Meridian Solar Farm

EN010169

Volume 7

Other Documents

7.6 Statutory Nuisance Statement

APFP Regulation 5(2)(f)

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

March 2026

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Tables

1. Introduction

1.1. Background

1.1.1. This Statement of Statutory Nuisance (the 'Statement') has been prepared on behalf of Meridian Solar Farm Limited (hereafter referred to as the 'Applicant') as part of an application for a Development Consent Order (DCO) for Meridian Solar Farm (hereafter referred to as the 'Scheme').

1.1.2. The Scheme would comprise the construction, operation (including maintenance) and decommissioning of a solar PV electricity generating station with associated infrastructure, including co-located Battery Energy Storage System (BESS), Inter-Array Connections to link the land parcels that form the Solar Development Areas, and an up to 13km overhead line Grid Connection (with one short undergrounded section) which would run north towards a point of connection (PoC) at the proposed Weston Marsh B National Grid Electricity Transmission (NGET) substation, to the north of Weston.

1.1.3. A full description of the Scheme is included in **ES Chapter 2: The Scheme** (Doc Ref. 6.1). An overview of the Scheme and its environmental impacts is provided in the **ES Non-Technical Summary** (Doc Ref. 6.1).

1.1.4. The Order Limits are shown on **ES Figure 1-1: The Scheme Location** (Doc Ref. 6.2) and represents the maximum extent of land to be acquired or used for the construction, operation (including maintenance), and decommissioning of the Scheme.

1.2. Purpose and Structure of this Statement

1.2.1. This Statement is part of a suite of documents which must accompany the DCO application pursuant to Section 55 of the Planning Act 2008[1] and Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)[2].

1.2.2. 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 Scheme) engages one or more of the matters in section 79(1) (statutory nuisances and inspections

[1] The Planning Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/29/contents [Accessed 27 October 2025]

[2] The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available at: https://www.legislation.gov.uk/uksi/2009/2264/contents/made [Accessed 27 October 2025]

therefor) of the Environmental Protection Act 1990 (as amended)[3] (EPA). If any of those matters are engaged, the statement must set out how the application proposes to mitigate or limit the effects.

1.2.3. The matters in section 79(1) of the EPA that have been considered within this Statement are as follows:

(a) "*any premises in such a state as to be prejudicial to health or a nuisance*" and (e) "*any accumulation or deposit which is prejudicial to health or a nuisance" (i.e. condition of site*);

(d) "*any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance*" (i.e. air emissions);

(fb) "*artificial light emitted from premises so as to be prejudicial to health or a nuisance*" (i.e. artificial light); and

(g) "*noise emitted from premises so as to be prejudicial to health or a nuisance*" and (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*" (i.e. noise and vibration).

1.2.4. The matters in Section 79(1) of the EPA that have not been considered within this Statement are set out in Table 3-1.

1.2.5. Table 3-1This Statement should be read alongside other documents submitted as part of the DCO Application, particularly:

- **Outline Construction Environmental Management Plan (OCEMP)** (Doc Ref. 7.10);
- **Outline Operational Environmental Management Plan (OOEMP)** (Doc Ref. 7.11); and
- **Outline Decommissioning Environmental Management Plan (ODEMP)** (Doc Ref. 7.12).

1.2.6. 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.

[3] Environmental Protection Act 1990. Available at: https://www.legislation.gov.uk/ukpga/1990/43/contents [Accessed 27/10/2025]

1.2.7. This Statement sets out appropriate mitigation measures to ensure that the Scheme would not give rise to a statutory nuisance. It is therefore demonstrated that no statutory nuisance effects are considered likely to occur. It is not expected that the construction, operation (and maintenance), and decommissioning of the Scheme would cause a statutory nuisance.

1.2.8. Nonetheless, it should be noted that article 7 (Defence to proceedings in respect of statutory nuisance) of the **Draft DCO** (Doc Ref. 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 so as to be prejudicial to health or a nuisance), subject to the criteria set out in that article).

