



EAST PARK ENERGY

East Park Energy

EN010141

Statutory Nuisance Statement

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EAST PARK ENERGY

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Statutory Nuisance Statement

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1.0 INTRODUCTION

1.1 Background

- 1.1.1 This Statutory Nuisance Statement (the ‘Statement’) has been prepared to support an application made by BSSL Cambsbed Limited (‘the Applicant’) for a Development Consent Order (DCO) for the East Park Energy project (the ‘Scheme’). The application for the DCO will be submitted to the Planning Inspectorate, with the decision whether to grant a DCO being made by the Secretary of State for the Department for Energy Security and Net Zero (hereafter referred to as the ‘Secretary of State’) pursuant to the Planning Act 2008 .
- 1.1.2 The Scheme is ‘EIA development’ as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’), requiring an Environmental Impact Assessment (EIA) and so the application is accompanied by an **Environmental Statement (ES)** [EN010141/DR/6.1/6.2/6.3].
- 1.1.3 This Statement has been prepared to address and comply with the requirement in Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’), which require that a Statement is provided as whether The Scheme “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”.
- 1.1.4 This Statement should be read alongside the other documents submitted as part of the DCO application (which have informed its preparation) and in particular:
- the **Environmental Statement (ES)** [EN010141/DR/6.1 / 6.2 / 6.3];
 - the **outline Construction Environmental Management Plan (oCEMP)** [EN010141/DR/7.3];

- the outline Operational Environmental Management Plan (oOEMP) [EN010141/DR/7.5]; and
- the outline Decommissioning Environmental Management Plan (oDEMP) [EN010141/DR/7.6].

- 1.1.5 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.
- 1.1.6 The Statement establishes that suitable mitigation measures are secured by the **draft DCO [EN010141/DR/3.1]** to ensure that the Scheme does not have significant effects that would lead to a statutory nuisance. It is expected that the construction, operation (and maintenance) and decommissioning of The Scheme would not cause a statutory nuisance.
- 1.1.7 Additionally, article 9 (Defence to proceedings in respect of statutory nuisance) of the **draft DCO [EN010141/DR/3.1]** includes a provision that would offer a defence against proceedings for a nuisance described in paragraph (g) of section 79(1) of the Environment Protection Act 1990 (noise emitted from premises so as to be prejudicial to health or a nuisance), according to the criteria outlined in article 8.

1.2 Document Structure

- 1.2.1 The Statement is structured as follows:
- **Introduction** – provides an introduction to the document and defines the structure of the Statement;
 - **The Scheme** – provides a summary of the Site and Site Context, a description of the Scheme;
 - **Legislative and Planning Policy Context** – sets out the context to the Statement arising from legislative requirements and those set out in planning policy;

- **Assessment of Matters Potentially Engaged** – assesses the matters set out at section 79(1) of the Environment Protection Act 1990 and whether they are engaged for the Scheme;
- **Matters Engaged and Mitigation Measures** – addresses the matters engaged and details the mitigation measures for each matter for the Scheme to ensure that they are adequately addressed; and,
- **Conclusion** – concludes the Statement and provides an overall assessment of whether the Scheme would be expected to cause a statutory nuisance.

2.0 THE SCHEME

2.1 The Scheme

- 2.1.1 The Scheme comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site BESS on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation.
- 2.1.2 The Scheme would allow for the generation and export of 400 megawatts (MW) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS. The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant has a grid connection agreement with National Grid for 400 MW export and 100 MW import.
- 2.1.3 Subject to the Scheme securing a Development Consent Order in Winter 2026/27 it is anticipated that works would start on site in early 2028 and be completed by mid-to late 2030 (although initial energisation of the Scheme is likely to commence prior to 2030). The Scheme comprises a temporary development with an operational phase of 40 years; decommissioning activities would therefore likely commence in 2070, 40 years after commissioning.
- 2.1.4 A more detailed description of the Scheme is provided within **ES Vol 1 Chapter 2: The Scheme [EN010141/DR/6.1]**.

2.2 The Site and Site Context

- 2.2.1 The 'Site' is located to the north-west of the town of St Neots, and is across two administrative areas; Bedford Borough Council and Huntingdonshire District Council. The Site location is shown on **ES Vol 3 Figure 1-1: Site Location [EN010141/DR/6.3]**. The Site area extends to approximately 773 hectares (ha).

