

Council  
18 April 2023

## **QUESTION 1**

### **Question from Councillor David Gulland to the Chair of the Environment and Safe Communities Committee, Councillor John Beckett.**

There is a well documented history of noise and disruption at the Chalk Pit, with continuing evidence of disturbance. What further evidence other than that already provided by residents is needed to serve an abatement notice.

### **Reply from Councillor Beckett:**

Over the last two years, the Environmental Health service have been heavily involved in responding to complaints of noise from various activities in the Chalk Pit. This has included taking enforcement action through community protection warnings on the Upper Rim, requiring the landlord to resurface the roadway, deploy enhanced management, and use of compulsory skip lorry chain guards.

The numbers of noise complaints about the Chalk Pit remain significantly down from the peak during 2021/22. Typically, the council receives about 6 complaints a week, originating from between 2 to 4 local residential addresses. There are occasionally peaks in complaint numbers, such as occurred at the beginning of March 2023, when the council received 19 emails (week commencing 27th Feb). An officer visited the locality in response to these complaints.

Officers have also been heavily involved in investigating for evidence of statutory nuisance. Over 100 hours of in person dedicated monitoring and over 700 hours of remote monitoring, using installed sound monitoring equipment, at several addresses in the area combined with the use of temporary CCTV has been undertaken. During these periods of monitoring, the operators at the Chalk Pit were not pre-warned. This activity included intensive consecutive, multi-day in-person (unannounced) observations at the home of a resident. The Council has found no evidence of statutory nuisance. The cost of action so far to the Council so far is approximately £30,000.

The Council will and does take action where there is sufficient evidence to support formal action. Residents have been very helpful in providing evidence of how the noise affects them, and this has been instrumental in designing our monitoring activity, however it is important that the Council gathers it's own evidence to support any formal legal action. It is evident that noise from the Chalk Pit can be heard at several residential locations and that the noise witnessed may be considered as a loss of amenity. However, despite the extensive investigation, there is insufficient evidence that the noise constitutes a statutory nuisance. Assessment for statutory nuisance must consider not only how loud noise is, but whether it is unreasonable as well as its frequency, character, time of day and many other factors. It is a high standard to evidence.

Whilst there is evidence that the noise from the site is audible and might be considered annoying, this does not mean it necessarily meets the criteria to be

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considered a statutory nuisance. The Council continues to work with the Environment Agency and SCC Planning on reducing the impact of the Chalk Pit to residents.

The main part of the site is subject to Environment Agency regulatory control including noise and there is an imminent planning decision awaited from Surrey County Council Planning on the construction of a building to enclose that part of site. The County Council have reported that they have completed the "Kides assessment" of the planning application which is now waiting for final sign off before issuing the planning permission. It is currently envisaged that this will be in the next couple of weeks. This is a significant stage, as conditions attached to the application include the immediate suspension of specific activities which have been the source of significant noise complaints over the last 2 years.