



**WHITESTONE**  
solar farm

# WHITESTONE SOLAR FARM

## Volume 5: Reports and Statements

### 5.2 Statutory Nuisance Statement

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**Planning Act 2008**  
Infrastructure Planning (Applications: Prescribed  
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STATUTORY NUISANCE STATEMENT

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# 1 INTRODUCTION

- 1.1.1 This Statutory Nuisance Statement (the 'Statement') has been prepared by Whitestone Net Zero One Ltd (the 'Applicant') as part of an application for a Development Consent Order ('DCO') for Whitestone Solar Farm (the 'Proposed Development').
- 1.1.2 The Proposed Development falls under the Planning Act 2008 and is classified as a Nationally Significant Infrastructure Project ('NSIP') and requires an application for a DCO. The application for a DCO is submitted to the Planning Inspectorate on behalf of the Secretary of State for Energy Security and Net Zero (the 'Secretary of State'), with the decision on whether to grant a DCO being made by Secretary of State pursuant to the Planning Act 2008.

## 1.2 Order Limits

- 1.2.1 The location of the Proposed Development is shown in the **Location Plans [EN0110020/APP/2.1]**. The Order Limits are located east of Sheffield and Rotherham, South Yorkshire, predominantly within the administrative areas of the City of Doncaster Council (CDC) and Rotherham Metropolitan Borough Council (RMBC). The southern extent of the Proposed Order Limits slightly crosses into the area of North East Derbyshire District Council (NEDDC) within Derbyshire County Council (DCC).
- 1.2.2 The Order Limits comprise of approximately 1,488ha of land and constitutes the maximum extend of land that will be required to facilitate the construction, operation and maintenance and decommissioning of the Proposed Development. The 1,488ha consists of 339ha proposed for Cable Corridors, and 1,149ha proposed for the Site.
- 1.2.3 The Order Limits encompass the total area of the Proposed Development comprising the Site and Cable Corridors. The Site is specifically the land that is planned to be used for solar PV array and associated infrastructure, BESS, substation, landscaping and habitat enhancement. The Site is split into Whitestone 1, Whitestone 2, and Whitestone 3 as described in **ES Volume 1, Chapter 3: The Site and Surrounding Area [EN0110020/APP/6.3]**.

## 1.3 Proposed Development

- 1.3.1 The Proposed Development involves the construction, operation and maintenance, and decommissioning of more than 100 MW of solar photovoltaic (PV) arrays, Battery Energy Storage System (BESS), onsite substations and supporting infrastructure, and grid connection infrastructure. The grid connection infrastructure would connect the Proposed Development to the National Grid at the new National Grid substation Brinsworth (Long Lane 400kV Substation), located east of Long Lane, Rotherham. National Grid has applied to Rotherham Metropolitan Borough Council for the development of this new substation which is intended by National Grid to be operational in time for the Proposed Development to connect in 2029. The Long Lane 400kV substation is therefore not included in the Proposed Development and is subject to a separate planning application taken forward by National Grid.

- 1.3.2 The Proposed Development is also described in Schedule 1 of the **Draft DCO [EN0110020/APP/3.1]**, where the ‘authorised development’ is divided into work packages. The Work Numbers (‘Work No’) for those packages are identified below and are referred to throughout the Environmental Statement and correspond to the **Works Plans [EN0110020/APP/2.3]**. The Works No.’s include:
- Work No. 1 – Solar PV Infrastructure and Secondary Construction Compounds
  - Work No. 2 – Interconnection Cables
  - Work No. 3 – Battery Energy Storage System
  - Work No. 4 – Substations
  - Work No. 5 – Highway Works
  - Work No. 6 – Landscaping / Green Infrastructure
  - Work No. 7 – Drainage Associated with Primary Substation
  - Work No. 8 – Primary Construction Compounds
- 1.3.3 Further detail on the Proposed Development can be found within **ES Volume 1, Chapter 5: The Proposed Development [EN0110020/APP/6.5]**.

