

Dear Mr Millichope,

Thank you for returning my phone call last week on Wednesday 20th March.

To recap on the points of our call for the sake of clarity –

1. I called you as I wished to address the content of your letter to my son Mr J dated Friday 15th March (sent at 18.13 pm), and to point out that the reason for our initial letter to you on 8th March was due to a loss of trust and faith in what we had been told by the investigating officer in our case, who, I hastened to add, we also hold in high regard and certainly do not want to doubt the integrity of his word.
2. The issue in brief was that Officer McIver had happily agreed on 5th March to send me a copy of the letter he was drafting to Mr. Daniels, but then he wrote on 7th March that he had “checked” (we are not sure who with, perhaps it was you?) and unfortunately, he was now unable to send me a copy, nor give me any further details as to why this was the case.
3. I immediately felt that something was not right here, it was a gut feel; as if Officer McIver was being true to his word, there was nothing to hide, and all was perfectly standard and official. Transparency between parties’ communications through an Officer facilitates and supports trust and true resolution.
4. I thought there could be only two reasons that Officer McIver would not wish to send me a copy - either he hasn’t written the letter and is just telling me so, or he has been having different conversations with Mr. Daniels and the shooting club organizer, from what he has been telling me.

However, I now believe that he was telling the truth and the only reason he did not send me a copy of the letter is because whoever he “checked” with, as per his email to me, denied permission for some reason.

5. I pointed out to you that just as you (at the Council) expect the public to be truthful with you in all matters, we the residents also obviously expect and usually fully trust that our Council, its members and officers, are truthful to and with us at all times. Indeed, it is more of a responsibility for the Council to maintain high ethical standards regarding the integrity of its procedures and the integrity of their word. The Council must be seen to be sincere, reliable, truthful and impartial in their work as a public authority. The public must be able to trust the Council and feel confident about the verity of what they are told and advised. This is very important as without this trust, the whole system falls apart and “Complaint forms” and investigations become futile exercises lacking truth.

6. I asked you if we can trust what you say, and if you always tell the truth. You replied in the affirmative.

You assured me that Officer McIver has sent the letters (two of them) to Mr. Daniels at West Ford Farm exactly as he says he has done. You have read the letters, so you know firsthand what has been written and according to you it is exactly as Officer McIver has told me.

7. We are not sure why you felt it necessary to send our request for a copy of the letters and the sound recordings to the FOI office, apparently for independent advice, as these documents only serve to verify the investigation carried out so far by Officer McIver, and I feel sure that I am entitled to have copies for my records.
8. You have alleged that Ian was possibly not permitted to send me a copy of the letters due to “Data Protection Rules”, but if this was the case, I feel certain that Ian would have said so in his email of 7th March, and he would have said so from the beginning. Further, this alleged reason wouldn’t apply to the sound recording test analysis sheet, as we discussed, so we are not sure why that request was sent to the FOI and why you did not just send it straight to me. Ian has already sent it to Mr. Daniels.? The recording was done for my benefit, at my home, so why would you not wish to show me a copy of the results? We therefore look forward to the response from the FOI. If the FOI decides not to send this, we will certainly expect to have detailed and accurate reasons why, and we will query it if necessary.
9. I asked you if the FOI office was an independent office – i.e. not you – and you replied YES, it is a totally independent office. I asked you what the name of the FOI officer is, as the email we received was simply signed Freedom of Information Officer, with no name. You replied that you could not give me this information?

It seems correct that people should be able to know to whom they are writing and giving information, and an Office set up specifically to maintain fairness and transparency would surely mirror these principles themselves. We can follow up on this with the FOI.

10. I asked you when you had first become aware of my complaint. You replied that you were aware of it from the very first day when we came into your Council office in Bideford on 21st December 2023. However, you said the matter was immediately given to Officer Ian McIver, and from then on it was *entirely his case*. I asked you if, as Ian’s manager, you have advised him along the way. You replied No you haven’t, it has been Ian’s case to manage alone.
11. However, you did not dispute that Officer McIver, as he had correctly informed us, did consult with you on 22nd February 2024 about the matter, after the results of the sound recordings had been professionally and

competently analyzed by Ian himself, in his capacity as the Investigating officer in charge of this case. The meeting was to discuss with you how best to proceed forward on this issue to ensure that the excessive noise we experienced this shooting season should not happen again.

