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# Norwich to Tilbury

## Volume 5: Reports and Statements

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Regulations 2009 Regulation 5(2)(f)

**nationalgrid**

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# 1. Introduction

## 1.1 Overview

1.1.1 National Grid Electricity Transmission plc ('National Grid') is making an application for development consent for the Norwich to Tilbury Project (the 'Project').

1.1.2 As per Environmental Statement (ES) Chapter 1: Introduction (document reference 6.1) the Project comprises:

- A new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation, including:
  - Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End (CSE) compounds or existing or proposed substations
  - Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty (AONB<sup>1</sup>))
- Up to seven new CSE compounds (with permanent access) to connect the overhead lines to the underground cables
- Modification works to connect into the existing Norwich Main Substation and a substation extension at the existing Bramford Substation
- A new 400 kV substation on the Tendring Peninsula, referred to as the EACN Substation (with a new permanent access). This is proposed to be an Air Insulated Switchgear (AIS) substation
- A new 400 kV substation to the south of Orsett Golf Course in Essex, referred to as the Tilbury North Substation (with a new permanent access). This is proposed to be a Gas Insulated Switchgear (GIS) substation
- Modifications to the existing National Grid Electricity Transmission overhead lines to facilitate the connection of the existing network into the new Tilbury North Substation to provide connection to the Tilbury Substation
- Ancillary and/or temporary works associated with the construction of the Project.

1.1.3 In addition, third party utilities diversions and/or modifications would be required to facilitate the construction of the Project. There would also be land required for environmental mitigation and Biodiversity Net Gain (BNG).

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<sup>1</sup> National Landscape is the rebranded name of an Area of Outstanding Natural Beauty (AONB) from 22 November 2023

- 1.1.4 As well as the permanent infrastructure, land would also be required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.
- 1.1.5 This Statement of Statutory Nuisance has been produced to support the application for development consent under the Planning Act 2008. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 require Development Consent Order (DCO) applications to be accompanied by (among other documents) a Statement of Statutory Nuisance.
- 1.1.6 Regulation 5(2)(f) states: *‘(2) The application must be accompanied by— (f) 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.’*
- 1.1.7 This statement therefore sets out the matters in s79(1) of the Environmental Protection Act (EPA) 1990 in respect to statutory nuisance, the potential of the Project to cause statutory nuisance and the measures that have been incorporated into the Project to mitigate potential nuisance.

## **1.2 Environmental Protection Act 1990**

- 1.2.1 Table 1.1 describes the matters that constitute ‘statutory nuisances’ within Section 79(1) of the EPA 1990 and whether they have been screened as applicable to the Project. Matters that are not applicable to the Project have been screened out of this statement.
- 1.2.2 This statement should be read alongside the ES (Volume 6 of the DCO application) and the Outline Code of Construction Practice (CoCP) (document reference 7.2), which contain embedded measures, standard (good practice) measures and additional measures to avoid or reduce potentially significant effects. These are secured through Requirement 4 of the draft DCO (document reference 3.1).
- 1.2.3 Statutory nuisances are matters listed in the EPA 1990 that are ‘prejudicial to health’ or a ‘nuisance’. The findings of the ES and the Environmental Impact Assessment (EIA) process have been drawn on to inform this statement, but it is acknowledged that the legal standard of what constitutes a statutory nuisance is different to what may be a significant environmental effect under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’). Consultees have also provided comments in the context of the ES and EIA and through the scoping process and comments received have been taken on board.

Table 1.1 Statutory nuisance and application to the Project

Matter	Screening to Assess Application to the Project
(a) any premises in such a state as to be prejudicial to health or a nuisance	There would be no premises in such a state so as to be prejudicial to health or nuisance. Measures to avoid and/or control construction activities which have the potential to be prejudicial to health or create nuisance are included in the Outline CoCP (document reference 7.2). The Project is not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(b) smoke emitted from premises so as to be prejudicial to health or a nuisance	No burning of waste materials would be permitted on site as per standard (good practice) measure GG25 in the Outline CoCP (document reference 7.2). Smoke would not be emitted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance	Emission of fumes and gases applies only to private dwellings (as noted in Section 79(4) of the EPA 1990) and is therefore not relevant to the Project.
(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance	Screened in as potentially applicable to the Project.
(e) any accumulation or deposit which is prejudicial to health or a nuisance	The waste produced on the Project is expected to be low in volume and is not expected to be contaminated. Accumulations or deposits of excavated material or waste are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance	No animals would be kept on-site as part of the Project during construction or operation (and maintenance). Animals are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.



