

AYLESBURY VALE DISTRICT COUNCIL

MEMORANDUM

To: Peter Seal
Licensing Services Manager

From: Neil Green
Environmental Health and
Licensing

Tel Ext: 5160

Date 4th August 2014

Ref:

Ref: RQS/14/01598

Application for a premises licence under the Licensing Act 2003 One Love Festival, Springfield Farm, Salden Lane, Milton Keynes, MK17 0PN

Having considered this application for a temporary event I wish to make a representation.

Background

Springfield Farm lies in a predominantly rural area. The closest dwellings to the site mainly consist of large detached private residences and farmhouses.

Background noise levels in the area are very low. I visited the locality on the 31st July and took indicative noise measurements from a number of locations showing that ambient noise levels during the day at some locations were as low as 32dB. The significant noise sources noted during the recordings were from occasional passing traffic, aeroplanes and leaves rustling in trees.

No noise level measurements have been taken during night time but I would anticipate that night time levels could be lower due to fewer other noise sources (e.g. passing traffic) being present.

Although not observed at the time of my visit I anticipate other noise sources could include farming activities (e.g. tractors and other agricultural plant) and traffic on the A421 which is approximately 2200 metres North of the site.

The closest village to the site is Mursley to the South with the nearest residential properties being those in Tweedale Close and Whaddon Road at approximately 1200 metres from the site.

To the West of the site is the village of Little Horwood at approximately 2250 metres from the site, however there are a number of detached residential dwellings along Station Road between Mursley and Little Horwood which are significantly closer.

The other nearest population centres are Newton Longville (2400 metres West of the site) and Drayton Parslow approximately 2570 metres from the site.

During my visit to the site on the 10th July I noted that the festival field is raised and there was a clear line of sight to the water tower which is on the edge of Mursley.

Nearest 'Noise sensitive' properties

From an Environmental Health perspective my main concern is the impact that noise from the event could have on local residents. The event is scheduled to run for three days:

Friday 15th August 1300 – 0300

Saturday 16th August 1100 – 0300, and

Sunday 17th August 1100 – 0000

Therefore there is a possibility that local residents could be severely affected for a long period of time and late into the night.

The organisers of the festival have gone to great length to try and communicate with the closest residential properties to the site and as of 1st August 2014 I have received copies of signed letters of support for the festival from 19 properties. For ease of reference the approximate locations of these properties have been marked on a map of the area and attached as NG1.

Following receipt of this information I have determined the locations of the nearest properties that are likely to be affected and have not confirmed their support for the festival. I consider the locations of these nearest 'noise sensitive' properties to be:

Properties at Cooks Lane, Mursley (other than those in support) – Approx 650 metres SE of the site

Properties in Tweedale Close and Whaddon Road, Mursley – Approx 1200 metres South from the site; and

Properties at Chase Farm – Approx 1300 metres North from the site

It is of relevance that Environmental Health received complaints from 2 properties in Cooks Lane alleging disturbance caused by late night loud music when a festival was last held at the Springfield Farm site over 2 days in 2007.

Noise management plan

As of 4th August I have only received a draft noise management plan from SPL Track Environmental dated 24th June 2014. I discussed some of the issues I had with the report during the onsite meeting with Mr Preston and Mr McLauchlan and on the 10th July and followed this up with an email sent on the 11th July and exhibited as NG2.

To summarise I requested that, in order to protect the local residents from significant noise disturbance, noise levels at the boundaries of noise sensitive properties must be set as follows:

Up to 2300 the MNL (Music Noise Level) must not exceed 15dB(A) above background over a 5 minute period.

After 2300 the MNL must not exceed 10dB(A) above background over a 5 minute period.

In addition, in the frequency range 63Hz to 125Hz noise levels must not exceed 70dB(L) as measured at the boundary of any noise sensitive dwelling at any time.

This would help to ensure that there would be a significant reduction in the level of noise after 2300hrs when residents could reasonably expect to be trying to sleep, while allowing for a higher noise level before 2300hrs so that festival customers can enjoy headline acts in the evening at a higher volume.

The noise level for the low frequency range was requested in order to provide some control over the bass noise from the festival, which from my own experience of dealing with noise complaints, is often what people find most disturbing. This is partially because low frequency 'bass' noise can travel further than higher frequency noise.

These noise levels are based on the Noise Council Code of Practice on Environmental Noise Control at Concerts which makes recommendations for noise levels at venues taking into consideration the number of events held and the venue category (i.e. Urban stadiums, rural venues etc...).

Due to the close proximity of noise sensitive dwellings to this festival I requested that noise level readings be taken over a 5 minute period rather than the 15 minute period recommended in the guidance. This does make the noise criteria stricter because it would allow for fewer 'peaks' in the noise over the measurement period. However I felt that this would be more appropriate for the area due to the close proximity and number of noise sensitive dwellings.