12. Ian had already spoken with Mr. Daniels at West Ford Farm about the sound recordings results, prior to speaking to me, and had sent Mr. Daniels a copy of the sound recording sheet at Mr. Daniels' request.
13. When Ian phoned me, he did not say that there was not enough evidence for an abatement notice to be served and has never said this to us. He told me that he had informed Mr. Daniels that sound tests had been carried out and the level of the gunshot sounds was very high. However, he said that because this activity was classified as a "business", (Mr. Daniels rents out his land to a shooting club), the Council's policy prescribed that he first tries to speak with the owner of the business about a resolution, as the Council "has to be seen to be working with a business". (Ian's exact words)
14. Ian was aware that the two days on which he had been able to bring the Council's sound recording equipment to my home were the last two days of the shooting season, and therefore there would be no more shooting after these two days as per the Law.... however, he still deemed it a worthwhile exercise for us to engage in.

He was also aware that that these two days were by no means a complete reflection of what was experienced in the beginning to mid-season. The participants were few in number on these last two days compared to previous days. (Easily confirmed by a look at the shooting organizer's booking sheets.)

Ian is also aware of the fact, as you no doubt are too, that an average 12-gauge shotgun has a sound/noise level of 154.6 to 162.7 dB. (Information regarding shotgun noise levels is easily accessible on the internet). Out in the open countryside such extremely loud explosive sounds reverberate far and wide through the air as there are no barriers to the sound waves.

Therefore 20+ shotguns (which we experienced in December) in close proximity to my residence would be emitting sounds of an incredibly dangerous level, potentially causing permanent loss of hearing and/or potentially fatal cardiac or other shock to the human body.

The shooters all wear ear protection headgear as they are fully aware of the dangers of a shotgun's noise level to the unprotected human body.

With this known statistic regarding shotgun sound levels, even one or two shooters shooting close to someone's home and close to a well-used public walkway/ trail can be seen to be hazardous to the well-being of those in the vicinity. It seems very surprising that the Health and Safety Department and

the Planning Department would accept this and not have rules regarding the proximity of shooting activities to public and residential areas?

There is much information available regarding Noise-Induced Hearing Loss.

(1) According to the NIDCD (National Institute on Deafness and Other Communication Disorders), -

*“Sounds can be harmful when they are too loud, even for a brief time, or when they are both loud and long lasting. These sounds can damage sensitive structures in the inner ear and cause noise-induced hearing loss (NIHL). NIHL can be immediate or can take a long time to be noticeable. It can be temporary or permanent, and it can affect one ear or both. Even if you can’t tell that you are damaging your hearing, you could have trouble hearing in the future, such as not being able to understand other people when they talk, especially on the phone or in a noisy room. Regardless of how it might affect you, **one thing is certain: noise-induced hearing loss is something you can prevent.**”*

*Exposure to harmful noise can happen at any age.....NIHL can be caused by a **one-time exposure** to an intense “impulse” sound, such as **gunshots** or explosions, which can **rupture the eardrum or damage the bones in the middle ear. This kind of NIHL can be immediate and permanent.**loud noise exposure **can also cause tinnitus** – a ringing, buzzing or roaring in the ears or head.... which can continue throughout a person’s life.... sometimes exposure to impulse or continuous loud noise causes temporary hearing loss that disappears 16 – 48 hours later. Recent research suggests.... **exposure to sounds at or above 85 dBA**can cause hearing loss.....the louder the sound, the shorter the amount of time it takes for NIHL to happen.....your **distance from the source****important factors in protecting your hearing**.....nidcd.nih.gov*

(2) Quoting from the UKHCA (UK Hearing Conservation Association) webpage:

*“Noise Induced Hearing Loss or NIHL describes hearing loss caused by loud sounds or prolonged exposure to harmful noise levels. **What are harmful noise levels?** These are the result of exposure to **sounds over 80dB. What is a very loud sound?** These are often called **impulse sounds** usually don’t last very long and are **commonly found in shooting, fireworks and other explosive devices. They are very damaging to your hearing by causing immediate physical damage to the fine structures of your ear** as well as adding extra damage to hearing caused by any continual background noise levels. “*

15. After his meeting with you on 22nd February, Officer McIver called me to tell me that, on your advice, a letter was going to be sent to Mr. Daniels at West Ford Farm asking him to put down in writing exactly HOW they were going to make sure that these high levels of penetrating sound experienced by me this

year at my home next door, would not happen again – You did not dispute or disagree with this.

16. Ian quoted parts of his letter to Mr. Daniels for my information -

To quote directly from Ian's email to me on 7th March 2024 –

- *The recordings made during this period showed the average dB level experience when shots were fired was between 50-60dB but several were as high as 80-90dB.*
- *Mr Daniel has been asked to respond in writing with what measures will be put in place to prevent such levels being experienced in the future.*

17. You confirmed that you had read all of Ian's emails and were happy with his investigation.

As you know, these sounds were recorded from my bedroom window, not outside in the garden where they would most certainly have been even higher. Ian told me that one gunshot recorded a level of 89.9. I remember that one. My whole body shook in shock and my ears started ringing and were ringing for quite some time afterwards. On the basis of what I have quoted above from experts on Noise Induced Hearing Loss, this single shot can cause permanent ear damage due to its explosive nature. Perhaps I have already suffered ear damage. My son reported pain and ringing in his ears after each Saturday shooting as we were having to endure multiple shots of this high level of explosive sound.

