Springwell Solar Farm

7.5 Statutory Nuisance Statement

APFP Regulation 5(2)(f)

Planning Act 2008

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

EN010149/APP/7.5
November 2024
Springwell Energyfarm Ltd

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1. Introduction

1.1.1. This Statutory Nuisance Statement (the Statement) has been prepared by Springwell Solar Energyfarm Limited (the Applicant) as part of an application for a Development Consent Order (DCO) for Springwell Solar Farm.

1.1.2. The Proposed Development falls under the Planning Act 2008 and is classified as a Nationally Significant Infrastructure Project (NSIP) and requires an application for a DCO. The application for a DCO is submitted to the Planning Inspectorate on behalf of the Secretary of State for Energy Security and Net Zero (the Secretary of State), with the decision on whether to grant a DCO being made by the Secretary of State pursuant to the Planning Act 2008.

1.2. Order Limits

1.2.1. The location of the Proposed Development is shown in ES Volume 2, **Figure 1.1: Location Plan [EN010149/APP/6.2]**. The Order Limits presented in **ES Volume 2, Figure 1.2: Order Limits [EN010149/APP/6.2]** comprise approximately 1,280 ha of land (hereafter the 'Site') and constitute the maximum extent of land that will be required to facilitate the construction, operation (including maintenance) and decommissioning of the Proposed Development.

1.2.2. Further detail on the Proposed Development and the construction, operation (including maintenance), and decommissioning phases can be located in **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**.

1.2.3. The Order Limits comprise 1,280ha and include the following components. The Proposed Development is described in Schedule 1 of the **draft DCO [EN010149/APP/3.1]**, where the "authorised development" is divided into work packages. The Work Numbers (Work No.) for those packages are identified below and are referred to throughout this ES, and correspond to the **Works Plans [EN010149/APP/2.3]**. Note that there is overlap of Work No.'s in some locations, and so the sum of the Order Limits is not the total of these areas:

- Work No. 1: Ground-mounted Solar PV Generating Station
- Work No. 2: Springwell Substation Compound
- Work No. 3: Satellite Collector Compounds
- Work No. 4: Battery Energy Storage System Compound

- Work No. 5: Grid Connection Infrastructure
- Work No. 6: Cables
- Work No. 7: Temporary Construction Compounds
- Work No. 8: Highways Works (Facilitate access)
- Work No. 9: Green Infrastructure

1.3. The Proposed Development

1.3.1. The area subject to the DCO Application (the Order Limits) where the Proposed Development will be carried out is shown as the Order Limits. The principal components of the Proposed Development include:

1.3.2. Solar PV development including;

  – Ground-mounted Solar PV generating station. The generating station will include Solar PV modules and mounting structures;
  – Balance of Solar System (BoSS), which comprises inverters, transformers, and switchgear;

- 400kV Grid Connection Corridor to connect the Springwell Substation and proposed National Grid Navenby Substation;
- Satellite Collector Compounds comprising switchgear, transformers, ancillary equipment and operation, maintenance, security and welfare units;
- A project substation (the 'Springwell Substation') compound, which will include substation, main collector compound, switching and control equipment, office/control/welfare/security buildings, storage areas, and provisions for vehicular parking and material laydown;
- Battery Energy Storage System (BESS) compound, including batteries and associated inverters, transformers, switchgear and ancillary equipment and their containers, enclosures, monitoring systems, air conditioning, electrical cables, fire safety infrastructure and operation, maintenance, security and welfare facilities;
- Underground cabling will connect the Solar PV modules and BESS compound to the BoSS, collector compounds, and the Springwell Substation.
- Ancillary infrastructure works, including boundary treatments, security equipment, earthing devices, fencing, lighting, earthworks, surface water management, internal tracks and any other works identified as necessary to enable the development;
- Landscaping, habitat management, biodiversity enhancement and amenity improvements; and

- Works to facilitate vehicular access to the Site.

1.4. Purpose and Structure of this Statement

1.4.1. The Statement has been prepared in compliance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).

1.4.2. Regulation 5(2)(f) requires that an application for a DCO must be accompanied by a statement setting out whether the proposal (i.e. the Proposed Development) engages one or more of the matters in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (as amended) (EPA). If any of those matters are engaged, the statement must set out how the applicant proposes to mitigate or limit the effects

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

1.4.4. The Statement should be read alongside other documents submitted as part of the application, particularly:

- the **Environmental Statement (ES) [EN010149/APP/6.1]**;
- the **outline Construction Environmental Management Plan (oCEMP) [EN010149/APP/7.7]**;
- the **outline Operational Environmental Management Plan (oOEMP) [EN010149/APP/7.10]**;
- the **outline Decommissioning Environmental Management Plan (oDEMP) [EN010149/APP/7.13]**; and
- the **outline Battery Safety Management Plan (oBSMP) [EN010149/APP/7.14]**.