These suggested noise levels have been requested of other festivals in our area without issue.

I also requested further information on the detail of how the event would be monitored, how local residents would be informed and who/how they could report complaints to, and further information on the background noise levels around the site.

On the 16th July I received a phone call from Mr Beale. He advised that the festival would not be able to meet the noise conditions that I had requested. On discussion it was agreed that Mr Beale would write a noise management plan that he believed would be appropriate and realistic and will then send it to me via Licensing.

On the 29th July I received an email from Mr Beale with a letter attached, exhibited as NG3. Mr Beale advised that the nearest noise sensitive property is 1350 metres from the site and that noise propagation calculations indicate that a Maximum Noise level of 31dB LAeq would be likely at that property.

I replied via email to Mr Beale on the 30th July that, from the information I had been provided, there are residential properties closer to the festival site than 1350 metres. Email Exhibited as NG4.

On the 31st July I received a further email from Mr Beale stating that the nearest (noise sensitive) properties are now in the Northern tip of Mursley where levels of 34dBA are predicted in still conditions. See Exhibit NG5.

Environmental Health recommendation

In the absence of an agreed noise management plan (NMP) I regret that I must oppose this application for a premises license and recommend that the Licensing Sub-Committee refuses this premises license application. The reasons for my recommendation are as follows:

Prevention of public nuisance

1. The NMP (4.3) does not specify the location or number of offsite noise monitoring stations.
2. The NMP (7.1) does not contain an event schedule or line up. There is no information on the expected start and finish times of performing artists. It is unknown whether sufficient headroom has been permitted to allow the last performances to end prior to the curfew.
3. The NMP (8.1) does not contain a schedule of event operating hours.
4. The NMP (9.1 and 9.2) does not contain a copy of the noise conditions recommended by Environmental Health. The conditions that were recommended have not been agreed by the applicant.
5. The NMP (11.1) does not specify any MNL (Music Noise Level).
6. The NMP (18.2) states that during noise propagation test measurements will be taken by officers of the Licensing Authority and verified by the sound management consultant. It is the applicants responsibility to undertake test measurements and ensure compliance with the Licence conditions.
7. The NMP (18.5) does not identify the locations where offsite measurements will be taken during the noise propagation tests.
8. The NMP (21.1) states that portable monitoring by the sound management consultant (SMC) and/or the EHO shall take place at intervals on or around the site. Both offsite and onsite sound monitoring must be undertaken by the SMC. The EHO must be permitted access to the site to undertake noise monitoring and other

Environmental Health duties but it is the responsibility of the applicant to run the event so as licence conditions are complied with.

9. The NMP (22) requires amending. The SMC must keep a record of all noise measurements taken and make them available for inspection by the EHO (It is not the duty of the EHO to take noise measurements and share that data with the SMC. If the SMC wishes to have that data they can request it via the Freedom of Information Act, rather than it being a condition of the licence).
10. The NMP (26.1) states that a review of the sound levels and procedures shall be undertaken by the SMC and the EHO within 14 days of the end of the event. It is not the responsibility of the EHO to review the sound levels and procedures.
11. The NMP(Appendix 2) contains the site plan for a different event.
12. The NMP (Appendices 3 and 4) are blank and contain no information on hours or noise conditions.
13. The NMP (Appendix 5) contains noise level predictions.
 - No Ambient night time noise levels have been estimated for any of the receptor locations.
 - The daytime ambient noise levels have been estimated at 45dB for all receptor locations. The indicative noise measurements I took on the 31st July suggest that levels are likely to be lower.

 - Not all noise sensitive receptors have been considered. There are no predicted noise levels for properties at Chase Farm, Cooks Lane, Station Road, Drayton Parslow or Little Horwood.
14. The NMP contains no information on how local residents can contact the SMC/licence holder during the event if they are suffering disturbance. A leaflet containing details about the event, timings and a dedicated telephone number to ring in case of complaint should be provided to all properties in close proximity to the site.
15. The applicant was not able to agree to the following noise conditions:

Noise levels at the boundaries of noise sensitive properties must be set as follows:

 - Up to 2300 the MNL (Music Noise Level) must not exceed 15dB(A) above background over a 5 minute period.
 - After 2300 the MNL must not exceed 10dB(A) above background over a 5 minute period.

In addition, in the frequency range 63Hz to 125Hz noise levels must not exceed 70dB(L) as measured at the boundary of any noise sensitive dwelling at any time.

As no revised noise management plan was received there was no opportunity for negotiating on these levels.

Public safety

16. The event safety management plan does not state that water from the temporary standpipes will be tested to verify that the water is safe for human consumption.
17. No information has been provided to show that the risk to campers from *E.coli* 0157 infection has been mitigated by removing grazing animals from the site for as long as possible prior to public access.

END