2.2.2 With reference to **ES Vol 3 Figure 1-2: Site References [EN010141/DR/6.3]**, for ease of reference the Order Limits have been sub-divided into East Park Sites A to D, in which all of the above ground infrastructure proposed as part of the operational Scheme would be located (excluding works to the Eaton Socon Substation). The Order Limits also cover land outside of East Park Sites A to D which will be required for access, cabling, and the grid connection to the Eaton Socon Substation. East Park Sites A to D can be described as follows:

- **East Park Site A** – covering land west of the B660 between Pertenhall and Swineshead at the western end of the Site. East Park Site A comprises arable fields located to the north, west and east side of a small hill that lies between Pertenhall and Riseley. East Park Site A lies either side of the Pertenhall Brook, with access proposed from the B660 to the east.
- **East Park Site B** – covering land between Pertenhall, Keysoe, and Little Staughton. East Park Site B comprises arable fields located north of an elevated ridgeline which runs between Keysoe and Little Staughton. East Park Site B is crossed by a number of small watercourses, with access proposed from the B660, Great Staughton Road, Little Staughton Road, and an unnamed road between Little Staughton and Great Staughton Road.
- **East Park Site C** – covering land south of Great Staughton. East Park Site C comprises arable fields located south of the River Kym, with access proposed from Moor Road to its south-eastern boundary, and from Little Staughton Road to the north-west.
- **East Park Site D** – covering land around Pastures Farm between Great Staughton and Hail Weston. East Park Site D comprises arable fields with access proposed via a new access from the B645.

2.2.3 With reference to **ES Vol 3 Figure 1-2: Site References [EN010141/DR/6.3]**, there are three linear corridors proposed for underground cabling that connect

the different parts of the Site and provide a grid connection to the Eaton Socon Substation. These are also shown on **Figure 1-2** and identified as:

- **Cable Corridor – Site B to Site C** – which connects Site B to Site C across an unnamed road and arable fields.
- **Cable Corridor – Site C to Site D** – which connects Site C to Site D across Moor Road and an arable field.
- **Grid Connection** – Site D to Eaton Socon Substation – which connects Site D to the Eaton Socon Substation and crosses open arable fields, the Duloe Brook, and Duloe Road and Bushmead Road.

2.2.4 A detailed description of the site and its context are set out in detail in **the ES Vol 1 Chapter 1: Introduction [EN010141/DR/6.1]**, for brevity, it is not repeated again here.

3.0 LEGISLATIVE AND PLANNING POLICY CONTEXT

3.1 APFP Regulations

- 3.1.1 Regulation 5(2)(f) of the APFP Regulations require 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”.

3.2 Environment Protection Act 1990 (EPA)

- 3.2.1 The Environmental Protection Act 1990¹ (EPA) sets out at section 79(1) 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”.

3.2.2 For a matter to rise to the level of 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”². A one-off event would not usually be considered a nuisance under the EPA, instead an activity must be “ongoing or repeated”.

3.3 National Policy Statements

3.3.1 The following NPSs are relevant to the Scheme:

- Overarching National Policy Statement (NPS) for Energy (EN-1)³;
- NPS for Renewable Energy Infrastructure (EN-3)⁴; and
- NPS for Electricity Networks Infrastructure (EN-5)⁵ in light of the grid connection.

3.3.2 The Department for Energy Security and Net Zero published draft updates to EN-1, EN-3 and EN-5 on the 24th April 2025. The draft documents make no material changes to how statutory nuisance is considered within an application for a DCO.

3.3.3 Section 4.15 of EN-1 is particularly relevant as it deals with the matter of Common Law and Statutory Nuisance. It states:-

“4.15.1 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.

4.15.2 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.

4.15.3 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.

4.15.4 The defence is not intended to extend to proceedings where the matter is ‘prejudicial to health’ and not a nuisance.”

- 3.3.4 Paragraph 4.15.5 then sets out the requirement for the Applicant to provide a Statement addressing possible sources of nuisance under the EPA along with how such nuisances may be mitigated or limited in order for the appropriate requirements to be included within any DCO. The duties of the Secretary of State to assess potential nuisances and the approach to mitigating or limiting the same in any DCO are then set out at paragraphs 4.15.6 and 4.15.7.

4.0 ASSESSMENT OF MATTERS POTENTIALLY ENGAGED

- 4.1.1 The ES [EN010141/DR/6.1 / 6.2 / 6.3] that accompanies this DCO application addresses the likelihood of significant effects arising from the Scheme that could constitute a statutory nuisance as identified in section 79(1) of the EPA.
- 4.1.2 Table 1 below sets out each matter in section 79(1) of the EPA and examines (based on the ES assessment) whether these matters are covered within this Statement or whether any can be excluded as not being relevant for this Statement.

Table 1.1 Matters potentially engaged under Section 79(1) of EPA

S79(1) EPA Matters	Matter engaged by The Scheme?
(a) any premises in such a state as to be prejudicial to health or a nuisance	The Scheme has the potential to cause such an impact and so the matter is considered further in this Statement.
(b) smoke emitted from premises so as to be prejudicial to health or a nuisance	The Scheme is not expected to generate smoke, so this matter is not considered further in this Statement. Unexpected or emergency situations such as a fire are not relevant to this Statement as they would fall outside of the scope of being a statutory nuisance. An outline Battery Safety Management Plan [EN010141/DR/7.10] (oBSMP) has been submitted with the application.
(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	Pursuant to section 79(4) of the EPA this matter does not apply to premises other than private dwellings. So, this matter is not considered further in this Statement.
(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance	The Scheme has the potential to cause dust impacts so the matter is considered further in this Statement. The development is not anticipated to cause any steam, smell, or other effluvia and so these have not been considered any further in this Statement.
(e) any accumulation or deposit which is prejudicial to health or a nuisance	The Scheme has the potential to cause such an impact and so the matter is considered further in this Statement.