1.2.9. This Statement is structured as follows:

- **Section 1**: Introduction (this section);
- **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 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

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 of more of the matters set out in section 79(1) statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (EPA), and if so how the applicant proposed to mitigate or limit them*".

2.2. Environmental Protection Act (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 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 of 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 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)[4]

2.3.1. The Department for Energy Security and Net Zero (DESZN) published an updated overarching National Policy Statement for Energy (NPS EN-1) in December2025. Paragraphs 4.15.1 to 4.15.4 state:

"*Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a development consent order.*

Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised.

The defence does not extinguish the local authority's duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence.

The defence is not intended to extend to proceedings where the matter is "prejudicial to health" and not a nuisance."

2.3.2. Paragraph 4.15.5 states "*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.*"

[4] DESNZ (2025). Overarching NPS for Energy (NPS EN-1). Available at: https://assets.publishing.service.gov.uk/media/6915ba42bc34c86ce4e6e726/overarching-national-policy-statement-for-energy-en-1-web-accessible.pdf [Accessed 7 January 2025]

3. Assessment of Significance

3.1. Summary of Matters Engaged

3.1.1. The **Environmental Statement** (ES) (Volume 6) accompanying this DCO 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 Scheme?
(a) any premises in such a state as to be prejudicial to health or a nuisance	This matter is considered further in this Statement (see Section 4).
(b) smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated from the Scheme; therefore, this is not considered further within the Statement. Unplanned, emergency scenarios, such as an accidental or technical fire, are not considered relevant to this Statement.
(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 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	This matter is considered further in this Statement in relation to dust (see Section 4). The Scheme is not anticipated to have any impact on steam, smell or other effluvia, and therefore those elements are not considered further within this Statement.
(e) any accumulation or deposit which is prejudicial to health or a nuisance	This matter is considered further in this Statement (see Section 4).

EPA Section 79(1) Matter	Matter engaged as a consequence of the Scheme?
(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The Scheme 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 this Statement.
(fa) 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 Scheme will emanate any insects nor insects be attracted to it. Therefore, this is not considered further within this Statement.
(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered further in this Statement (see Section 4).
(g) noise emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered further in this Statement (see Section 4).
(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	This matter is considered further in this Statement (see Section 4).
(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 Scheme.

4. Matters Engaged and Proposed Mitigation Measures

4.1. Condition of 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.

4.1.2. The following constitute a statutory nuisance:

- Section 79(1)(a) – "*any premises in such a state as to be prejudicial to health or a nuisance*".
- Section 79(e) – "*any accumulation or deposit which is prejudicial to health or a nuisance*".

Construction and Decommissioning

4.1.3. The types of construction activities in respect of the Scheme are described in detail in **ES Chapter 2: The Scheme** (Doc Ref. 6.1), and will include site preparation and civil works, the construction of the solar PV array, on-site PV cabling, Substation and BESS Compounds, Inter-Arrays, Grid Connection, landscaping and testing and commissioning.

4.1.4. When the operational phase ends, the Scheme will require decommissioning. All PV panels, mounting poles, on-site cabling, inverters, transformers, and concrete foundations to those elements not remaining would be removed from the Solar Development Areas and recycled or disposed of in accordance with good practice and market conditions at that time.

4.1.5. During decommissioning, all above-ground physical infrastructure would be dismantled and removed from the Solar Development Area, Inter-Array Connections and Grid Connection Route. This would include the removal of all PV panels, mounting poles, solar stations, substations, BESS, 400kV overhead line and pylons, CSECs, 132kV overhead line and poles. In addition, below ground infrastructure, such as concrete foundations to these elements, would be removed to a depth agreed with the relevant landowner from the area within the Order Limits and recycled or disposed of in accordance with good practice and market conditions at that time.

4.1.6. The mode of any underground cable decommissioning will be dependent upon Government policy, best practice and landowner agreement at that time. Currently, the most environmentally acceptable option is leaving the cables in situ, as this avoids disturbance to overlying land and habitats. Alternatively, the cables can be removed by opening the ground at regular intervals and pulling the

cable through to the extraction point, avoiding the need to open up the entire length of the cable route.