1.4.5. The Statement is produced in the context of section 158 of the Planning Act 2008, which provides statutory authority for carrying out development for which a DCO had been granted or anything else authorised by the DCO as a defence against civil or criminal proceedings for nuisance.

1.4.6. The Statement sets out appropriate mitigation measures to ensure that the Proposed Development has no likely residual effects that would give rise to a statutory nuisance.

1.4.7. Therefore, it was demonstrated that no statutory nuisance effects are considered likely to occur. The construction, operation (and maintenance)

and decommissioning of the Proposed Development are not expected to cause a statutory nuisance.

1.4.8. Nonetheless, it should be noted that article 7 (Defence to proceedings in respect of statutory nuisance) of the **draft Development Consent Order [EN010149/APP/3.1]** contains a provision that would provide a defence to proceedings in respect of statutory nuisance (in respect of sub-paragraph (g) of section 79(1) of the EPA (noise emitted from premises to be prejudicial to health or a nuisance)), subject to the criteria set out in that article.

1.4.9. The Statement is structured as follows:

- Section 1: Introduction;
- Section 2: Legislative and Policy Context;
- Section 3: Assessment of Significance;
- Section 4: Matters Engaged and Proposed Mitigation Measures; and
- Section 5: Conclusion

2. Legislative and Policy Context

2.1. The APFP Regulations 2009

2.1.1. Regulation 5(2)(f) of the APFP Regulations states that an 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".*

2.2. Environmental Protection Act 1990 (EPA)

2.2.1. Section 79(1) of the EPA, as it applies in England, provides that the following matters constitute "statutory nuisances":

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 or in Scotland, road;*

h) *any other matter declared by any enactment to be a statutory nuisance."*

2.2.2. 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.

2.3. Overarching National Policy Statement for Energy (NPS EN-1)

2.3.1. Paragraph 4.15.1 of the Overarching National Policy Statement for Energy (EN-1) **[Ref. 1-1]** 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."*

2.3.2. Paragraph 4.15.2 states that:

"*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 (EPA) (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised*."

2.3.3. Paragraph 4.15.5 states that the Applicant assessment must:

''At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be identified by the applicant so that appropriate requirements can be included in any subsequent order granting development consent''.

2.3.4. The **Planning Statement [EN010149/APP/7.2]** assess the compliance of NPS EN1 within Appendix 3 Policy Compliance tables and assess the Proposed Development's compliance with national and local planning policies.

3. Assessment of Significance

3.1. Summary of Matters Engaged

3.1.1. The ES accompanying the Application addresses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in section 79(1) of the EPA.

3.1.2. Table 3-1 outlines each matter stated in Section 79(1) of the EPA and describes whether this is covered within this Statement or is excluded, depending on the assessment within the ES.

Table 3-1 Matters Stated in Section 79(1) of the EPA

EPA Section 79(1) Matter	Matter engaged as a consequence of the Proposed Development?
a. any premises in such a state as to be prejudicial to health or a nuisance	This matter is considered further in this Statement.
b. smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated from the Proposed Development; therefore, this is not considered further within the Statement. Unplanned emergency scenarios such as an accidental or technical fire are irrelevant to this Statement due to their infrequent and short nature.
c. fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	This matter only applies to private dwellings, as provided for under section 79(4) of the EPA. This matter is, therefore, not considered further within the Statement because there is no impact on private dwellings.
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 further in this Statement in relation to dust. The Proposed Development is not anticipated to cause any effects from steam, smell or other effluvia and therefore, those elements are not considered further within the Statement.
e. any accumulation or deposit which is prejudicial to health or a nuisance	This matter is considered further in this Statement.
f. any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The Proposed Development will not keep any animals in such a place or manner as to be prejudicial to health or a nuisance. Any grazing of livestock will be in accordance with good practice guidance for livestock welfare; therefore, this is not considered further in the Statement.
f. (a) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	There is no indication that the construction, operation (and maintenance), and decommissioning of the Proposed Development will emanate any insects nor insects be attracted to it. Therefore, this is not considered further within the Statement.

f. (b) artificial light emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered further in this Statement.
g. noise emitted from premises so as to be prejudicial to health or a nuisance.	This matter is considered further in this Statement.
g. (a) noise that is prejudicial to health or nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street.	This matter is considered further in this Statement.
h. any other matter declared by any enactment to be statutory nuisance	No other matters are considered to be a potential statutory nuisance associated with the construction, operation (and maintenance) or decommissioning of the Proposed Development.