18. I further told you in our phone call that Ian had said that if "we" (meaning himself and you) were not happy with the response from Mr Daniels, then at that stage you would be looking at an abatement notice. You did not correct me or disagree when I told you this.

19. We agree that Officer McIver was acting in accordance with his professional duties and responsibilities to firstly consult with you, his manager, and then having obtained your advice, to write and ask Mr Daniels to provide this information, (ie. About HOW he was going to prevent such high levels being experienced in the future), thereby giving Mr Daniels a chance to sort the matter out himself and also paying attention to the severity and danger to public health of excessive noise levels caused by multiple explosive gunshots being fired close to private residences and a public trail. Obviously the investigating officer has to assess the situation with intelligence, insight and common sense, taking account of the overall situation, the law, and his own wider knowledge in conjunction with the sound recording test and analysis carried out in order to make an informed and competent decision about the matter. For this we are grateful to Officer McIver.

20. I asked you on the phone, that I trust I will be informed about Mr Daniels' response, as it directly concerns me and the request has been asked on my behalf, as the one who has brought this matter to you for resolution.

21. You replied that I would certainly be informed about the response.

22. You told me that Ian was on leave at the moment but you would make sure that he writes to me once he gets back to follow up regarding the response the Council receives from Mr Daniels, which response you had not yet received when I spoke to you.

Therefore, this is where the matter currently stands and we all await Mr Daniels' response to Officer McIver's letter of request sent to him on 8th March.

We look forward to receiving the further update from Ian once he has received the requested information from Mr Daniels, which may in itself resolve the issue.

At least his response will provide us with a guideline of how to proceed further if needs be. I'm sure Ian will know what to do. After speaking with you I have renewed faith and trust in Ian.

Thank you.

Kind Regards,

Miss E.

PS. An honest Question –

We are just wondering though, Matthew, with all due respect of course, - why you didn't reply with the truth to Mr J? We wonder why you didn't reply by confirming the latest stage of this investigation/matter, which is still ongoing, as per Ian's last email to me re the letter having been sent to Mr Daniels and that you are waiting for his response to your query?

The letter of request for information from Mr Daniels (as spoken of above and as spoken about in my phone call with you) was sent in conjunction with your advice and after your meeting with Ian, as he told us; so we wonder why you didn't relay this to Mr J? That would have been the most sincere response as it is the truth! It would have certainly given Mr J renewed faith in you, Ian and the whole procedure/investigation. It is strange that you did not reply in a way that supports Ian's investigation and the true course of events which would have led to confidence in you rather than doubt and some measure of disappointment.

Also the sound recording levels you note down in your email to Mr J do not align with Ian's – you write that the levels were from 40 – the highest 80 dBs. This is not according to the investigating Officer's figures or reports. Ian reported an average of 50-60 with several between 80-90 dBs. Perhaps you haven't noticed your mistake?

Fortunately I was able to speak with you on the phone to confirm the correct information and to confirm the truth and stage of the letter sent to Mr Daniel.

FINAL NOTE:

Mr Millichope, as the Manager in the Environmental Protection Department, you must be aware of the different *types* of noise that can be experienced and reported under the umbrella of Noise Nuisance. You must be aware that certain noises, such as machinery or music may constitute a noise nuisance but may not necessarily pose serious threats to a person's health and faculties. You must also have knowledge of what I have briefly reported from expert sources above, namely *explosive sudden impulse* sounds, such as those emitted from gunshots, fireworks and explosives. These sounds, while also being a nuisance to residents and members of the public, are actually *dangerous*, and as mentioned above, *a single shot* can cause permanent hearing loss for an unsuspecting person not wearing protective ear gear.

I highly doubt that you would be prepared to take this chance with yourself or your family if a neighbour was conducting shooting club events next door to you and you and your family were receiving levels of 89.9 dBs *in your house*. I feel certain that you would expect your local council to put restrictions on the shooters regarding how close to your private residence, or the walkway where you and your family went walking on a Saturday afternoon, they should be, to prevent any of you from suffering such an extreme injury, one which possibly could not be rectified.