4.1.7. The construction and decommissioning works have the potential to create pollution incidents, such as spillages and also create litter and general waste, which can constitute a nuisance under the EPA.

4.1.8. Proposed construction and decommissioning management measures are set out in the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12), submitted alongside the DCO application, and are secured by a requirement within the **Draft DCO** (Doc Ref. 3.1). These documents have been informed by the Environmental Impact Assessment (EIA), as reported within the **ES** (Volume 6), and will guide the construction and decommissioning processes through environmental controls in order to promote good construction and decommissioning practices to avoid adverse or nuisance causing impacts.

4.1.9. A detailed CEMP will be prepared following granting of the DCO. It would be in line with the commitments set out by the **OCEMP** (Doc Ref. 7.10) and would be agreed with the relevant local planning authority.

4.1.10. A detailed DEMP will also be prepared prior to the commencement of decommissioning. The detailed DEMP will be in accordance with the **ODEMP** (Doc Ref. 7.12) and would be agreed with the relevant local planning authority.

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

4.1.12. To control the waste generated during site preparation and construction, the Contractor will separate the main waste streams on-site, prior to transport to an approved, licenced third party waste facility for recycling or disposal.

4.1.13. A detailed Site Waste Management Plan (SWMP) will be prepared by the appointed Principal Contractor which will specify the waste streams to be estimated and monitored and goals set with regards to the waste produced. The SWMP will be finalised with specific measures to be implemented prior to the start of construction and will be substantially in accordance with the **OSWMP** (Doc Ref. 7.19). A Decommissioning Resource Management Plan (DRMP) will also be prepared for the decommissioning period, in accordance with the requirements of the **ODEMP** (Doc Ref. 7.12), which is secured through a requirement in the draft DCO.

4.1.14. All waste to be removed from the Order Limits will be undertaken by fully licenced waste carriers and taken to licenced waste facilities for recycling and disposal. It is not proposed to store waste batteries on site. They will be removed from the containers and taken away straight away, following waste duty of care.

4.1.15. The measures set out in the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12) are embedded in the Scheme proposals and the assessment of effects undertaken. The EIA assumes that those measures are implemented in full. Compliance with the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12) is secured by requirements in the **Draft DCO** (Doc Ref. 3.1).

4.1.16. With these measures in place, it is considered that construction and decommissioning of the Scheme will not give rise to impacts which would constitute a statutory nuisance under section 79(1)(a) or (e) of the EPA.

Operation and Maintenance

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

4.1.18. During operation, maintenance activity within the Solar Development Area will be limited and restricted principally to vegetation management, equipment maintenance and servicing, replacement of any components that fail, and monitoring. It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment, or replacement of faulty or broken equipment and adjusting and altering the solar module orientation to ensure the continued effective operation of the Scheme and improve its efficiency.

4.1.19. Along the Inter-Array Connections and Grid Connection Route, operational activity will consist of overhead line and cable route inspections (schedule to be determined) and any reactive maintenance, where damage has been identified.

4.1.20. All operational activities, including maintenance and servicing, will be undertaken in accordance with the environmental management measures set out within the **OOEMP** (Doc Ref. 7.11).

4.1.21. As such, operation and maintenance of the Scheme will not give rise to impacts 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*".

4.2.2. An air quality assessment has been undertaken as part of the EIA and is reported in **ES Chapter 6: Air Quality** (Doc Ref. 6.1). The assessment considered the significance of potential air quality effects during construction and decommissioning, and concludes that, with appropriate mitigation, there would be no significant effects in terms of the EIA regulations. There is no potential for likely significant effects on air quality during operation, and as such, an assessment of operational air quality effects has been scoped out of the ES.

Construction and Decommissioning

4.2.3. **ES Chapter 6: Air Quality** (Doc Ref. 6.1) assesses the impact of construction and decommissioning of the Scheme on air quality.