S79(1) EPA Matters	Matter engaged by The Scheme?
(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The Scheme would not involve keeping animals directly, and instead only grazing would occur on the Site as part of management of land within the Scheme. This would reflect the current use of the land and would not be so intensive as to create a statutory nuisance. So, this matter is not considered further in this Statement.
(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	The Scheme is not expected to cause insects to emanate from the Site, so this matter is not considered further in this Statement.
(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance	The Scheme has the potential to cause such an impact and so the matter is considered further in this Statement.
(g) noise emitted from premises so as to be prejudicial to health or a nuisance	The Scheme has the potential to cause such an impact and so the matter is considered further in this Statement.
(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]	The Scheme has the potential to cause such an impact and so the matter is considered further in this Statement.
(h) any other matter declared by any enactment to be a statutory nuisance	The Scheme is not expected to create a statutory nuisance in respect of any other matters, so this matter is not considered further in this Statement.

4.1.3 The following section of this Statement addresses the matters identified above as requiring further consideration.

5.0 MATTERS ENGAGED AND MITIGATION MEASURES

5.1 Condition of the Site – sections 79(1)(a) and (e) of the EPA

5.1.1 This section addresses both of the following matters in section 79(1):

“(a) any premises in such a state as to be prejudicial to health or a nuisance;

“(e) any accumulation or deposit which is prejudicial to health or a nuisance”.

5.1.2 In line with the requirements of the EPA at section 79(7), for the purposes of this Statement, premises is considered to mean the land within the Order limits.

5.1.3 Each phase of the Scheme is addressed separately below.

Construction

5.1.4 The following is a summary of the construction activities that would take place during the construction phase of the Scheme:

i) Enabling Works

- a. Establishment of Main Construction Compound in Site D;
- b. Establishment of Main Site Access from B645 into Site D to the Main Construction Compound;
- c. Establishment of access tracks and temporary access tracks across Sites A, B, C and D;
- d. Establishment of crossing points over drainage ditches and existing utilities; and
- e. Establishment of satellite compounds in Sites A, B and C.

ii) Construction of the East Park Substation;

- a. Establishment of internal access roads, fencing and surfacing;
- b. Establishment of foundations for the transformers, control building and electrical equipment;

- c. Construction of the control building;
- d. Establishment of metallic structures for the electrical equipment;
- e. Delivery and installation of the 400 kV transformers;
- f. Installation of switchgear, cabling and other equipment;
- g. Establishment of other minor ancillary works.

iii) Construction of the 400 kV Grid Connection;

- a. Establishment of temporary access road and crossings;
- b. Excavation of trench in sections;
- c. Excavation and construction of cable jointing chambers in sections;
- d. Laying of cable conduits in the trenches between cable jointing chambers;
- e. Pouring of concrete around the conduits and backfilling of trench with soils;
- f. Cable pulling between cable jointing chambers;
- g. Connecting of cables within cable jointing chambers;
- h. Establishment of new generation bay within the Eaton Socon Substation;
- i. Testing and commissioning of grid connection;
- j. Sealing of cable jointing chambers and backfilling of land above cable jointing chambers; and
- k. Removal of temporary access road and reinstatement of all land.

iv) Construction of the East Park BESS;

- a. Establishment of internal access roads, fencing and surfacing;
- b. Establishment of foundations for the battery storage units, transformers, control building, auxiliary transformer and water storage tanks;
- c. Establishment of internal cable trenches between equipment;
- d. Installation of cabling;
- e. Delivery and installation of battery storage units, transformers, control building, auxiliary transformer and water storage tanks; and
- f. Testing and commissioning of BESS.

v) Construction of East Park Sites A, B C and D.

- a. Establishment of fencing;

- b. Marking out locations of solar PV tables, solar transformers, and trenches;
- c. Excavation of trenches and laying of conduit for cables;
- d. Establishment of surface water drainage infrastructure;
- e. Establishment of foundations for solar transformers (and centralised inverters if used);
- f. Establishment of solar PV mounting structures;
- g. Installation of solar PV modules, inverters, and transformers;
- h. Establishment of CCTV and monitoring systems;
- i. Construction of storage, operations and maintenance building;
- j. Installation of low voltage cabling between solar PV modules, string inverters, transformers and CCTV;
- k. Installation of 33 kV high voltage cabling between solar transformers and East Park Substation;
- l. Testing and commissioning; and
- m. Establishment of soft landscaping in areas of habitat mitigation.