4. Matters Engaged and Proposed Mitigation Measures

4.1. Condition of the Site –Sections 79(1)(a) and (e) of the EPA

4.1.1. This section considers the risk of the condition of the Site causing a statutory nuisance. The following constitutes a statutory nuisance:

a. Section 79(1)(a)- "*any premises in such a state as to be prejudicial to health or a nuisance*".

b. Section 79(1)(e) - "*any accumulation or deposit which is prejudicial to health or a nuisance*".

Construction and Decommissioning

4.1.2. The types of construction activities in respect of the Proposed Development include, but are not limited to:

- The establishment of site fencing and primary and secondary temporary construction compound(s);
- The upgrade of existing tracks and construction of new tracks are required;
- The upgrade or construction of crossing points (bridges/culverts) over drainage ditches and below-ground utility infrastructure;
- Erection of Mounting Structures;
- Mounting of Solar PV modules;
- Installation of electrical cables;
- Installation of Transformers and Inverters;
- Construction of Springwell Substation;
- Construction of BESS;
- Construction of Satellite Collector Compounds; and
- Construction of onsite electrical infrastructure to facilitate the export of generated electricity.

4.1.3. Once complete and before the operation of the Proposed Development, the equipment will be tested and commissioned.

4.1.4. The Proposed Development will require decommissioning when the operational phase ends. All the solar infrastructure, including Solar PV modules, Mounting Structures, electrical cables on or near the surface, Inverters, Transformers, Switchgear, fencing, ancillary infrastructure,

BESS compound and the Springwell Substation would be removed and recycled or disposed of following good practice following the waste hierarchy, with materials being reused or recycled wherever possible. All waste will be disposed of in accordance with the legislation at the time of decommissioning.

4.1.5. Any requirement to leave the access tracks would be discussed and agreed upon with the landowners before decommissioning. The Solar PV development, along with areas of the Mitigation and Enhancement Areas, would be reinstated per a Decommissioning Environmental Management Plan (DEMP).

4.1.6. Construction and decommissioning works can create pollution incidents such as spillages, litter, and general waste, constituting a nuisance under the EPA.

4.1.7. Construction control mechanisms proposed include core working hours and traffic management, and these measures are set out in the outline Construction Environmental Management Plan (oCEMP). The oCEMP has been informed by the Environmental Impact Assessment (EIA) and will guide the construction process through environmental controls in order to promote good construction practices and avoid adverse or nuisance-causing impacts during the construction phase.

4.1.8. Following the granting of the DCO, a detailed CEMP will be prepared. It would align with the commitments set out by the Outline CEMP and be approved by the relevant local planning authority before starting the enabling works within the Order limits.

4.1.9. A DEMP will also be prepared prior to the commencement of decommissioning. The DEMP will be in accordance with the oDEMP, which has been prepared to support the DCO Application.

4.1.10. Plans to deal with accidental pollution would be included within the CEMP and DEMP prior to the commencement of construction and decommissioning. Any necessary equipment (e.g. spillage kits) would be held on-site, and all site personnel would be trained. The Environment Agency would be informed immediately in the unlikely event of a suspected pollution incident

4.1.11. To control the waste generated during site preparation and construction, the contractor will separate the main waste streams on-site prior to transporting them to an approved, licensed third-party waste facility for recycling or disposal, as covered by in the Outline Site Waste Management Plan, which forms part of the oCEMP.

4.1.12. 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.

4.1.13. The measures set out in the oCEMP and oDEMP are embedded in the Proposed Development design and the assessment of effects undertaken. The EIA assumes that those measures are implemented in full. Compliance with the CEMP and DEMP will be secured by requirements in the DCO.

4.1.14. 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 and Maintenance

4.1.15. It is considered that the operation of the Proposed Development in its built form, as a solar farm with related infrastructure, will not cause the 'premises' within the Order limits to be in 'such a state' as to be prejudicial to health or nuisance.