4.2.4. The Scheme will not require any demolition during the construction phase. During construction there is the potential for emissions of dust particles due to the following:

- Earthworks (e.g., soil stripping, excavation);
- General construction activities (e.g. site preparation, Solar Development Area, Inter-Array and Grid Connection construction); and
- Trackout (movement of mud and soil out of the Site by construction vehicles).

4.2.5. The assessment provided in **ES Chapter 6: Air Quality** (Doc Ref. 6.1) has been undertaken based on relevant industry (Institute of Air Quality Management (IAQM)) guidance.

4.2.6. Taking into account the scale of the Order Limits and associated construction works, it is considered prudent to adopt good site practice for controlling dust as outlined with the IAQM's 'Guidance on assessment of Dust from Demolition and Construction'[5] document for high-risk sites. These measures represent good

[5] Institute of Air Quality Management (2024) Guidance on the Assessment of Dust from Demolition and Construction. Available at: https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf. [Accessed 14 November 2025]

industry practice and are therefore embedded in the Scheme proposals as a precaution.

4.2.7. These good site practice mitigation measures are incorporated into the **OCEMP** (Doc Ref. 7.10). General accordance with the **OCEMP** (Doc Ref. 7.10) is secured by the requirements of the **Draft DCO** (Doc Ref. 3.1). These measures are also presented in Table 4-1 and Table 4-2 below. The implementation of these measures would result in no significant dust effects from excavation and construction activities beyond the Order Limits.

4.2.8. **ES Chapter 6: Air Quality** (Doc Ref. 6.1) concludes that the adequate implementation of good industry practice measures is expected to prevent the occurrence of significant effects arising from dust generation during construction. **ES Chapter 6: Air Quality** (Doc Ref. 6.1) also sets out that decommissioning is expected to generate similar (if not lower) effects to those anticipated during construction, and therefore the mitigation measures proposed for the implementation during construction will be appropriate for decommissioning as well. As such measures presented in Table 4-1 and Table 4-2 have also been incorporated within the **ODEMP** (Doc Ref. 7.12). **ES Chapter 6: Air Quality** (Doc Ref. 6.1) concludes that impacts on local air quality due to dust generation during decommissioning are considered to be not significant.

4.2.9. The assessment confirms that there is likely to be no significant impact on local air quality during construction or decommissioning as a result of increased traffic from the Scheme during these phases at all modelled receptors. The volume of trips on the local road network is not sufficient to lead to significant effects.

4.2.10. The construction and decommissioning of the Scheme are not considered to result in effects that would constitute a statutory nuisance as defined with Section 79(1)(d) of the EPA.

Table 4-1: Mitigation for a High-Risk Site

Measure
Communications
Develop and implement a stakeholder communications plan that includes community engagement before work commences on site.
Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager or the site manager.
Display the head or regional office contact information.

Measure
Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the Local Authority. The level of detail will depend on the risk, and should include as a minimum the highly recommended measures in this document. The desirable measures should be included as appropriate for the site. The DMP may include monitoring of dust deposition, dust flux, real-time PM_{10} continuous monitoring and/or visual inspections.
Site Management
Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
Make the complaints log available to the local authority when asked.
Record any exceptional incidents that cause dust and/or air emissions, either on- or off-site, and the action taken to resolve the situation in the log book.
Hold regular liaison meetings with other high risk construction sites within 250m of the Site boundary, to ensure plans are co-ordinated and dust and particulate matter emissions are minimised. It is important to understand the interactions of the off-site transport/deliveries which might be using the same strategic road network routes.
Monitoring
Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of Site boundary, with cleaning to be provided if necessary.
Carry out regular Site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority when asked.
Increase the frequency of Site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.
Agree dust deposition, dust flux, or real-time PM_{10} continuous monitoring locations with the Local Authority. Where possible commence baseline