5.1.5 **ES Vol 2 Appendix 2-2 Indicative Construction Phasing and Resource Schedule [EN010141/APP/6.2]** illustrates the indicative phasing envisaged for the purposes of the EIA.

5.1.6 The main control measures to be implemented during the construction phase are described in the **outline Construction Environmental Management Plan (oCEMP) [EN010141/DR/7.3]** which has been provided as part of the DCO application submission. The oCEMP provides details of the environmental mitigation and monitoring identified as part of the EIA and set out in the ES that will be undertaken during the construction of the Scheme.

5.1.7 The oCEMP includes detail of measures to ensure site security, protection of the public, and to ensure that the Site is kept in a fit and proper state such that risks to the public are properly managed and avoided.

5.1.8 Measures are also set out to address the potential for accidental pollution (e.g. from a spillage, damage to equipment etc.) with suitable equipment and

spill kits to be maintained and provided in accessible locations to clean up any spills. Fuel or chemicals will also be stored in a suitable manner and contained such that the potential for pollution is addressed. An Emergency Pollution Incident Protocol will be produced prior to construction activities commencing and will form part of the full CEMP. That protocol will be reviewed and updated regularly by the Principal Contractor, and site workers will be trained on its requirements, thus ensuring that the potential for accidental pollution is managed and prevented.

- 5.1.9 The oCEMP includes measures to safeguard the environment and human health from harm which could result from the mobilisation of contaminants which may be present at the Site. This includes preparing an Unexpected Contamination Protocol (UCP) should unexpected contamination be encountered during construction, this protocol will detail the procedures for risk assessment, reporting, remediation, and verification. Measures are also included to prevent leaks and spillages of fuel and chemicals from causing contamination of soils or controlled waters.
- 5.1.10 Details of measures to minimise, re-use, and control waste are set out in the **outline Waste Management Plan [EN010141/DR/7.12]**, which will be formalised in accordance with a DCO requirement. The Waste Hierarchy will be applied during the construction phase, and all reasonable steps will be taken to minimise the volume of waste generated. All waste streams will be separated and segregated to maximise potential for re-use and recycling, and waste will be removed from the site by fully licenced waste carriers, with waste taken to licensed facilities for recycling and disposal.
- 5.1.11 The oCEMP will be developed into a final CEMP which must be in substantial accordance with the oCEMP and will require approval the Local Planning Authority (LPA). The Scheme must be undertaken in accordance with the approved plan. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.

- 5.1.12 Whilst the oCEMP would be the main document for the control of environmental impacts during the construction phase, it is not the sole control document for that phase of the Scheme. Construction working hours would be agreed and controlled via a DCO requirement, construction phase traffic emissions would be controlled by the **outline Construction Traffic Management Plan (oCTMP) [EN010141/DR/7.4]**. The protection and management of soils during all phases of the development including the construction phase would be secured through the implementation of the measures set out in the **outline Soil Management Plan (oSMP) [EN010141/DR/7.9]** and construction phase water pollution would be controlled and managed by the measures set out in the **outline Surface Water Management Plan (oSWMP) [EN010141/DR/7.13]**.
- 5.1.13 Through the implementation of the measures in the CTMP and the other control documents, the construction phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(a) or (e) of the EPA.

Operation

- 5.1.14 The operation of the Scheme as a solar farm along with a BESS and associated infrastructure, would not cause the Site as a premises to be in such a state as be prejudicial to human health or cause a nuisance.
- 5.1.15 An **outline Operational Environmental Management Plan (oOEMP) [EN010141/DR/7.5]** and **outline Landscape and Ecological Management Plan (oLEMP) [EN010141/DR/7.7]** have been prepared and provided as part of the DCO application submission. The oOEMP provides details of the necessary environmental mitigation and monitoring identified as part of the EIA and set out in the Environmental Statement (ES) that will be delivered during the operation of the Scheme and ensures that this mitigation is secured and embedded into project delivery. The oLEMP sets out the objectives for the existing and proposed landscape elements at the Site, along with the

management prescriptions to ensure the successful establishment and future maintenance of the Scheme.

- 5.1.16 During the operational phase of the Scheme, maintenance activity would take place, but this would on the whole be minimal and limited largely to vegetation management, cleaning of the solar panels, the maintenance and servicing of equipment and infrastructure on the Site and replacement should any fail or at the end of its service life (where relevant), and monitoring activity. The grid connection would require inspections, and reactive maintenance in the event of any issues. There would also be occasions where more significant replacements may be required e.g. replacement of panels, transformers, BESS units etc. Whilst similar types of impacts could occur to those during the construction phase, the magnitude of any impacts is likely to be substantially reduced. Nonetheless, measures have been included in the oOEMP that are similar to the oCEMP to ensure that any significant maintenance campaigns do not cause a statutory nuisance.
- 5.1.17 Measures to address any accidental pollution are set out in the oOEMP, the oOEMP would be supported by specific environmental management plans and protocols such as an Environmental Incident Management and Pollution Prevention Plan, the oSWMP. An Operational Waste Management Plan will also be prepared to ensure that waste generated during the operational phase is properly managed in accordance with the waste hierarchy.
- 5.1.18 The oOEMP, oLEMP, oSWMP and oWMP would all be developed into full plans which must all be substantially in accordance with the outline. All would need to be approved by the LPA. The Scheme must be undertaken in accordance with the approved plans. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.1.19 Thus, the operational phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(a) or (e) of the EPA.