4.1.16. During the operational phase, maintenance activity within the Order Limits will be minimal and restricted principally to vegetation management, equipment maintenance and servicing, replacement of any components and monitoring. It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment or replacement of faulty or broken equipment to ensure the continued effective operation of the Proposed Development and improve its efficiency.

4.1.17. Along the Grid Connection route, operational activity will consist of routine inspections (schedule to be determined) and any reactive maintenance, such as replacing a damaged cable.

4.1.18. All operational activities, including maintenance and servicing, will be undertaken per the environmental management measures set out within the oOEMP.

4.1.19. 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

4.1.20. For the reasons explained above and with the mitigation measures described in place, it is considered that the construction, operation (and maintenance), and decommissioning phases of the Proposed

Development will not give rise to impacts from the site condition, which would constitute a statutory nuisance under section 79(1) (a) or (e) of the EPA.

4.2. Air emissions –Section 79(1)(d) of the EPA

4.2.1. Section 79(1)(d) provides that the following constitutes a statutory nuisance, “any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance”.

Construction and Decommissioning

4.2.2. **Chapter 6: Air quality of the ES [EN010149/APP/6.1]** assesses the impact of the construction and decommissioning phases of the Proposed Development on air quality. The assessment confirms there is likely to be no significant effect on local air quality during construction or decommissioning given the volume of traffic proposed. The predicted pollutant concentrations would have a negligible effect on human health and designated ecology sites as they will be controlled through the measures included within the oCEMP, oCTMP, and oDEMP.

4.2.3. During construction, there is the potential for emissions of dust and particles due to the following:

- Earthworks (e.g. soil stripping, excavation etc.);
- Construction; and
- Trackout (movement of mud and soil out of the site by construction vehicles)

4.2.4. Taking into account the scale of the Order Limits and associated construction works, it is considered prudent to adopt the good site practice for controlling dust as outlined within the IAQM’s ‘Guidance on the assessment of Dust from Demolition and Construction’ document for high-risk sites. Therefore, these measures represent good industry practice and are embedded within the Proposed Development.

4.2.5. These good site practice mitigation measures are incorporated into the oCEMP and presented in Table 4-1 below. They are considered to be embedded mitigation and represent good industry practices that are part of the Proposed Development.

4.2.6. The Air Quality chapter concludes that dust emission control measures are expected to prevent the occurrence of significant impacts arising from dust generation during the construction phase. The chapter also states that decommissioning is expected to generate similar (if not lower) effects to those anticipated during construction. Therefore, the mitigation measures

proposed for implementation during construction will also be appropriate for decommissioning as set out in the oDEMP. It concludes that there are no anticipated significant adverse effects on air quality during the decommissioning of the Proposed Development due to the measures in the oDEMP and the expected improvement in baseline air quality conditions at the point of decommissioning. The oDEMP includes measures to the same effect as those contained in the oCEMP and set out in Table 4-1 below.

Table 4-1 - Dust Mitigation Measures

Activity	Mitigation
Site Management	Record all dust and air quality complaints, identify the cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. Arrangements will be made for information to be shared with North Kesteven District Council and Lincolnshire County Council if requested. 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 logbook.
Monitoring	Undertaken regular on-site and off-site inspections, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to North Kesteven District Council and Lincolnshire County Council when asked. Monitoring should, where possible, include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100m of the Order Limits in agreement with the relevant homeowners/landowners. Carry out regular Site inspections to monitor compliance with the Dust Management Plan, record inspection results, and make an inspection log available to North Kesteven District Council and Lincolnshire County Council 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 are being carried out and during prolonged dry or windy conditions. During the construction and decommissioning phase, agree dust deposition, dust flux, or real-time PM_{10} continuous monitoring locations with North Kesteven District Council and Lincolnshire County Council. Where possible, commence baseline monitoring at least three months before demolition work commences on Site.
Preparing the Order Limits	Design the layout so that machinery and dust-causing activities are located as far away from receptors as possible.