Measure
monitoring at least three months before work commences on site or, if it is a large site, before work on a phase commences. Further guidance is provided by IAQM on monitoring during demolition, earthworks and construction.
Preparing and maintaining the site
Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is reasonably practicable.
Avoid Site runoff of water or mud.
Keep Site fencing, barriers and scaffolding clean using wet methods.
Remove materials that have a potential to produce dust from Site as soon as reasonably practicable, unless being re-used on site. If they are being re-used on-site cover as described below.
Cover, seed or fence stockpiles to prevent wind whipping, if stockpile will be present for more than 1 year.
Operating vehicle/machinery and sustainable travel
Ensure all vehicles switch off engines when stationary - no idling vehicles.
Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where reasonably practicable to do so.
Impose and signpost a maximum-speed-limit of 15 mph on surfaced and 10 mph on unsurfaced haul roads and work areas and consider use of matts as temporary surface protection on haul routes. On long haul routes, such as those proposed through the Grid Connection Route, these speeds may be increased with suitable additional control measures provided, subject to agreement with the Local Authority.
Produce a detailed Construction Traffic Management Plan to manage the sustainable delivery of goods and materials.
Implement a Travel Plan that supports and encourages sustainable travel (public transport, cycling, walking, and car-sharing).
Operations
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.

Measure
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.
Waste management
Avoid bonfires and burning of waste materials.

Table 4-2: Activity Specific Dust Mitigation Measure

Measure
Earthworks
Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as reasonably practicable.
Use Hessian, mulches or tackifiers where it is not reasonably practicable to re-vegetate or cover with topsoil, as soon as reasonably practicable.
Only remove the cover in small areas during work and not all at once.
Construction
Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure 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 power materials ensure bags are sealed after use and stored appropriately to prevent dust.
Trackout

Measure
Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the Site.
Avoid dry sweeping of large areas.
Ensure vehicles entering and leaving sites are covered, where appropriate, to prevent escape of materials during transport.
Inspect on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable.
Record all inspections of haul routes and any subsequent action in a site log book.
Install hard surfaced haul routes, which are regularly damped down with fixed or mobile sprinkler systems, or mobile water bowsers and regularly cleaned.
Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the Site where reasonably practicable).
Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the Site exit, wherever Site size and layout permits.
Access gates to be located at least 10m from receptors where possible.

Operation and Maintenance

4.2.11. Traffic generation from operational staff and maintenance work is not expected to induce significant changes to traffic flows on the local road network.

4.2.12. The operation of the Scheme does not involve any significant emissions of air pollutants on-site.

4.2.13. No significant effects on local air quality, including through dust generation, are predicted during operation of the Scheme. The operation of the Scheme would therefore not result in effects that would constitute a statutory nuisance as defined with Section 79(1)(d) of the EPA.

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

4.3.3. The effects of Glint and Glare are not covered by statutory nuisance legislation, which does not cover natural light. These effects are however assessed within **ES Chapter 16: Other Environmental Topics** (Doc Ref. 6.1) and **ES Appendix 16-2: Glint and Glare Assessment** (Doc Ref. 6.3), and no significant effects are identified.

Construction and Decommissioning

4.3.4. Construction temporary lighting, in the form of task specific and fixed 'general' lighting, may be required during core working hours during months with reduced daylight hours.

4.3.5. Artificial lighting will be provided to maintain sufficient security and 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.

4.3.6. In accordance with the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12) all construction and decommissioning lighting will incorporate the following measures to prevent or reduce the impact on residential receptors:

- The use of lighting will be minimised to that required for safe site operations;
- Lighting will utilise directional fittings to minimise outward light spill and glare (e.g. via the use of light hoods/cowls which direct light below the horizontal plane, preferably at an angle greater than 20° from horizontal); and
- Lighting will be directed towards the centre of the Site rather than towards land outside of the Order Limits.

4.3.7. With the above measures in place, it is unlikely that artificial light from temporary construction lighting during construction and decommissioning would interfere with the wellbeing, comfort, or enjoyment of an individual's property. The construction and the decommissioning of the Scheme are not considered to

result in effects that would constitute a statutory nuisance as defined with Section 79(1)(fb) of the EPA.