## 1.4 Purpose and structure of this statement

- 1.4.1 The Statement has been prepared in compliance with Regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’).
- 1.4.2 Regulation 5(2)(f) requires that an application for a DCO must be accompanied by a statement setting out whether the Proposed Development engages one or more of the matters in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990 (as amended) (‘EPA’). If any of those matters are engaged, the statement must set out how the Applicant proposes to mitigate or limit the effects.
- 1.4.3 The matters in section 79(1) of the EPA that have been considered within the Statement are general site condition, air quality, artificial light, and noise and vibration during all phases of the Proposed Development.
- 1.4.4 The Statement should be read alongside other documents submitted as part of the application, particularly:
- The **Environmental Statement [EN0110020/APP/6.1 – 6.20]**
  - The **Outline Construction Environmental Management Plan (oCEMP) [EN0110020/APP/5.9]**
  - The **Outline Operational Environmental Management Plan (oOEMP) [EN0110020/APP/75.10]**
  - The **Outline Decommissioning Environmental Management Plan (oDEMP) [EN0110020/APP/5.11]**; and
  - The **Outline Battery Safety Management Plan (oBSMP) [EN0110020/APP/5.15]**
- 1.4.5 The Statement is produced in the context of section 158 of the Planning Act 2008, which provides statutory authority for carrying out development for which a DCO

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had been granted or anything else authorised by the DCO as a defence against civil or criminal proceedings for nuisance.

- 1.4.6 The Statement sets out appropriate mitigation measures to ensure that the Proposed Development has no likely residual effects that would give rise to a statutory nuisance.
- 1.4.7 Therefore, it is demonstrated that no statutory nuisance effects are considered likely to occur. The construction, operation (and maintenance) and decommissioning of the Proposed Development are not expected to cause a statutory nuisance.
- 1.4.8 Nonetheless, it should be noted that article 10 (Defence to proceedings in respect of statutory nuisance) of the **draft DCO [EN0110020/APP/3.1]** contains a provision that would provide a defence to proceedings in respect of statutory nuisance (in respect of sub-paragraph (g) of section 79(1) of the EPA (noise emitted from premises to be prejudicial to health or a nuisance)), subject to the criteria set out in that article.
- 1.4.9 The remainder of this Statement is structured as follows:
- Section 1: Introduction;
  - Section 2: Legislative and Policy Context;
  - Section 3: Assessment of Significance;
  - Section 4: Matters Engaged and Proposed Mitigation Measures; and
  - Section 5: Conclusion.

## 2 LEGISLATIVE AND POLICY CONTEXT

### 2.1 The APFP Regulations 2009

2.1.1 Regulation 5(2)(f) of the APFP Regulations state 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 therefore) of the Environmental protection Act 1990, and if so, how the applicant proposes to mitigate or limit them”.

### 2.2 Environmental Protection Act 1990 (‘EPA’)

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

a) *“Any premises in such a state as to be prejudicial to health or a nuisance;*

b) *Smoke emitted from premises so as to be prejudicial to health or a nuisance;*

c) *Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;*

d) *Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*

e) *Any accumulative or deposit which is prejudicial to health or a nuisance;*

f) *Any animal kept in such a place or manner as to be prejudicial to health or a nuisance;*

- *(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*

- *(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance*

g) *Noise emitted from premises so as to be prejudicial to health or a nuisance;*

- *(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road;*

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

- 2.2.2 For a nuisance to be considered a statutory nuisance, it must unreasonably and substantially interfere with the use or enjoyment of a home or other premises or injure health or be likely to injure health. To be considered a nuisance, an activity must be ongoing or repeated – a one-off event would not usually be considered a nuisance.

