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Our ref ARN/R322478

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6 January 2012

Dear Name

**Service Request 322478**

**Noise arising from vehicles using the test track at Group Lotus Plc, Potash Lane, Hethel, Norfolk.**

I write in order to update you with regard to your complaint concerning noise arising from vehicles using the test track at Group Lotus Plc.

In response to residents' complaints, we have undertaken an investigation of this matter by means of:

- Undertaking extensive noise monitoring at residents premises - we would thank those residents who have allowed us to deploy noise-monitoring equipment at their premises.
- Requesting residents to complete monitoring forms detailing how and when the noise affects them - we would thank those residents who have returned completed monitoring forms.
- Monitoring visits to the area by Council officers

The analysis of the information provided by the investigation to date confirms that there is clearly noise giving rise to concern arising from vehicles using the test track at Group Lotus Plc. However, the Council is not satisfied that there is sufficient evidence that there is a noise problem sufficiently severe to be a statutory nuisance. Our principal powers to deal with noise nuisance are contained in the Environmental Protection Act 1990. Where we are satisfied that the noise problem is so severe that a statutory noise nuisance exists, or is likely to occur or recur, a noise abatement notice will normally be served under the provisions of the Act. The effect of such a notice is to require the reduction in the noise emanation from the premises to a level where it is no longer a statutory nuisance, subject to certain defences.

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Unfortunately, whilst the Environmental Protection Act 1990 states what matters can be a statutory nuisance it does not state any level etc at which point a matter becomes a statutory nuisance. Thus, we are reliant on case law, which indicates that for a noise to cause a statutory nuisance, it must be of a volume, duration, regularity and nature that there is a significant material interference with the enjoyment of the premises of the average person. Case law also indicates that the nature of the area must be taken into consideration.

We have recently met with Group Lotus plc regarding this issue who have informed us that:

- The track was used more than usual immediately after the modifications took place to enable staff to get used to the new layout and for an opening event.
- Guidelines are in place for the use of the track in order to minimise the impact of noise on residents.
- An e-mail system can be used to advise local residents when 'noisy' events are scheduled on the test track. We can arrange for residents to be added to this system if they contact us.
- They are willing to look at extending the e-mail system to include a telephone notification system for those residents who cannot be contacted by e-mail.
- They are happy to host a meeting with affected residents and representatives of parish councils to discuss this issue.

As indicated above Group Lotus plc have offered to meet affected residents and representatives of parish councils shortly to allow concerns to be discussed and hopefully to seek common ground.

Please contact me should you have any concerns or queries.

Yours sincerely

**Mr A Nicholas**  
**Environmental Protection Manager**  
**Regulatory Services**