Operation and Maintenance

4.3.8. Operational lighting is controlled by the **OOEMP** (Doc Ref. 7.11). During operation, permanent security lights with motion detectors will be used for security purposes around the electrical infrastructure (BESS and substations), emergency access points to facilities within the Scheme, and potentially at other locations of critical infrastructure. No areas are proposed to be permanently lit. Manually operated, and motion-detection lighting will be utilised for operational and security purposes around electrical infrastructure within the On-Site Substation and CSEC Compounds.

4.3.9. In line with the above measures, there will be no visible lighting at the perimeter of the Scheme and no potential for a statutory nuisance. On this basis, it is unlikely that artificial light during operation of the Scheme would interfere with the wellbeing, comfort, or enjoyment of an individual's property. The operation of the Scheme is therefore not considered to result in effects that would constitute a statutory nuisance as defined with Section 79(1)(fb) of the EPA.

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 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 where the statutory threshold outlined in paragraph 4.4.1 is met.

4.4.3. Local Authorities have a duty to investigate and, if necessary, take enforcement against noise or vibration emissions that are identified as a statutory nuisance. Section 80 of the EPA identifies Best Practicable Means (BPM), as defined in section 72 of the Control of Pollution Act 1974[6], as a basis for defence against

[6] Control of Pollution Act 1974. Available at: https://www.legislation.gov.uk/ukpga/1974/40/contents [Accessed 27/10/2025]

enforcement action. Section 82 of the EPA provides for individuals to seek for abatement action to be taken by a magistrate's court against noise nuisance.

4.4.4. An assessment of noise and vibration impacts was undertaken as part of the EIA and is reported in **ES Chapter 13: Noise and Vibration** (Doc Ref 6.1). The chapter assessed the significance of potential noise and vibration effects during construction, operation and maintenance, and decommissioning, and concludes that, with appropriate mitigation, there would be no significant vibration effects in terms of the EIA Regulations.

4.4.5. With regards to noise effects, **ES Chapter 13: Noise and Vibration** (Doc Ref 6.1) concludes that two receptors (RG53 (Broad Gate Residential) and Langary Gate Road (construction traffic noise)) may experience significant noise effects.

4.4.6. RG53 is predicted to experience likely significant effects during any Horizontal Directional Drill (HDD) activities in the night-time for the diversion of third party assets, should HDD need to be utilised and continued outside of daytime hours. Where practical, the Contractor will aim to avoid HDD activities in night-time hours. At this stage, the exact plant for intended for use, especially in the Grid Connection Route where HDD is likely to be on a small scale, is not yet determined. As such, construction noise effects have been based on a series of conservative, robust assumptions and are likely to be overestimated.

4.4.7. Langary Gate Road may experience significant noise effects in relation to road traffic. While barriers could be used to reduce road traffic noise levels, they are not considered a practicable or proportionate means of mitigating construction traffic noise, as vehicle movements occur along public highways and dispersed access routes where barriers would present safety, access and visual constraints, provide limited benefit, and would be disproportionate given the temporary and transient nature of construction traffic. Restrictions on HGV deliveries will be managed through a Delivery Management System (DMS), implemented in accordance with the provisions of the **Outline Construction Traffic Management Plan** (OCTMP) (Doc Ref. 7.13). These measures represent all practicable means of managing construction traffic and associated effects. However, despite the application of these controls, residual effects are predicted to remain significant at certain receptors due to the proximity of the site access and the intensity of temporary construction traffic flows during peak periods of activity.

4.4.8. Whilst the Scheme results in significant adverse noise effects during the construction phase, all reasonable measures have been applied to reduce the impact on nearby communities as reasonably practicable to an acceptable level

as best practice. This can be achieved through appropriate design and the locations of noise generating plant.