Construction Works	Avoid scabbling (roughening of concrete surfaces) if possible. Ensure sand and other aggregates are stored in bunded areas and not allowed to dry out unless required for a particular process. This ensures that appropriate additional control measures are in place. Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery. For smaller supplies of fine powder materials, ensure bags are sealed after use and stored appropriately to prevent dust.
Operation of Equipment	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 and 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. Ensure equipment is readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.
Earthworks	Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable. Silty water and associated run-off to surface water and drains must be avoided: minimise any areas of soil stripping and stockpiling, control water volumes used to supress dust, batter/sheet stockpiles where required.
Waste	Avoid bonfires or burning of waste material.
Track-out	Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the Site. Avoid any dry sweeping of large areas. Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport. Record all inspections of haul routes and any subsequent action in a site logbook.

	Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud before leaving the Order limits where reasonably practicable). Any emissions from non-road mobile machinery can be reduced by ensuring that any plan used on-site comply with nitrogen oxides, particulate matter and carbon monoxide emissions standards specific in the Regulation (EU) 2016/1628 of the European Parliament and of the Council as a minimum, where they have net power of between 37kW and 560kW. The emissions standards vary depending on the net power the engine produces.
Communication	Develop and implement a stakeholder communications plan that includes community engagement before work commences on site. Display the name and contact details of people accountable for air quality and dust issues related to the Proposed Development. Prepare a Dust Management Plan (DMP) in support of the CEMP(s). The level of detail will depend on the risk and should include, as a minimum, the recommended measures set out in the oCEMP.

Operation

4.2.7. The Proposed Development is estimated to support 24 permanent staff per day, who would typically be onsite during the operational (including maintenance) phase. Traffic generation from the operational staff is not expected to significantly change traffic flows on the local road network.

4.2.8. The operation of the Proposed Development is therefore not anticipated to impact local air quality significantly. Therefore, the effect on air quality during this phase will be negligible.

4.2.9. Therefore, no significant effects on air quality are predicted during the Proposed Development's operational phase.

Conclusion

4.2.10. For the reasons explained above and with the implementation of the above measures, no significant effects are expected to occur in relation to air quality matters, including on the health of human receptors.

4.2.11. Therefore, no claim regarding a statutory nuisance under section 79(1)(d) is envisaged.

4.3. Artificial Light –Section 79(1) (fb) of the EPA

4.3.1. Section 79(1) (fb) provides that the following constitutes a statutory nuisance, *"artificial light emitted from premises so as to be prejudicial to health or a nuisance".*

4.3.2. A statutory nuisance would exist if artificial light substantially interferes with an individual's property's well-being, comfort, or enjoyment. Usually, this would mean that lights cause a nuisance on a regular basis. Artificial lights may also cause a nuisance if they are not maintained or used properly.

Construction and Decommissioning

4.3.3. Temporary construction lighting, in the form of mobile lighting towers, will be required in areas where natural lighting is unable to reach (sheltered/confined areas), and during core working hours within winter months. Artificial lighting will be provided to maintain sufficient security, health and safety for the construction site whilst adopting mitigation principles to avoid excessive glare and minimise spill of light to nearby residential receptors outside of the Order Limits as far as reasonably practicable. The oCEMP controls lighting during the construction and decommissioning phases to ensure effects are reduced**.**

Operation

4.3.4. During operation (including maintenance), no part of the Proposed Development would be continuously lit; manually operated and motion detection lighting would be utilised for operational and security purposes. The oOEMP controls lighting during the operation phase to ensure effects are reduced.

4.3.5. The lighting of the Springwell Substation, BESS and Satellite Collector Compounds would be in accordance with health and safety requirements, particularly around any emergency exits where there would be lighting, similar to street lighting that operates from dusk. Otherwise, the use of motion detection security lighting to avoid permanent lighting will be used around the Springwell Substation, BESS and Satellite Collector Compounds for security purposes, and a sensitive lighting scheme will be developed to ensure inward and downward distribution of light, avoiding light spill onto existing boundary features.

4.3.6. CCTV cameras would use night-vision technology, which would be monitored remotely and avoid the need for night-time lighting. For security requirements, Passive Infra-red Detector (PID) systems (or similar) will be installed around the Solar PV field perimeter to provide the CCTVs night vision functionality

4.3.7. Therefore, there will be no lighting at the perimeter of the Order limits and no potential for a statutory nuisance.

Conclusion

4.3.8. For the reasons explained above and with the implementation of the above mitigation measures, no claim is envisaged in respect of statutory nuisance under Section 79(1) (fb).

4.4. Noise and Vibration –Section 79(1)(g) and (ga) of the EPA.

4.4.1. The following constitute a statutory nuisance:

a. Section 79 (1) (g) - "*noise emitted from premises so as to be prejudicial to health or a nuisance*"; and

b. Section 79(1) (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*".