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

- 2.3.1 Paragraph 4.15.1 of the Overarching National Policy Statement for Energy (EN1) states that:

*“Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a Development Consent Order”.*

- 2.3.2 Paragraph 4.15.2 states that:

*“Such authority is conferred only for the purpose of providing a defence in civil or criminal proceedings for nuisance. This would include a defence in proceedings for nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisances and clean air).”*

- 2.3.3 Paragraph 4.15.5 states that:

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

- 2.3.4 Paragraph 5.7.1 states that:

*“During the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial intelligence and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990. However, they are not regulated by the environmental permitting regime, so mitigation of these impacts will need to be included in the Development Consent Order”.*

- 2.3.5 The **Policy Compliance Document [EN0110020/APP/5.5]** assesses the compliance of NPS EN-1 and the wider Proposed Development’s compliance with both national and local planning policies.

## 3 ASSESSMENT OF SIGNIFICANCE

### 3.1 Summary of Matters Engaged

- 3.1.1 The ES accompanying the Application addresses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in section 79(1) of the EPA.
- 3.1.2 Table 3.1 outlines each matter stated in Section 79(1) of the EPA and describes whether this is covered within this Statement or is excluded, depending on the assessment within the ES.

**Table 3.1 Matters Stated in Section 79(1) of the EPA**

EPA Section 79(1) Matter	Matter engaged as a consequence of the Proposed Development?
a. Any premises in such a state as to be prejudicial to health or a nuisance	This matter is considered further in this Statement at section 4.1.
b. Smoke emitted from premises so as to be prejudicial to health or a nuisance	No smoke is expected to be generated from the Proposed Development; therefore, this is not considered further within the Statement. Unplanned emergency scenarios such as an accidental or technical fire are irrelevant to this Statement due to their infrequent and short nature. Further information can be found within the <b>Outline Battery Safety Management Plan (oBSMP) [EN0110020/APP/5.15]</b> .
c. Fumes or gases emitted from premises to as to be prejudicial to health or a nuisance	This matter only applies to private dwellings, as provided for under section 79(4) of the EPA. This matter is, therefore, not considered further within the Statement because there is no impact on private dwellings.
d. Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance	This matter is considered further in this Statement in relation to dust; however, further information is available within <b>ES Volume 2, Chapter 12: Air Quality [EN0110020/APP/6.12]</b> . The Proposed Development is not anticipated to cause any effects from steam, smell or other effluvia and therefore, those elements are not considered further within this Statement.
e. Any accumulative or deposit which is prejudicial to health or a nuisance	This matter is considered further in this Statement at section 4.1.
f. Any animal kept in such a place or manner as to be prejudicial to health or a nuisance	The Proposed Development will not keep any animals in such a place or manner as to be prejudicial to health or a nuisance. Any grazing of livestock will be in accordance with good practice

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	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 Proposed Development 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 in section 4.3 below. Further information is available in <b>ES Volume 2, Chapter 7: Landscape and Visual Assessment [EN0110020/APP/6.7]</b> .
g. Noise emitted from premises so as to be prejudicial to health or a nuisance	This matter is considered further in this Statement in section 4.4 below. Further information is also available in <b>ES Volume 2, Chapter 14: Noise and Vibration [EN0110020/APP/6.14]</b> .
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	This matter is considered further in this Statement in section 4.4 below.
h. Any other matter declared by any enactment to be a statutory nuisance	No other matters are considered to be a potential statutory nuisance associated with the construction, operation and maintenance or decommissioning of the Proposed Development. While Glint and Glare impacts are not considered within this statement given natural light does not fall within the scope of the Statutory Nuisance Legislation, further information can be found within <b>ES Volume 3, Appendix 16.2: Glint and Glare Report [EN0110020/APP/6.20]</b> .

## 4 MATTERS ENGAGED AND PROPOSED MITIGATION MEASURES

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

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

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

### Construction and Decommissioning

4.1.2 The types of construction activities in respect of the Proposed Development includes, but is not limited to:

- Construction of site access points;
- Establishment of site compounds;
- Construction of site tracks;
- Installation of cabling;
- Construction of Solar Array structures;
- Construction of Substations;
- Construction of primary and secondary construction compounds;
- Highways works;
- Construction of Battery Energy Storage System; and
- Ancillary Works.