Decommissioning

5.1.20 The following is a summary of the decommissioning activities that would take place during the decommissioning phase of the Scheme:

- Removal of solar arrays;
- Removal of the BESS;
- Removal of fencing;
- Potential changes to the extent of landscaping to allow the Site to return to agricultural use; and
- Other Associated Works.

5.1.21 It is likely that the generation bay and associated infrastructure therein at Eaton Socon substation will be left in situ following decommissioning because National Grid will own this infrastructure.

5.1.22 An outline Decommissioning Environmental Management Plan (**oDEMP**) **[EN010141/DR/7.6]** has been prepared and provided as part of the application submission and it provides detail of the necessary environmental mitigation and monitoring identified as part of the EIA and set out in the ES that will be delivered during the decommissioning of the Scheme, and ensures that this mitigation is secured and embedded into project delivery.

5.1.23 The oDEMP includes detail of measures to manage the Site during the decommissioning phase, including measures to ensure site security, protection of the public, and to ensure that the Site is kept in a fit and proper state such that risks to the public are properly managed and avoided.

5.1.24 Measures are also set out to address the potential for accidental pollution (e.g. from a spillage, damage to equipment etc.) with suitable equipment and spill kits to be maintained and provided in accessible locations to clean up any spills. Fuel or chemicals will also be stored in a suitable manner and contained such that the potential for pollution is addressed. An Environmental Incident Management and Pollution Prevention Plan will be produced prior to decommissioning activities commencing and would form part of the final

DEMP. That protocol will be reviewed and updated regularly by the Principal Contractor, and site workers will be trained on its requirements, thus ensuring that the potential for accidental pollution is managed and prevented.

- 5.1.25 Detail of measures to minimise, re-use, and control waste are set out in the oDEMP and will be detailed in the oWMP. The Waste Hierarchy will be applied during the decommissioning phase, and all reasonable steps will be taken to minimise the volume of waste generated, all waste streams will be separated and segregated to maximise potential for re-use and recycling, and waste will be removed from the site by fully licenced waste carriers will be used and waste will be taken to licenced facilities for recycling and disposal.
- 5.1.26 The oDEMP will be developed into a full plan which must be in substantial accordance with the outline and will require approval by LPA. The Scheme must be undertaken in accordance with the approved plan. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.1.27 Thus, the decommissioning phase of the project would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(a) or (e) of the EPA.

5.2 Emissions and air quality – section 79(1)(d) of the EPA

- 5.2.1 This section addresses the following matter which constitutes a statutory nuisance in 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.”

- 5.2.2 In relation to the above it must be noted that the Scheme only has the potential to cause dust impacts and that matter is considered further in this Statement. The development is not anticipated to cause any steam, smell, or other effluvia and so these have not been considered any further in this Statement.

Construction

- 5.2.3 An air quality assessment has been carried out as part of the application and the outcome is set out in **ES Vol 1 Chapter 11: Air Quality [EN010141/DR/6.1]**. The assessment confirms that construction phase vehicle movements would be below established thresholds set by the Institute of Air Quality Management (IAQM) where potential significant effects from vehicle emissions would occur. As such, this impact is not considered further in this Statement, as no statutory nuisance would arise.
- 5.2.4 The **oCEMP [EN010141/DR/7.3]** in combination with the **oCTMP [EN010141/DR/7.4]** include measures to ensure that non-mobile road machinery emissions are managed, along with general management measures in respect of other vehicles and equipment to ensure that it is selected and maintained to minimise and manage emissions.
- 5.2.5 **ES Vol 2 Appendix 11-3: Construction Dust Assessment [EN010141/DR/6.2]** assesses the potential direct and indirect impacts of the Scheme arising from construction dust, and the mitigation measures required to prevent, reduce, or offset the impacts.
- 5.2.6 The assessment identified that the Site is classified as high-risk of generating dust effects based on IAQM guidance, and therefore, Best Practice Measures to control and manage dust emissions are prescribed in accordance with this rating.
- 5.2.7 These include, but are not limited to:
- i) implementation of best practice measures to monitor, control, and limit dust and particulates;
 - ii) dust suppression and damping;
 - iii) control and management of waste and materials on Site such that they are contained and controlled;
 - iv) control of excavation and site stripping so that exposed areas are minimised;

- v) minimisation of drop heights and control of material handling activities; completed earthworks and other exposed areas to be covered and revegetated as soon as possible;
- vi) damping down of internal haul roads routes and exposed areas, particularly during prolonged dry spells;
- vii) monitoring, management, and control of internal access routes, hardstanding areas and heavy duty construction matting to ensure that they are provided and maintained in a good condition;
- viii) sheeting of all incoming / outgoing vehicles carrying loose loads; and
- ix) the provision of wheel cleaning facilities before exit onto the public highway.