4.4.2. If noise is excessive, prolonged or on a regular basis, it may constitute a statutory nuisance. A statutory nuisance would exist if noise substantially interfered with the well-being, comfort or enjoyment of an individual's property.

4.4.3. An assessment of noise and vibration impacts was undertaken as part of the EIA and reported in **Chapter 12: Noise and Vibration** of the ES. The chapter assessed the likely significance of potential noise and vibration effects during the construction, operation and decommissioning phases and concluded that, with appropriate mitigation, there would be no likely significant noise or vibration effects.

4.4.4. The elements relevant to section 79(1) are noise emitted from premises (including land), vehicles, machinery, and equipment in a street. Traffic noise is specifically excluded from consideration by section 79 (6A) (a) and is not considered further in this document but is assessed in Chapter 12: Noise and Vibration.

Construction and Decommissioning

4.4.5. Construction and decommissioning noise levels at surrounding receptors will vary depending on the locations and types of work taking place. Due to the variation in work activities and locations across the Proposed Development, it is considered that any periods of regular high construction noise levels experienced at a receptor would be of a limited short-term duration. Occupants of nearby receptors are likely to be more tolerant of these events if they are regularly communicated to and kept informed of the timings and duration of high noise-generating events.

4.4.6. Measures to control noise and vibration will be adopted. These measures represent Best Practicable Means and are included as embedded mitigation within the oCEMP and the oDEMP. The CEMP(s) will be prepared prior to construction and the DEMP(s) will be prepared prior to the decommissioning phase.

4.4.7. Examples of Best Practicable Means that would be implemented during construction and decommissioning works to minimise impacts are set out below:

a. Ensuring that all appropriate processes, procedures and measures are in place to minimise noise before works begin and throughout the construction programme;

b. All contractors to be made familiar with current legislation and the guidance in BS 5228 (Parts 1 and 2) (2014) (or equivalent) which should form a prerequisite of their appointment;

c. Ensuring that, where reasonably practicable, noise and vibration is controlled at source (e.g. the selection of inherently quiet plant and low vibration equipment), review of the construction programme and methodology to consider quieter methods, consideration of the location of equipment onsite and control of working hours;

d. Use of modern plant, complying with applicable UK noise emission requirements;

e. Hydraulic techniques for breaking to be used in preference to percussive techniques, where reasonably practicable;

f. Drop heights of materials will be minimised;

g. Unnecessary revving of engines will be avoided, and equipment will be switched off when not in use;

h. Plant and vehicles will be sequentially started up rather than all together;

i. Use of screening locally around significant noise-producing plant and activities. Screening would be designed to minimise landscape and visual impacts;

j. Regular and effective maintenance by trained personnel will be undertaken to keep plant and equipment working to manufacturer's specifications;

k. All construction plant and equipment to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use;

l. Loading and unloading of vehicles, dismantling of equipment or moving equipment or materials around the Order limits to be conducted in such a manner as to minimise noise generation, as far as reasonably practicable;

m. All vehicles used onsite shall incorporate reversing warning devices as opposed to the typical tonal reversing alarms to minimise noise disturbance where reasonably practicable;

n. Appropriate routing of construction traffic on public roads and along access tracks pursuant to the CTMP;

o. Provision of information to local planning authorities and local residents to advise of potential noisy works that are due to take place;

p. Separate authorisation/ Section 61 Consents would be obtained predominantly for works beyond the core construction hours, which would include agreed construction noise limits for nearby noise sensitive receptors;

q. Monitoring of noise complaints and reporting to the Applicant for immediate investigation and action. A display board will be installed onsite. These will include contact details for the Site Manager or alternative public interface with whom complaints can be lodged. A logbook of complaints will be prepared and managed by the Site Manager; and

r. Consideration will also be given to traffic routing, timing and access points to the Order limits to minimise noise impacts at existing receptors following appointment of a principal construction contractor, and as construction working methods are developed. The contractors will issue a project route map and delivery schedule to control construction traffic. Management of heavy goods vehicles (HGVs) within the Order limits and being let onto the highway network will be managed through the CTMP developed pursuant to the oCTMP. The relevant access route road surface will be checked prior to use.

