

Noise - Taking your own private legal action

It is not always possible for the Council to help / take action. It may become apparent during the investigation that we will not be able to gain the evidence we require to take legal action on your behalf. If this is the case we will normally write to you and advise you what alternative steps you might take. This does not mean that you do not have a problem, just that the investigation methods available to us are not suited to gaining the evidence needed to prove a case on your behalf.

You can take your own legal action under Section 82 of the Environmental Protection Act 1990 by making a complaint direct to the Magistrates Court. You will need to produce evidence - particularly copies of any letters and diary log forms. The magistrate will listen to all your evidence and that of any other person(s) affected by the noise. The magistrate(s) will then decide whether, beyond all reasonable doubt, the noise problem amounts to a statutory nuisance. If you require more information about this course of action, you should contact the Environmental Protection Section