5.2.8 An **outline Construction Dust Management and Monitoring Plan (oCDMMP)** is provided as Appendix A to the **oCEMP [EN010141/DR/7.3]**. Site specific-mitigation measures will be specified in a Dust Management Plan, that would form part of the full CEMP that will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.

5.2.9 Thus, the construction phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(d) of the EPA.

Operation

5.2.10 There would be very limited operational traffic and no activities which are likely to give rise to significant emissions to air during routine operational maintenance.

5.2.11 There would be the potential for some dust effects during any significant periodic replacements. However, these effects are likely to be substantially lower in magnitude than those in the construction phase.

5.2.12 However, the **oOEMP [EN010141/DR/7.5]** has been prepared, which includes best practice measures to limit the potential for air quality impacts from operational activities. The oOEMP will be developed into a full plan that

will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.

- 5.2.13 Thus, the Operational Phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(d) of the EPA.

Decommissioning

- 5.2.14 Decommissioning phase vehicle movements would be similar to the construction phase and, as set out above, would be below established thresholds set by the Institute of Air Quality Management (IAQM) where potential significant effects from vehicle emissions would occur. As such this impact is not considered further in this Statement as no statutory nuisance would arise.
- 5.2.15 The **oDEMP [EN010141/DR/7.6]** includes measures to ensure that non-mobile road machinery emissions are managed, along with general management measures in respect of other vehicles and equipment to ensure that it is selected and maintained to minimise and manage emissions.
- 5.2.16 The decommissioning works have the potential to involve similar dust-generating activities as construction; thus, the oDEMP includes the provision of a Dust Management Plan that will contain measures similar to those prescribed above for the construction phase.
- 5.2.17 The oDEMP will be developed into a full plan that will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.2.18 Thus, the decommissioning phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(d) of the EPA.

5.3 Artificial light – section 79(1)(fb) of the EPA

- 5.3.1 This section addresses the following matter in section 79(1)(fb) of the EPA:

“artificial light emitted from premises so as to be prejudicial to health or a nuisance”.

- 5.3.2 A statutory nuisance from light would exist where artificial light substantially interferes with the comfort, wellbeing, or enjoyment of an individual’s home or premises. Usually this would mean that a nuisance was being caused on a regular basis. Artificial lights may cause a nuisance if they are not maintained or used properly.
- 5.3.3 The visual effects of light during all phases of the development is provided within Section 5.8 of **ES Vol 1 Chapter 5: Landscape and Visual [EN010141/DR/6.1]**. It concludes that there would be no significant adverse night-time effects because of lighting on the Scheme.

Construction

- 5.3.4 Lighting during construction will need to be sufficient to satisfy health and safety requirements, whilst ensuring impacts on the surrounding environment, including from sky glow, glare and light spillage, are minimised. Artificial lighting will only be used during the hours of darkness, during low levels of light, or during specific construction tasks that require it to ensure health, safety and welfare.
- 5.3.5 Appropriate lighting will also be deployed and operated to ensure that suitable access arrangements can be maintained at the access/egress points and within the site, that Site security can be maintained, and that the site office, construction compounds, and laydown areas are adequately lit. Specific lighting will also be required at some construction locations e.g. transformer units, BESS and East Park Substation compound.
- 5.3.6 Lighting will not be operated outside of the specified construction working hours (except for security lighting)¹. Lighting will utilise directional fittings and cowls to minimise outward light spill and glare. Measures to control light

¹ Construction operations would generally be limited to 08.00 to 18.00hrs Monday to Friday and 08:00 to 13:00hrs Saturday and would be controlled by a DCO Requirement.

pollution are documented within the **outline Construction Environmental Management Plan [EN010141/DR/7.3]**.

- 5.3.7 The oCEMP will be developed into a full plan that will require approval by the LPA and will include further detail on lighting. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.3.8 Thus, the construction phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(fb) of the EPA.