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

4.1.4 The proposed Development will require decommissioning once the operational period ends. All the solar infrastructure, including Solar PV modules, mounting structures, electrical cables on or near the surface, inverters, transformers, switchgear, fencing, ancillary infrastructure and BESS compound would be removed and recycled or disposed of following good practice methods. All waste would be disposed of in accordance with the legislation at the time of decommissioning. Further details of measures are set out in the **Outline Site Waste Management Plan** which forms part of the **oCEMP [EN0110020/APP/5.9]**.

4.1.5 The Site and areas of mitigation and enhancement would be reinstated as per the **oDEMP [EN0110020/APP/5.11]**.

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- 4.1.6 Construction and decommissioning works can create pollution incidents such as spillages, litter and general waste, constituting a nuisance under the EPA.
- 4.1.7 Construction control mechanisms proposed include core working hours and traffic management, and these measures are set out in the **oCEMP [EN0110020/APP/5.9]**. The oCEMP has been informed by the Environmental Statement and will guide the construction process through environmental controls in order to promote good construction practices and avoid adverse or nuisance-causing impacts during the construction phase.
- 4.1.8 Following the grant of the DCO, a detailed CEMP will be prepared. It would align with the commitments set out by the oCEMP and be approved by the relevant local planning authority before starting the construction works within the Order Limits. A Decommissioning Environmental Management Plan (DEMP) will also be prepared prior to the commencement of decommissioning. The DEMP will be in accordance with the **oDEMP [EN0110020/APP/5.11]**, which has been prepared to support the DCO Application.
- 4.1.9 Plans to deal with accidental pollution would be included within the CEMP and DEMP prior to the commencement of construction and decommissioning. Any necessary equipment would be held on-site, and all site personnel would be trained. The Environment Agency, and other relevant stakeholders including the Local Planning Authorities, would be informed immediately in the unlikely event of a suspected pollution incident.
- 4.1.10 With these measures in place, it is considered that the construction and decommissioning phases of the Proposed Development will not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(a) or (e).

### Operation and Maintenance

- 4.1.11 It is understood that the operation and maintenance of the Proposed Development, when in its final built form, would not cause the Order Limits to be in 'such a state' as to be prejudicial to health or nuisance.
- 4.1.12 During the operational and maintenance phase, anticipated maintenance activity within the Order Limits will be minimal and restricted principally to activities such as:
- Vegetation management;
  - Equipment maintenance and servicing;
  - Replacement and renewal of any components that fail; and
  - Monitoring and inspection.
- 4.1.13 It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment or replacement of faulty or broken equipment to ensure the continued effective operation of the Proposed Development and improve its efficiency, and panel cleaning.
- 4.1.14 In terms of the Cable Route, operational and maintenance activity would be slightly different as it would include minimal routine inspections and in rare cases reactive maintenance, such as replacement of damaged cables or joints.
- 4.1.15 All operational activities, including maintenance and servicing, will be undertaken per the environmental management measures set out within the **oOEMP [EN0110020/APP/5.10]**. As per Requirement 9 of the **Draft DCO**

**[EN0110020/APP/3.1]** the oOEMP will be updated to a final OEMP prior to the start of operation.

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

### Conclusion

- 4.1.17 For the reasons explained above and with the mitigation measures described in place, it is considered that the construction, operation and maintenance, and decommissioning phases of the Proposed Development will not give rise to impacts from the site condition that would constitute a statutory nuisance under section 79(1) (a) or (e) of the EPA.