No one should have to face this type of risk whilst in *their own home* at weekends. Their children should be able to play in the garden without fear that their eardrums may be burst by a gunshot sound. *There is no "quiet" shotgun*. Every shotgun emits sound levels far exceeding the "safe zone" for protection of one's hearing. There is ample information available which clearly states what is actually *common sense* – that obviously distance from the source of the sound is the most important factor in protecting one's hearing. The further away, the less of an exceedingly loud explosion is experienced.

The shooting activities at Mr Daniels farm take place within 100 meters of my property and even closer to the Tarka trail which many people use at weekends. Do you prefer that one man Mr Daniels be allowed to continue to rent out this piece of his farmland to an outside shooting club for a bit of extra money and risk the health and well being of people in their private homes and innocent people on the Tarka Trail who would not choose to take this risk themselves?

One single shot whilst a family was walking past on the trail could break the bones in a person's ear drums. You do not have signs up along the path telling people to wear ear muffs to protect their hearing as shooting of pheasants is going on up ahead for the next mile – which may also be a

distressing sight for children and those of a sensitive nature. You do not even have a rule which stipulates that the shooters must notify residents and the public that shooting very close to this area will be taking place at such and such time and on such and such date and warn them to wear ear protection, as they all do?

Even your sound recording equipment which was brought to me did not come with any warnings whatsoever, in spite of you obviously knowing the dangers to hearing of gunshots in close proximity. In fact we were put under extreme risk by your process as we had to sit close to the recording device holding the microphone to catch the sounds of the gunshots. As Ian reported to me, one gunshot was 89.9 dBs. I was sitting right next to the microphone, holding the presser device. My son was sitting next to me. This explosion is enough to have caused permanent damage to our hearing. We were not advised to wear ear protection whilst doing the sound recordings.

Such loud impulse explosive sounds blasting out suddenly and unexpectedly, without warning, are even more dangerous in the country than in a noisy town, as the general atmosphere of the countryside is very quiet, so one explosion of this magnitude in the midst of peace and quiet can shock the ears intensely causing immediate damage. It is akin to a sudden and violent assault to the ears much like a punch to the face is.

My son is an airline pilot and has to have stringent fitness tests done every year. Eyesight and hearing have to be exceptionally good in order to retain his licence. If he, as an unsuspecting private person, comes to visit me, his mother, at my private home, and then suffers permanent ear damage due to unsolicited unrestricted shooting activity next door, which the Council is responsible to ensure is not threatening or dangerous in any way to the wider public, and which has now been brought to the Council's attention as a matter to be dealt with, he will not be able to continue his career as an international airline pilot due to something which should have and could have been prevented.

Compensation claims for such a severe injury and loss of professional career due to the negligence of the Council in not taking steps to ensure the safety of the local residents are sure to be very high. The MoD receives many claims for NIHL, and these are from soldiers who actually agreed to fire weapons, so agreed to take a certain risk, yet they still get compensation for hearing loss due to gunshots. The average compensation claims range from 5000 pounds to 30,000 pounds, going up to a million in some cases.

We, as private residents and citizens, living in our private homes and frequenting the public countryside trails, have not made any such agreements and do not have anything to do with weapons in our private lives. Therefore the Council cannot choose to put our health, livelihood and right to a peaceful and safe existence in our own homes at risk in this way by not regulating this activity to be in the best interests of the wider public,

to ensure the public is safe from suffering NIHL due to explosive high level impulse sounds from gunshots.

I am sure there are many other people whose livelihood and lives could be affected if they go for a walk along a supposedly safe public trail managed by the local Council, and due to a gunshot in the open air - which by its very nature is known to be well over the safe level for members of the public without ear protection - their hearing is permanently damaged.

We believe that Officer McIver is aware of the risks and that is why he has sent the letter to Mr Daniels, and if he is not happy with the response he will take further action to protect the public from potential untreatable and irreversible injuries to their hearing – which could have been prevented.

It is the Council's responsibility to ensure that such injuries do not occur, by placing simple restrictions on the distance from public and private places that shooters must adhere to and restrictions on numbers of shooters allowed in one place at one time etc. It is your responsibility as gunshots are not a "normal noise" and have to be treated differently. They are in the category of explosives and as such are considered dangerous noise levels, posing serious health hazards and risks for those in close proximity to where the guns are being fired.

ATTACHMENTS:

I have attached a video sound recording which my son did on one of the shooting days. He started recording quite early after hearing only a couple of shots in order to show the usual quietness and ambience of the environment in which we live, and to show the frequency of ordinary people walking along the Tarka trail adjacent to my house during these shooting days, unknowingly entering a zone which is hazardous to their health and well being. You see my son cross the road and go through a gate into the other part of our property, again facing the trail. When the shots had become too much for me to bear I ran out and shouted at the men to stop and this caused my son to stop his recording. The shooting would most certainly have escalated further had I not done this.