Matter	Screening to Assess Application to the Project
(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance	No materials would be stored on-site which could attract insects, which could cause a nuisance or be prejudicial to human health. Any food waste from the temporary construction compounds would be removed off-site. Insects emanating are not predicted to cause a nuisance or be prejudicial to health during construction or operation (and maintenance) of the Project.
(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance	Screened in as potentially applicable to the Project.
(g) noise emitted from premises so as to be prejudicial to health or a nuisance	Screened in as potentially applicable to the Project.
(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	Screened in as potentially applicable to the Project.
(h) any other matter declared by any enactment to be a statutory nuisance	There are no other matters or elements of the Project which could be considered to be a statutory nuisance.

## 2. Further Consideration of Matters

### 2.1 Dust, Steam, Smell or Other Effluvia (Section 79(1)(d))

#### Construction

- 2.1.1 As outlined in ES Chapter 7: Air Quality (document reference 6.7) combustion related emissions from construction site vehicles and plant would not be significant, and therefore would not constitute a statutory nuisance.
- 2.1.2 Some of the construction activities have the potential to generate dust emissions that could give rise to a statutory nuisance. Dust could be generated through activities such as the excavation, stockpiling and replacement of soil associated with soil stripping of the construction of haul roads, compound areas and the underground cable sections. Dust could also be generated by construction traffic using the haul roads. These could affect human receptors in the vicinity of the Project.
- 2.1.3 ES Chapter 7: Air Quality (document reference 6.7) assesses the potential risk of causing dust adverse effects at sensitive receptors. As is standard practice in the construction industry, good practice measures would be put in place to control dust emissions at source and to manage or reduce the release of dust beyond the boundaries of the construction areas. The standard (good practice) measures are set out in the Outline CoCP Appendix D: Outline Dust Management Plan (document reference 7.2).
- 2.1.4 The dust risk assessment has concluded that, with these standard (good practice) measures in place, there would be no significant effect as a result of construction dust. It is expected that these dust control measures would reduce dust to a level which would neither generate a nuisance nor be prejudicial to health and thus would not give rise to a statutory nuisance.
- 2.1.5 It is not anticipated that construction activities would give rise to any material amounts of steam, smell or other effluvia.
- 2.1.6 On the above basis, there would be no statutory nuisance related to dust, steam, smell or other effluvia during the construction phase of the Project.

#### Operation (and Maintenance)

- 2.1.7 Operation (and maintenance) of the Project is not anticipated to generate dust, steam, smell or other effluvia which could cause a nuisance or be prejudicial to health and thus would not create a statutory nuisance.

## **2.2 Artificial Light (Section 79(1)(fb))**

### **Construction**

- 2.2.1 Temporary artificial lighting may be required to illuminate the works at the trenchless crossing locations, where activities may be undertaken at night, as once started operations cannot safely stop. There may also need to be temporary artificial lighting at contained sites, such as the temporary construction compounds, to aid safety and to provide security to the site. Site lighting may also be required for working areas in consideration of winter working hours and non-standard working arrangements.
- 2.2.2 In all instances, construction lighting would be of the lowest luminosity necessary to safely perform each task and directional to avoid glare into residential properties. It would also be designed, positioned and directed to reduce the intrusion into adjacent properties, protected species and sensitive habitats as described in standard (good practice) measure GG26 in the Outline CoCP (document reference 7.2). With these measures in place, the potential for the temporary lighting to cause a nuisance would be low and there is no likelihood of the temporary lighting being injurious to health.

### **Operation (and Maintenance)**

- 2.2.3 As outlined in ES Chapter 4: Project Description (document reference 6.4) the new EACN Substation and Tilbury North Substation would require exterior lighting, which would be used outside of daylight hours. All lighting would be designed in accordance with the appropriate design standards. The lighting would be directional and is intended to support safe movement of pedestrians around the site; the lighting would therefore not be on by default (e.g. activated by sensors). It is not anticipated to be prejudicial to health and thus would not create a statutory nuisance.
- 2.2.4 No permanent lighting is proposed elsewhere on the Project.

## **2.3 Noise and Vibration (Section 79(1)(g) and Section 79(1)(ga))**

### **Construction**

- 2.3.1 As outlined in ES Chapter 14: Noise and Vibration (document reference 6.14), temporary noise impacts resulting from the increase in traffic associated with the construction phase are not considered likely to be significant in most locations. However, one route has been identified with potential temporary significant adverse effects. Vibration associated with construction vehicles passing along local roads is not considered to be significant.
- 2.3.2 Certain construction activities and equipment used during construction would produce noise and vibration during construction. This includes works associated with pylon construction, pylon removal, underground cable construction, trenchless crossings, haul road construction and use, temporary construction compound construction and use, and third party works.
- 2.3.3 ES Chapter 14: Noise and Vibration (document reference 6.14) identifies thresholds for Significant Observed Adverse Effect Levels (SOAELs), as required by the Government's Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010). Significant adverse effects during construction would occur where the SOAEL is exceeded at a receptor for a duration of more than 10



days in any 15 consecutive days, or more than 40 days in any consecutive six months. Significant adverse effects have been identified at a limited number of receptors during construction works, without mitigation. However, best practicable means as set out in the Outline CoCP (document reference 7.2) would be employed which would reduce levels of noise and vibration to a non-significant level.