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

Construction and Decommissioning

4.4.10. Construction and decommissioning noise levels at surrounding receptors will vary depending on the locations and types of works taking place. Due to the variation in work activities and locations across the Scheme, it is considered that any periods of regular construction noise levels experienced at a receptor would be of a limited duration due to the phased nature of construction (e.g., a few weeks or months, rather than the full duration of the construction period). Occupants of nearby receptors are likely to be more tolerable of these events, if they are regularly communicated to and kept informed of timings and duration of high noise generating events.

4.4.11. Measures to control noise and vibration will be adopted. These measures represent Best Practicable Means (BPM) and are included as embedded mitigation within the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12).

4.4.12. The construction and decommissioning contractors will follow BPM to minimise any noise impacts upon local sensitive receptors. These are likely to involve the following, as appropriate:

- Ensuring that all appropriate processes, procedures and measures are in place to minimise noise before works begin and throughout the construction programme;
- All Contractors to be made familiar with current legislation and the guidance in BS 5228 (Parts 1[7]and 2[8]) which will form a prerequisite of their appointment.
- Where reasonably practicable, noise and vibration are controlled at source (e.g. the selection of inherently quiet plant and low vibration equipment),

[7] British Standards Institution (2009+A1:2014); BS 5228-1 – Code of practice for noise and vibration control on construction and open sites – Part 1: Noise.

[8] British Standards Institution (2009+A1:2014); BS 5228-2 – Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

review of the construction programme and methodology to consider quieter methods, consideration of the location of equipment on-site and control of working hours.

- Use of modern plant, complying with applicable UK noise emission requirements.
- Hydraulic techniques for breaking concrete or rocks to be used in preference to percussive techniques, where reasonably practicable.
- Drop heights of materials will be minimised.
- Plant and vehicles will be sequentially started up rather than all together.
- Off-site pre-fabrication where reasonably practicable.
- Use of screening locally around significant noise producing plant and activities.
- Regular and effective maintenance by trained personnel will be undertaken to keep plant and equipment working to manufacturer's specifications.
- All construction plant and equipment to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use.
- Loading and unloading of vehicles, dismantling of site 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.
- All vehicles used on-site shall incorporate reversing warning devices as opposed to the typical tonal reversing alarms to minimise noise disturbance were reasonably practicable.
- Provision of information to the relevant local authority and local residents to advise of potential noisy works that are due to take place.
- Unnecessary revving of engines will be avoided, and equipment will be switched off when not in use.
- Plant will always be used in accordance with manufacturers' instructions. Care will be taken to locate site equipment away from noise-sensitive areas. Where reasonably practicable, loading and unloading will also be carried out away from such areas.

4.4.13. Furthermore, to ensure no exceedances of the Significant Observed Adverse Effect Level (SOAEL) would occur at sensitive receptors (RG36, RG2, RG48, RG53 and RG54) during construction of the Solar Development Areas and HDD

installation, additional mitigation measures in the form of temporary, mobile acoustic screening would be implemented, as set out in the **OCEMP** (Doc Ref. 7.10).

4.4.14. Core working hours during the construction phase are anticipated to be 07:00 to 19:00 Monday to Friday and 08:00 to 13:30 on Saturdays, but will be shortened if working would necessitate artificial lighting and therefore the working day may be shorter in the winter months (with the exception of activities, such as horizonal directional drilling (HDD), which may require continuous working beyond these hours. if it is not possible to pause activities). It is anticipated there would be no Sunday or Bank Holiday working unless crucial to construction (e.g., HDD may require continuous activity etc.) or in an emergency. Core construction working hours are set out in the **OCEMP** (Doc Ref. 7.10).

4.4.15. A construction noise monitoring scheme shall be developed as per the requirements of the **OCEMP** (Doc Ref. 7.10) submitted alongside the DCO application following appointment of a Principal Contractor and prior to the commencement of any construction works.

4.4.16. The effect of noise and vibration on nearby sensitive receptors can be minimised through a good communication strategy. Prior to construction works being undertaken, liaison will be undertaken with occupiers of sensitive receptors that may be adversely affected by construction noise and vibration.