## 4.2 Air Emissions – Section 79(1)(d) of the EPA

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

### Construction and Decommissioning

- 4.2.2 **ES Volume 2, Chapter 12: Air Quality [EN0110020/APP/6.12]** assesses the impact of the construction and decommissioning phases of the Proposed Development on air quality. The assessment confirms that there are likely to be no significant effect on local air quality during either the construction or decommissioning phases. The predicted pollutant concentrations would have a negligible effect on human health and designated ecology sites as they will be controlled through the measures included within the **oCEMP [EN0110020/APP/5.9]**, **oDEMP [EN0110020/APP/5.11]** and **oCTMP [EN0110020/APP/5.12]**.
- 4.2.3 During the construction phase, there is the potential for emissions of dust due to the proposed earthworks, construction activities and also from the movement of mud and soil from Site by construction vehicles.
- 4.2.4 Taking into account the scale of the Order Limits and associated construction works; it is considered prudent to adopt the good site practice for controlling dust as outlined within the IAQM’s ‘Guidance on the assessment of Dust from Demolition and Construction’ document for high-risk sites. Therefore, these measures represent good industry practice and are embedded within the Proposed Development.
- 4.2.5 These good site practice mitigation measures are noted in the **oCEMP [EN0110020/APP/5.9]**. They are considered to be embedded mitigation and represent good industry practices that are part of the Proposed Development.

### Operation and Maintenance

- 4.2.6 The Proposed Development is estimated to support a limited number of permanent staff per day, who would typically be onsite during the operation and maintenance phase. Traffic generation from the operational staff is not expected to significantly change traffic flows on the local road network.

- 4.2.7 The operation of the Proposed Development is not anticipated to impact local air quality significantly. Therefore, no significant effects on air quality are predicted during the Proposed Development's operational and maintenance phase.

### Conclusion

- 4.2.8 For the reasons set out above, alongside the implementation of required measures, no significant effects are expected to occur in relation to air quality measures, including on the health of human receptors.
- 4.2.9 Therefore, it is envisaged that there would be no claim regarding a statutory nuisance under section 79(1)(d).

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

- 4.3.1 Section 79(1)(fb) provides that the following constitutes a statutory nuisance, “artificial light emitted from premises so as to be prejudicial to health or a nuisance”.
- 4.3.2 A statutory nuisance would exist if artificial light substantially interferes with the local population's well-being, comfort, or enjoyment. Usually, this would mean that lights cause a nuisance on a regular basis. Artificial lights may also cause a nuisance if they are not maintained or used properly.

### Construction and Decommissioning

- 4.3.3 Temporary construction lighting will be required in areas where natural lighting is unable to reach, and during core working hours within the winter months.
- 4.3.4 Artificial lighting will be provided to maintain sufficient security, health and safety for the construction site whilst adopting mitigation principles to avoid excessive glare and minimise spill of light to nearby residential receptors outside of the Order Limits as far as reasonably practicable. The **oCEMP [EN0110020/APP/5.9]** controls lighting during the construction and decommissioning phases to ensure effects are reduced.

### Operation and Maintenance

- 4.3.5 During operation and maintenance, the Solar PV arrays will not require artificial lighting other than during temporary periods of maintenance. All routine maintenance activities, except possibly panel cleaning, will be scheduled for daylight hours as far as is practicable, and therefore it is anticipated that focussed task specific lighting should only be required in the event of emergency works/equipment failure requiring night-time working or possibly panel cleaning operations.
- 4.3.6 Regarding the maintenance of Solar PV arrays, all activities will be scheduled for daylight hours as far as is practicable, and focussed task specific lighting should only be required in the event of emergency works/equipment failure requiring night-time working.
- 4.3.7 CCTV cameras would use night-vision technology, which would be monitored remotely and avoid the need for night-time lighting. For security requirements, Passive Infra-red Detector (PID) systems (or similar) will be installed around the Solar PV field perimeter to provide the CCTV's night vision functionality.

- 4.3.8 Therefore, there will be no lighting at the perimeter of the Order Limits and no potential for a statutory nuisance.

### Conclusion

- 4.3.9 For the reasons set out above, no claim is envisaged in respect to statutory nuisance under Section 79(1)(fb).

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

- 4.4.1 The following constitutes a statutory nuisance:

4.4.2 Section 79(1)(g) – “noise emitted from premises so as to be prejudicial to health or a nuisance”; and

4.4.3 Section 79(1)(ga) – “noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street”.

4.4.4 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.