4.4.8. Based on the distances between the Works packages within schedule 1 of the DCO extents and surrounding receptors, vibration from construction works is expected to be of a low magnitude of impact and, therefore, not significant, as identified by Chapter 12: Noise and Vibration of the ES**.**

4.4.9. Construction working hours on the Proposed Development will run from 7am to 7pm Monday to Friday, with working days consisting of one 12-hour shift. Employees can travel to and from the Order Limits an hour on either side of these times (i.e. between 6am and 7am and 7pm and 8pm). Where onsite works are to be conducted outside the core working hours, they will comply with the restrictions pursuant to the **Outline Construction Environmental Management Plan (oCEMP) [EN010149/APP/7.]**.

4.4.10. If percussive piling is used within close proximity of receptors for the foundations of the Mounting Structures, this should be further restricted

(when works are undertaken within 400m of residential properties) to no more than two periods of four hours each with at least one hour of no piling between these four-hour periods and restricted to the hours of 8am to 6pm Monday to Friday and 8am to 12noon on Saturdays as set out in the oCEMP.

4.4.11. Trenchless/HDD drilling could be required outside of the assumed day-time construction hours (i.e. evening, Sundays, Bank Holidays or at night), which will be agreed upon with the relevant planning authority prior to these works, as set out in the oCEMP.

4.4.12. If night-time operation is required, the closest residents to the works shall be notified of the start and completion of the works, as set out in the oCEMP. The HDD plant would be installed and operated such that noise levels do not exceed a level of 45dB LAeq at the closest neighbouring noise-sensitive locations during night-time operation. Depending on the plant used, location, pit depth, etc., this may require the use of acoustic screening using temporary solid barriers with a height of at least that of the drilling equipment located in proximity (around 10m or less) of the trenchless drilling work.

4.4.13. Noise and vibration effects during the decommissioning phase of the Proposed Development will be similar to or less than noise effects during the construction phase. Therefore, the noise assessment presented within the ES for the construction phase is considered a conservative representation of the decommissioning phase. A separate assessment for noise and vibration from the decommissioning phase is not included.

Operation

4.4.14. No major vibration sources are envisaged to be introduced as part of the Proposed Development, and as such, there will be no associated operational vibration effects. No further assessment of operational vibration has been included in the ES.

4.4.15. Operational phase embedded noise mitigation measures include distancing the Balance of Solar System (BoSS) and inverters away from noise-sensitive receptors, secured through Design Commitments **[EN010149/APP/7.4]** and Project Parameters **[EN010149/APP/6.1]**.

4.4.16. Acoustic barriers are also proposed around the BESS compound and around the west, north and east faces of the substation transformers.

4.4.17. Further mitigation identified within Chapter 12: Noise and Vibration of the ES requires that the detailed design of the Proposed Development, including final plant locations and selections, will be controlled through a requirement 15 operational noise of the DCO that establishes suitable

noise limits at the boundary of the Order limits. This should be determined so that night-time rating levels, $L_{Ar,15\ min}$, do not exceed 35dB at neighbouring properties as set out in the oOEMP.

Conclusion

4.4.18. For the reasons explained above and with these mitigation measures in place, no significant effects are expected to occur in relation to noise and vibration matters, including in relation to the health of human receptors, as set out in Chapter 12: Noise and Vibration and Chapter 13: Population of the ES during the construction, operation (and maintenance) and decommissioning phases of the Proposed Development.

4.4.19. No claim against statutory nuisance in respect of noise and vibration is therefore envisaged in respect of a statutory nuisance under section 79(1)(g) or (ga).

5. Conclusion

5.1.1. In line with Regulation 5(2)(f) of the APFP Regulations, this Statement has identified whether the Proposed Development has engaged one or more of the matters set out in Section 79(1) of the EPA and thus considered whether the Proposed Development would cause a statutory nuisance.

5.1.2. The matters in the EPA that the Proposed Development has engaged are general site condition, air quality, artificial light, and noise and vibration during all phases of the Proposed Development. The embedded design, management plans, and mitigation measures identified in the ES will prevent impacts that have the potential to result in statutory nuisance under section 79 of the EPA. These measures are secured by requirements contained within the draft DCO.

5.1.3. It is not expected that the construction, operation (and maintenance) and decommissioning of the Proposed Development would cause a statutory nuisance.

6. Reference

- **Ref. 1-1** Department for Energy Security and Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available online: https://www.gov.uk/government/publications/overarching-national-policy-statement-for-energy-en-1

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