4.4.17. Noise complaints will be monitored and reported to the Applicant for immediate investigation and action. A display board will be installed on-site, and a website will be set up. These will include contact details for the Community Liaison Officer or alternative with whom nuisance or complaints can be lodged. A logbook of complaints will be prepared and managed by the Site Manager.

4.4.18. The communication strategy and noise complaint system will be secured through the DCO as part of the **OCEMP** (Doc Ref. 7.10) and **ODEMP** (Doc Ref. 7.12).

4.4.19. Where high noise generating works are required to be undertaken outside of core daytime working hours, they will comply with the restrictions stated in the **OCEMP** (Doc Ref. 7.10), and consents will be sought from the relevant local authority under Section 61 of the Control of Pollution Act 1974 for the proposed construction works, excluding non-intrusive surveys, as relevant. The Section 61 application will set out the specific method of working, calculations of noise levels at nearby receptors, the actual working hours required, noise monitoring locations, details of communication measures, and the mitigation measures implemented to minimise noise and vibration impacts.

4.4.20. Consideration has been given to traffic routing, timing, and access points to the Scheme to minimise noise impacts at existing receptors as detailed in **ES Chapter 15: Traffic and Access** (Doc Ref. 6.1)**.** Management of Heavy Goods Vehicles (HGV) on the highway network will be managed through the **OCTMP** (Doc Ref. 7.13), which will be secured through the **Draft DCO** (Doc Ref. 3.1). Appropriate routing of construction and decommissioning traffic on public roads and along access tracks will be pursuant to the OCTMP.

4.4.21. Noise and vibration effects during decommissioning of the Scheme will be similar or less than noise effects during construction. The noise assessment presented within **ES Chapter 13: Noise and Vibration** (Doc Ref 6.1) is therefore considered representative (or an overestimate) of decommissioning.

4.4.22. The construction and the decommissioning of the Scheme are not considered to result in effects that would constitute a statutory nuisance as defined with Sections 79(1)(g) and 79(1)(ga) of the EPA.

Operation and Maintenance

4.4.23. There is not anticipated to be any noticeable impulsive or intermittent characteristics from plant noise emissions experienced at the surrounding receptors. The Scheme design has been developed to locate noise generating infrastructure (Solar Stations and substations, inverters, transformers, and cooling fans) sufficiently far from sensitive noise receptors to avoid significant noise effects.

4.4.24. Although the indicative Scheme layout has been optimised to minimise noise levels at sensitive receptors, there is a requirement to retain some flexibility on where infrastructure will be located on-site. Consequently, if there is a decision in the future to move noise generating infrastructure closer to sensitive receptors than shown in **ES Figure 13-1: Noise Sensitive Receptors and Noise Monitoring Locations** (Doc Ref. 6.2) the Applicant commits that noise at sensitive receptors will be no higher than the levels presented in **ES Chapter 13: Noise and Vibration** (Doc Ref 6.1). This is secured through Requirement 18 of the **Draft DCO** (Doc Ref. 3.1).

4.4.25. As such, **ES Chapter 13: Noise and Vibration** (Doc Ref 6.1) concludes that any operational noise effects experienced at sensitive receptors will not be significant. The operation of the Scheme is therefore not considered to result in effects that would constitute a statutory nuisance as defined with Sections 79(1)(g) and 79(1)(ga) of the EPA.

5. Conclusion

5.1. Potential for Nuisance

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

5.1.2. The matters in the EPA that have been engaged by the Scheme are general site condition, air quality, artificial light, and noise and vibration, during construction, operation and maintenance, and decommissioning of the Scheme. The mitigation measures identified in the ES will prevent impacts from having the potential to result in statutory nuisance under section 79 of the EPA. These measures are secured by requirements obtained within the **Draft DCO** (Doc Ref. 3.1).

5.1.3. As such, it is not expected that the construction, operation (and maintenance), and decommissioning of the Scheme would cause a statutory nuisance.