

Wiltshire Council

Chippenham Area Board

10 September 2013

Item 8 – Chippenham Skate Park Task Group Report

Mr Gould, Chippenham Resident

Question 1

I wish to ask a question but to do so I need to give background information about the expectations of nearby residents about the level of noise likely to be generated from use of a skatepark were it located in Monkton Park.

To do so, It is apt at this critical meeting of the Board to remind members of the promise given to residents in Sadlers Mead in her letter of 2 April 2012 by Councillor Allen, still a member of this Board and at that time its Chairman and also the then Chairman of the Skatepark Task Group: and, in the light of that promise, to ask members of the Board to consider whether they are willing to take a decision to proceed with a planning application for a skatepark in Monkton Park when the chances are very strong that the promise given in April 2012 will be broken: and the integrity of Wiltshire Council would then be called into question?

A copy of her letter can be provided to anyone wishing to see it.

The part of the letter I wish specifically to remind you of is the beginning of the third paragraph, which relates to the reference in the previous paragraph to the consideration of Monkton Park as a possible location for a skate park. The paragraph referred to says:-

“The first consideration is whether there will be any increase in noise levels for nearby residents, above what is normally experienced. If this can't be achieved then this location will no longer be considered”.

You will notice that Cllr Allen did not qualify the word “noise” or identify any particular noise source or sources as part of this consideration.

She did not say, for example, “noise from the physical use of the skate park itself”

She did not say “noise from skaters going to and from the skate park”.

She did not say “noise from any anti-social behaviour which might occur”.

There was no such qualification. Cllr Allen said “noise” and any reasonable person would judge this to be the total noise level emanating from use of the skate park itself and incidental to use of the skate park. It would be that total noise which would contribute to any EXTRA noise level in decibels which would be heard in the houses

and gardens of “nearby residents”, as defined by Cllr Allen (nearby houses of course also include St Mary’s Street so this issue is as relevant to residents there as it is to those in Sadlers Mead).

Personally, I regard this promise as unequivocal and binding upon the Skate Park Task Group, the Chippenham Area Board and Wiltshire Council itself, given as it was by an elected member of the Council who was at the time the Chairman of the Skate Park Task Group and of the Chippenham Area Board, and who issued the letter on Wiltshire Council headed notepaper.

Given that promise, and the situation it creates for the Council, the Skate Park Task Group has had an onerous burden to bear in deciding whether to support and recommend the erection of a skate park in Monkton Park. It has finally made that recommendation.

If the Board is inclined to support this recommendation without itself being fully satisfied that Cllr Allen’s promise will be fulfilled, especially in houses in Sadlers Mead and St Mary’s Street, it will expose itself to severe challenge. It would also expose the Council itself to that challenge.

You must have certainty that there will be not one decibel of extra noise from any source associated with the skate park for the promise to be kept.

The two consultants engaged by the Task Group have been brave enough together to report that with suitable mitigation measures the noise levels at the said houses can be limited to 0Decibels extra, viz no increase in noise levels.

Whether this estimated level is for residents WITHIN their houses or WITHIN their gardens is unclear. Mitigation at garden level is highly unlikely, which means that complaints would immediately be received. And if the noise the consultants are endeavouring to mitigate is only the noise FROM PHYSICAL USE OF THE SKATE PARK, and ignores incidental noise at all hours from associated activities arising from the presence of the skate park, (the level of which, so far as I am aware, has never been measured or even estimated), the consultants are understating their target. These incidental noises are potentially as burdensome as the direct noise from the skate park itself.

Also, you should also insist that the consultants should consistently address themselves to the L_{Amax} (maximum) noise level rather than flitting between this and the L_{Aeq} (average) noise. Residents will hear the MAXIMUM not the average noise! And allied to that, you must NOT forget that your officers and consultants often compare the maximum mitigated noise output from a skate park with the maximum noise level heard at a property. Bear in mind however that the maximum noise at a property might occur for one minute or 5 minutes in a day. The maximum noise from a skate park can occur frequently during the whole time the skate park might be in use.

My question therefore is can the Board satisfy itself beyond reasonable doubt that not a single extra decibel of noise will be created by a skatepark located in Monkton Park? That is the promise which was given.

If it cannot it should reject the recommendation and tell the Task Group to look elsewhere at the several other more suitable sites which are available.

In submitting this question, I am fully aware that the SPTG has, in their view, and in a very minimal way, attempted to make little of Cllr Allen's promise. (See the paragraphs in Section 3.5 of the report). The use of the words "common sense" and "in the context of noise assessments" and "stringent criterion" are indicative of a frantic attempt to hide or gloss over a clear undertaking that the skatepark would not be built in Monkton Park if there was likely to be ANY increase in noise levels.

Response

This question argues for a particularly stringent interpretation of a letter sent by Cllr Desna Allen to residents of Sadlers Mead. The matter that is the subject of this question has been addressed in section 3.5 of the report and the STG considers that the interpretation proposed is not appropriate.