### Construction and Decommissioning

4.4.5 Construction and decommissioning noise levels at surrounding receptors will vary depending on the locations and types of work taking place. Due to the variation in work activities and locations across the Proposed Development, it is considered that any periods of regular high construction noise levels experienced at a receptor would be of a limited short-term duration.

4.4.6 Measures to control noise and vibration will be adopted. These measures represent Best Practicable Means and are included as embedded mitigation within the **oCEMP [EN0110020/APP/5.9]** and **oDEMP [EN0110020/APP/5.11]**. The CEMP will be prepared prior to construction and the DEMP will be prepared prior to the decommissioning phase as per requirements of the **Draft DCO [EN0110020/APP/3.1]**.

4.4.7 Examples of some Best Practicable Means that could be implemented during both construction and decommissioning works to minimise noise impacts include the following –

- Scheduling work so that the noisier activities are undertaken, where possible, during the daytime when ambient sound levels are highest, rather than nights when ambient levels are lower;
- Installing exhaust silencers on vehicles and mechanical plant and regularly maintaining them;
- Selecting inherently quiet and / or lower vibration plant where appropriate;
- Installing mufflers or silencers on ancillary pneumatic percussive tools;
- Ensuring that machines are shut down between work periods or throttled down to a minimum;
- Regularly maintaining all equipment used on-site, including maintenance related to noise and vibration emissions;

- Loading vehicles carefully to ensure minimal drop heights;
- Positioning ancillary plant such as generators and pumps to cause minimum noise disturbance and if necessary, provide temporary acoustic screens or enclosures; and
- Fitting mobile plant with directional white noise reversing alarms to avoid tonal noise from the Site.

4.4.8 Noise and vibration effects during the decommissioning phase of the Proposed Development will be similar to or less than noise effects during the construction phase. Therefore, the noise assessment presented within **ES Volume 2, Chapter 14: Noise and Vibration [EN0110020/APP/6.14]** for the construction phase is considered a conservative representation of the decommissioning phase. A separate assessment for noise and vibration from the decommissioning phase is not included.

### Operation and Maintenance

- 4.4.9 No major vibration sources are envisaged to be introduced as part of the Proposed Development, and as such, there will be no associated operational vibration effects. No further assessment of operational vibration has been included in the ES.
- 4.4.10 Operational and maintenance phase has proposed embedded noise mitigation measures as set out within the **oOEMP [EN0110020/APP/5.10]** such as –
- Reducing noise at source, including enclosures, attenuators and louvres;
  - Installing vibration generating plant on resilient mounts;
  - Orientating units so that the main noise and vibration generating elements (such as ventilation openings) are facing away from nearby residential properties; and
  - Installing barriers to provide acoustic screening around noise generating plant.

### Conclusion

- 4.4.11 For the reasons explained above and with these mitigation measures in place, no significant effects are expected to occur in relation to noise and vibration matters, including in relation to the health of human receptors during the construction, operation and maintenance and decommissioning phases of the Proposed Development.
- 4.4.12 No claim against statutory nuisance in respect of noise and vibration is therefore envisaged in respect of a statutory nuisance under section 79(1)(g) or (ga).

## 5 CONCLUSION

- 5.1.1 In line with Regulation 5(2)(f) of the APFP Regulations, this Statement has identified whether the Proposed Development has engaged one or more of the matters set out in Section 79(1) of the EPA and thus considered whether the Proposed Development would cause a statutory nuisance.
- 5.1.2 The matters in the EPA that the Proposed Development has engaged are general site condition, air quality, artificial light, and noise and vibration during all phases of the Proposed Development. The embedded design, management plans, and mitigation measures identified in the ES will prevent impacts that have the potential to result in statutory nuisance under section 79 of the EPA. These measures are secured by requirements contained within the draft DCO.
- 5.1.3 It is not expected that the construction, operation and maintenance and decommissioning of the Proposed Development would cause a statutory nuisance.



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