- 2.3.4 To constitute a statutory nuisance, a noise must occur regularly and continue for a period of time that makes it unreasonable. The short term and transitory nature of the construction activities reduces the potential for statutory nuisance to occur.
- 2.3.5 The Outline CoCP Appendix F: Outline Noise and Vibration Management Plan (document reference 7.2), outlines the best practicable means that would be used to reduce noise and vibration during construction. With the implementation of these measures, the likelihood of statutory nuisance is negligible.

## Operation (and Maintenance)

- 2.3.6 As outlined in ES Chapter 14: Noise and Vibration (document reference 6.14), no significant adverse noise effects have been predicted that would represent a nuisance under Section 79(1)(g) or Section 79(1)(ga) of the EPA 1990 during operation (and maintenance). Therefore, operation (and maintenance) of the Project is not expected to create a nuisance or be prejudicial to health.

## 3. Conclusion

- 3.1.1 This Statement of Statutory Nuisance identifies the matters set out in Section 79(1) of the EPA 1990 in respect of statutory nuisance and considers whether the Project has the potential to cause nuisance.
- 3.1.2 The Outline CoCP (document reference 7.2) includes embedded, standard (good practice) and additional mitigation measures to avoid or reduce the effects of dust, lighting, noise and vibration. These mitigation measures would reduce impacts that could otherwise result in nuisance during construction. The development authorised by the DCO must be undertaken in accordance with the Outline CoCP (document reference 7.2), secured by Requirement 4 of the draft DCO (document reference 3.1). National Grid and the Main Works Contractor(s) would carry out all work in accordance with the final CoCP during the construction of the Project unless otherwise agreed with the relevant Local Planning Authority.
- 3.1.3 With mitigation measures in place, no breach of Section 79(1) of the EPA 1990 is expected as a result of the Project.

# Abbreviations

Abbreviation	Full Reference
AIS	Air Insulated Switchgear
AONB	Area of Outstanding Natural Beauty
CoCP	Code of Construction Practice
CSE	Cable Sealing End
DCO	Development Consent Order
EACN	East Anglia Connection Node
EIA	Environmental Impact Assessment
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
EPA 1990	Environmental Protection Act 1990
ES	Environmental Statement
GIS	Gas Insulated Switchgear
km	Kilometre
kV	Kilovolt
National Grid	National Grid Electricity Transmission plc
the Project	Norwich to Tilbury
SOAEL	Significant Observed Adverse Effect Level

# Glossary

Term	Description
Best Practicable Means	A term used under the Control of Pollution Act 1974 and Environmental Protection Act 1990 to refer to measures which are 'reasonably practicable, having regard to local conditions and circumstances, to the current state of technical knowledge and to financial implications', concerning the mitigation of noise and other potential nuisance.
Code of Construction Practice	Code of construction practice (CoCP) sets out the standards and procedures to which a developer (and its contractors) must adhere in order to manage the potential impacts of construction works.
Development Consent Order	A statutory instrument which grants consents and other rights to build a Nationally Significant Infrastructure Project, as defined by the Planning Act 2008
Environmental Statement (ES)	The main output from the EIA process, an ES is the report required to accompany an application for development consent (under the Infrastructure Planning (EIA) Regulations 2017) to inform public and stakeholder consultation and the decision on whether a project should be allowed to proceed. The EIA Regulations set out specific requirements for the contents of an ES for Nationally Significant Infrastructure Projects
Haul road	A route used by construction traffic within the Order Limits to access a working area from a site access point
Kilovolt	1,000 volts
Statutory nuisance	A statutory nuisance in the is defined under the Environmental Protection Act 1990 and refers to conditions that adversely affect health or cause significant disturbance to individuals in their property.
Temporary construction compounds	Temporary compounds installed during the construction phase of the Project. Each compound may contain storage areas including laydown areas, soils storage and areas for equipment and fuel, drainage, generators, car parking and offices and welfare areas (portacabins).

# Bibliography

Department for Environment, Food and Rural Affairs (2010) *Noise Policy Statement for England (NPSE)*.

*Environmental Protection Act 1990* (c. 43)

*Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009* (SI 2009/2264).

*Infrastructure Planning (Environmental Impact Assessment) Regulations 2017* (SI 2017/572).

*Planning Act 2008* (c. 29).

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