Operation

- 5.3.9 There would be no permanent artificial lighting required for the operation of the Scheme. Temporary mobile task lighting may be required for maintenance during periods of low light. However, this would be brought onto Site for short periods of time and would not be used routinely.
- 5.3.10 The Eaton Socon National Grid Substation and the BESS compounds would have inward-facing security lighting installed. This would be operated with passive infrared (PIR) detectors or would be turned on manually for maintenance in low-light conditions or in the event of an emergency.
- 5.3.11 Lighting will be directional and designed in line with the guidance and principles set out in ILP GN01/2021 'Reduction of Obtrusive Light'. This will include use of appropriate luminaires and lighting levels for the purpose of the lighting, and hoods and cowls to reduce light spill beyond the area targeted for lighting.
- 5.3.12 The **oOEMP [EN010141/DR/7.5]** sets out the measures to be used to control operational lighting which will be developed into a full plan that will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.3.13 Glint and glare effects are not covered by statutory nuisance legislation, as it does not encompass natural light. However, those effects are assessed in detail in **ES Vol 2 Appendix 5-7: Glint and Glare Assessment**

[EN010141/DR/6.2], with no significant effects identified taking into account the embedded mitigation measures.

- 5.3.14 Thus, the operational phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(fb) of the EPA.

Decommissioning

- 5.3.15 The decommissioning works have the potential to result in lighting impacts similar to those in the construction phase. As such the **oDEMP [EN010141/DR/7.6]** includes measure to control lighting impacts.
- 5.3.16 Lighting will be required to meet health and safety requirements for site operatives. However, pursuant to the oDEMP, this will be deployed such that impacts on the surrounding environment, including from sky glow, glare and light spillage, are minimised. Artificial lighting will only be used during the hours of darkness, during low levels of light, or during specific construction tasks that require it in order to ensure the health, safety and welfare of all.
- 5.3.17 Appropriate lighting will also be deployed and operated to ensure that suitable access arrangements can be maintained at the access/egress points and within the site, that Site security can be maintained, and that the site office, construction compounds, and laydown areas are adequately lit. Specific lighting will also be required at some decommissioning locations e.g. PCUs, transformer units, BESS compound and Substation compound.
- 5.3.18 Lighting will not be operated outside of the specified working hours set out in the **oDEMP [EN010141/DR/7.6]** (except for security lighting). Lighting will utilise directional fittings and cowls to minimise outward light spill and glare.
- 5.3.19 The oDEMP will be developed into a full plan that will require approval by the LPA and will include further detail in respect of lighting. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.

- 5.3.20 Thus, the decommissioning phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under section 79(1)(fb) of the EPA.

5.4 Noise emissions – sections 79(1)(g) and (ga) of the EPA

- 5.4.1 This section addresses both of the following matters in section 79(1) of the EPA:

“(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 [F6or in Scotland, road];”.

- 5.4.2 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.
- 5.4.3 An assessment of noise and vibration impacts of the Scheme is provided in **ES Vol 1 Chapter 10 : Noise and Vibration [EN010141/DR/6.1]**. This assesses the significance of noise and vibration effects during the construction, operation and decommissioning phases of the Scheme. The findings for each phase are summarised below.
- 5.4.4 Noise emitted from or caused by a vehicle, machinery or equipment in a street is specifically excluded from consideration of statutory nuisance by section 79(6A)(a) of the EPA and is not considered further in this Statement.

Construction

- 5.4.5 The noise assessment identifies the potential for noise impacts to arise from movement of soil and excavations, piling works, construction of infrastructure and the solar PV and BESS equipment, operation of plant and machinery,

vehicle movements, and general site activity. The assessment predicts that impacts at residential noise sensitive receptors would be below threshold values set out in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites'.

- 5.4.6 Nonetheless, in accordance with BS5228-1:2009+A1:2014, best practicable means would be employed to control the noise generation (e.g. using equipment that is regularly maintained, where practicable use equipment fitted with silencers or acoustic hoods).
- 5.4.7 Details of measures that could be used to manage and mitigate noise are set out in the **oCEMP [EN010141/DR/7.3]** and include: controls on hours of operation during the construction phase (which would be secured by a DCO requirement), management and control measures for construction activities and equipment (to meet Best Practice), careful choice of piling rigs to minimise noise and vibration, and careful routing of deliveries and measures to control noise arising from delivery activity on the Site will be utilised. A Construction Noise Management Plan (CNMP) will be prepared as part of the full CEMP.
- 5.4.8 The oCEMP will be developed into a full plan that will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.4.9 Thus, the construction phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under sections 79(1)(g) and (ga) of the EPA.

Operation

- 5.4.10 The assessment identifies the potential noise impacts arising from the transformers, inverters, the BESS, and substation equipment. During daytime and night-time hours a negligible to slight adverse impact magnitude at all receptors has been predicted in accordance with the methodology set out in BS4142: 2014+A1:2019 'Methods for rating and assessing industrial and

commercial sound', with the residual baseline significantly higher than the Site rating level.

