

Dear Ms [REDACTED]

Thank you for your email of 12 August about the proposed cinema project. I have been asked to reply.

Whilst the potential for statutory nuisance may be taken into account, it will not be the only issue considered by local authorities when deciding whether to give planning consent.

The statutory nuisance legislation regime provides reactive powers to local authorities to deal with nuisances arising from new or existing premises.

Under section 79 of the Environmental Protection Act 1990 local authorities have a duty to take reasonably practicable steps to investigate 'noise emitted from premises so as to be prejudicial to health or a nuisance' and a range of other nuisances. If satisfied that a statutory nuisance exists or is about to occur or recur, the local authority must serve an abatement notice under section 80 of the Act requiring that the nuisance is abated or restricted to prevent its occurrence or recurrence.

When investigating and assessing nuisance complaints, local authority Environmental Health Practitioners take into account a number of factors, including the reasonableness of the activity being carried out, the time of day of the occurrence, its duration and its frequency of occurrence. The decision regarding whether or not a statutory nuisance is occurring is then made by the Environmental Health Practitioner on a case by case basis.

If you have any complaints about nuisances from new or existing premises in your area you should first contact your local authority's environmental health department.

Alternatively, section 82 of the Environmental Protection Act 1990 empowers complainants to pursue independent action through the local magistrates' court in order to deal with nuisance. If such a case were successful, the court would order an abatement of the nuisance and may award costs to the complainant, although this is not a requirement. You should seek your own legal advice before taking this course of action.

For any planning applications or concerns this is best placed with the Department for Communities and Local Government (DCLG). Should you wish to contact them, contact details are available on its website at:

<http://www.communities.gov.uk/corporate/contact>.

Yours sincerely,

**Jade Harford**  
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Defra

Department for Environment, Food and Rural Affairs (Defra)