EPSOM & EWELL TIMES
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19th November 2026

ISSN 2753-2771

EPSOM & EWELL TIMES

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“Heat and Dust” epic in Epsom

25 January 2024



You don’t need to read or watch the historical romantic drama set in the British Raj epoch in India by Ruth Prawer Jhabvala. The **Chalk Pit** off College Road Epsom has been the source of noise and dust generated heated debate in Epsom and Ewell Council for years.

Conservative Councillors for Horton, **Bernie Muir** and **Kieran Persand**, in July proposed the following motion to full Council:

“That this council mandates officers to install professional noise measurement equipment around the Chalk Pit site in College Road, Epsom, to leave that equipment in place for a minimum period of three months, and to respond to any breaches of noise regulations on the site with the imposition of a noise abatement order on the landowner and any identified operators responsible for the excess noise.”

The full Council referred the matter to the Environment Committee to resolve.

The Chalk Pit site is the centre of a fiendishly complex plot of overlapping planning laws, regulations and three different law enforcement authorities: The Environment Agency (EA), Surrey County Council and Epsom and Ewell Borough Council.

In a detailed report to Councillors of the Environment Committee of Epsom and Ewell, sitting on Tuesday 23rd January, officers attempted to explain.

Here is a summary of that report:

Background:

The Chalk Pit site in College Road, Epsom, has been used for light industrial purposes for around 40 years. Businesses operating at the site include Skip It, Reston Waste, and a coach company, among others. Noise and dust emissions from various activities, such as trommel processing, materials handling, and vehicle movements, have led to increased complaints from nearby residents since 2021.

Complaints and Regulatory Responsibilities:

Prior to 2021, complaints were minimal, but they increased significantly in recent years. Regulatory responsibilities involve collaboration between the local authority, Environment Agency (EA), and planning authorities (Surrey County Council SCC and Epsom and Ewell Borough Council EEBC).

Complaints related to EA regulated processes are directed to the EA, while non-regulated sources fall under the local authority’s jurisdiction.

Council’s Response to Complaints:

The council’s Environmental Health service conducted an extensive investigation, involving in person monitoring, remote monitoring, and the installation of CCTV. Despite the intensive investigation, a June 2022 assessment did not provide sufficient evidence to issue an abatement notice. A renewed effort in October 2023 identified a specific nuisance related to a particular piece of machinery, leading to the issuance of an abatement notice.

Enforcement Actions:

The council issued Community Protection Warning Notices to the landowner and various users, mandating specific actions. Legal steps included a notice requiring a skip company to cease operations on the site. Ongoing monitoring will determine compliance, potentially leading to further enforcement, including prosecution.

Financial Implications:

The investigation has incurred costs of £5,600. Potential future costs for further investigations, legal proceedings, and appellant expenses may reach £140,000. The council is exploring funding options within existing budgets and may seek additional funding from reserves.

Professional Opinion and Future Actions:

The report suggests that despite previous efforts, there was insufficient evidence for an abatement notice until October 2023. Ongoing construction may impact noise levels, but relevant planning conditions could help control noise. The burden is on the council to demonstrate statutory nuisance, and further evidence may be required for potential legal

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ISSN 2753-2771

proceedings.

The report recommends that the Council continues to monitor and take necessary actions to address the noise and dust issues at the Chalk Pit site.

Cllr Muir opened the debate: “I’m alarmed that there is even a suggestion of walking away from funding and monitoring the Chalk Pit against the recommendations of the last Environment Committee and the previous Strategy and Resources Committee. The Chalk Pit site has now increased its activity with another major operator, Reston. Skip-it has not yet completed their building, with major doubts that the building will stop the problems. Anyway, there is still nuisance noise and potential hazard of dust. The Environmental Agency stipulates this operation needs to be enclosed to protect residents. Also, no building will address the noise and dust of skip and truck movements, which is excessive given the massive exponential rise in truck movements. Residents still complain about noise experienced outside permitted hours, starting any time from 5:30 in the morning. It is inevitable that noise will continue.”

She added: “On a personal level, I would not be able to live under these conditions and that they have been subjected to for the last three years. I have sat in on all the borough meetings, which thus far have done little more than kick the can down the road.”

Cllr. **Steven McCormick** (RA Woodcote and Langley) said: “the Chalk Pit situation is something that I’ve been involved with, and fellow councillors and I have been involved in trying to find a resolution for a significant period of time. It gets bounced around between the different agencies, and there is no light at the end of the tunnel for our residents, which is deeply upsetting.” He added: ” We are primarily a Resident Association Council; we are driven to support our residents and represent our residents, and if we don’t do this, I think we would be failing significantly in our duty.”

Cllr. **Julie Morris** (LibDem College) said: “It’s a complicated situation, not helped by years of everybody trying to dodge the bullet, really. But we do understand, I think, that the Strategy and Resources Committee are taking the planning breaches quite seriously now, which is good news. There is now light pollution to add to the noise and the dust, isn’t there, because of the various hours of operation and some hefty bulbs that they use to be able to see down there. We can’t just not do anything.”

The debate continued with detailed discussion of the nuisances complained of and the financial implications of the costs of enforcement.

After a lengthy and at times heated debate the Environment Committee finally resolved to “Submit a request to the Strategy and Resources Committee of the Council that funding be allocated from limited Council reserves to instruct external noise consultants to conduct a fresh investigation based upon the activities on the site and that significant complaints continue despite the buildings being constructed and commissioned. It is anticipated that further investigations may require a substantial financial commitment of taxpayer’s funds of up to £140,000”.

Related reports:

Chalk Pit debate deferred by late abatement

Will the dust ever settle on Chalk Pit conflict?

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