- 5.4.11 The assessment shows that the maximum change in noise levels is +0.6dB L_{Aeq} , which indicates a negligible impact. The embedded operational phase mitigation measures are set out in Section 10.7 of **ES Vol 1 Chapter 10: Noise and Vibration [EN010141/DR/6.1]** and include the imposition of agreed noise thresholds and a series of measures in the **outline Operational Environmental Management Plan [EN010141/DR/7.5]**. The relevant measures would avoid any significant noise effects arising. The results of the assessment show compliance with relevant guidance and standards for noise and therefore no additional measures are required.
- 5.4.12 The **oOEMP [EN010141/DR/7.5]** sets out measures to control noise from maintenance activity that would occur during the operational phase e.g. from regular inspection and maintenance of equipment and any significant periodic replacements. The oOEMP also sets out measures to investigate any complaints relating to noise, identify the source, and resolve them within a reasonable timeframe.
- 5.4.13 The oOEMP will be developed into a full plan that will require approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.
- 5.4.14 For the purposes of the assessment, noise limits have been identified in relation to specific noise sensitive receptors (NSR) against which the assessment is undertaken. Following formal consultation with the Local Authority EPO, the following approach to noise limits has been agreed, to protect residential amenity and sleep disturbance at NSR. These noise limits are in context with BS4142:2014+A1:2019 to ensure noise levels are below an adverse impact and in terms of a 'rating' level this protects against perceptible noise character. The limits would be secured by a requirement in the DCO.

- During DAY-TIME (0700-2300 hours): The Site Rating Level (i.e. including any noise character) does not exceed the established representative background sound level by more than +4dB (i.e. below an adverse impact according to BS4142:2019) or 35dB $L_{Aeq,1hr}$ whichever is the higher.
- During NIGHT-TIME (2300-0700 hours): Where representative background sound levels \Rightarrow 35dB L_{A90} , the Site Rating Level should not exceed the representative background sound level by +0dB.
- During NIGHT-TIME: Where representative background sound levels are between 30dB to 34dB L_{A90} , the Site Rating Level should not exceed the representative background sound level by +4dB or 35dB $L_{Aeq,15mins}$ whichever is the lower (for example L_{A90} is 30dB the limit would be 34dB L_{Aeq} , L_{A90} is 31dB to 34dB the limit would be 35dB).
- During NIGHT-TIME: Where representative background sound levels are <30dB L_{A90} the Site Rating Level should not exceed the representative background sound level by +4dB or 30dB $L_{Aeq,15mins}$, whichever is the higher (for example L_{A90} is 29dB the limit would be 33dB L_{Aeq} , L_{A90} is 25dB the limit would be 30dB).

5.4.15 The design and selection of plant and equipment would enable the Scheme to operate within the agreed noise limits.

5.4.16 Thus, the operational phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under sections 79(1)(g) and (ga) of the EPA.

Decommissioning

5.4.17 The decommissioning phase is not considered separately, as any noise impacts would be at most the same, and in reality, less than the construction phase, so its findings in respect of the construction phase would be applicable to decommissioning as well.

5.4.18 The oDEMP includes measures to control noise during the decommissioning phase. The outline plan will be developed into a full plan that will require

approval by the LPA. This is secured via a Requirement in Schedule 2 of the **draft DCO [EN010141/DR/3.1]**.

- 5.4.19 Thus, the decommissioning phase of the Scheme would not give rise to impacts that would constitute a statutory nuisance under sections 79(1)(g) and (ga) of the EPA.

6.0 CONCLUSION

- 6.1.1 In accordance with Regulation 5(2)(f) of the APFP Regulations, this Statement has considered whether the Scheme would engage one or more of the matters set out in section 79(1) of the EPA, and thus whether the Scheme could cause a statutory nuisance.
- 6.1.2 In summary, the matters engaged by the Scheme are the condition of the Site, emissions and air quality, artificial light, and noise emissions. The assessment of potential for the Scheme to cause a statutory nuisance in respect of these matters is assessed in the light of the mitigation measures that are set out in the ES and other supporting documents for the DCO application. It is concluded that these measures would prevent, reduce, or avoid impacts that would have the potential to result in a statutory nuisance. These measures are secured by requirements within the **draft DCO [EN010141/DR/3.1]**.
- 6.1.3 Thus, it is concluded that the Scheme is not expected to cause a statutory nuisance during its construction, operation or decommissioning.

7.0 REFERENCES

¹ HMSO (1990) Environmental Protection Act 1990. Available at:
<https://www.legislation.gov.uk/ukpga/1990/43/contents> [Last Accessed: 13 March 2025]

² Ares A & Adock, A (2018). Briefing Paper - Nuisance complaints. House of Commons Library. Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-8040/CBP-8040.pdf> [Last Accessed: 10 March 2025]

³ Department of Energy and Climate Change (2024). Overarching National Policy Statement for Energy (EN-1). Available at:
<https://assets.publishing.service.gov.uk/media/65bbfdbc709fe1000f637052/overarching-nps-for-energy-en1.pdf> [Last Accessed: 10 March 2025]

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<https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf> [Last Accessed: 10 March 2025]

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