

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Noise Nuisance

To: Corner Food Shop Ltd
1a Bratton Road
Westbury
Wiltshire
BA13 3EN

Ref: 201513137

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **WILTSHIRE COUNCIL** being satisfied of the ~~(existence)~~ ~~(likely occurrence)~~ ~~(recurrence)~~ of noise amounting to a statutory nuisance under Section 79(1)(g) of that Act at Corner Food Shop Ltd (within the district of the said Council) arising from the kitchen extraction system, giving rise to a statutory noise nuisance to [REDACTED]

HEREBY REQUIRE YOU as the ~~(person responsible for the said nuisance)~~ ~~((owner))~~ (occupier) of the premises from which the noise is or would be emitted) within 12 weeks from the service of this Notice, (to abate the same) (and also)

HEREBY PROHIBIT the recurrence of the same and for that purpose require you to
-See attached schedule 1

~~IN the event of an appeal this Notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the noise to which this Notice relates is (likely to be of a limited duration such that suspension would render the Notice of no practical effect) (the expenditure which would be incurred by any person in carrying out works in compliance with this Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance)~~

IF without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED 22 July 2015

Signed: [REDACTED]
Environmental Health Officer

Address for all communications:-
Public Protection
Wiltshire Council
County Hall
Bythesea Road Trowbridge BA14 8JN

NB: The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

**Currently £5,000 subject to alteration by Order

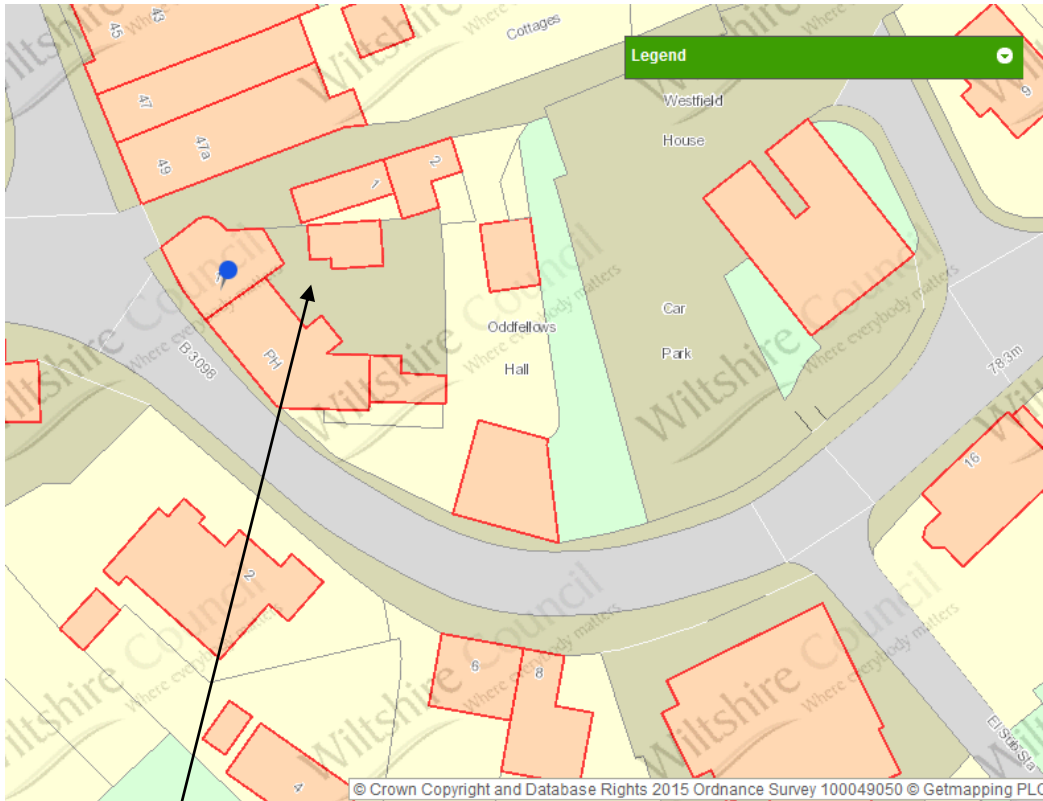
Schedule 1

Reduce noise levels emanating from the ventilation equipment when in operation. This may be achieved by:

- Replacement of the equipment with plant that is capable of achieving LAeq15mins 35dB and NR30 when measured from mid court yard (See schedule 2) within the Castle,
- Relocation away from residential properties,
- attenuation through use of an enclosure or other engineering solutions
- or other such measures to achieve the noise levels specified above.

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Schedule 2
1a Bratton Road Westbury (Property Marked with a blue dot)



This point denotes the measurement position