed Development's substation compound.
- Harmonic filters and reactive compensation in the Proposed Development's substation compound.
- Battery Energy Storage System Inverters (cooling fans).
- Battery Units (cooling fans).

3.40 The assessment concluded that the string inverters and medium voltage transformers makes the highest contribution to predicted noise levels at each receptor during the day and that plant associated with the Battery Energy Storage System makes the highest contribution at night. However effects are considered to be negligible with no need for mitigation.

Conclusion

3.41 With the above measures in place, the construction, operation, and decommissioning phases of the project will not give rise to impacts which would constitute a statutory nuisance under s79(1) (g) and (ga).

Chapter 4

Conclusion

Potential for Nuisance

4.1 This Statement has been prepared to fulfil regulation 5(2)(f) of the APFP Regulations. It has considered whether the Proposed Development would cause a statutory nuisance as set out in s79(1) of the EPA 1990.

4.2 Detailed assessments have been undertaken as part of the EIA and the Statement reports the conclusions of the ES in relation to general site condition, air quality, artificial light, and noise during all phases of the Proposed Development.

4.3 The mitigation measures identified within the ES, will prevent impacts which have any potential to result in statutory nuisance under s79(1) of the EPA 1990. These measures are secured by requirements contained in the draft DCO.

4.4 It is not expected that there would be a breach of section 79(1) of the EPA 1990 during construction, operation, or decommissioning activities.