

From: emma walker [mailto:emma.walker@bt.com]
Sent: 06 March 2014 15:05
To: Licensing
Subject: Objection to 14/00375/LAPRE

Dear Sir/Madam

14/00375/LAPRE

We are writing to object to Solar Collective's request to alter its licence conditions, so as to reduce both the number of sites it monitors, the duration of each monitoring session, and the number of times it monitors them.

We attended the licensing sub-committee hearing at Maidstone Town Hall and what was apparent to us was, with their decision, the committee and officers had tried to reach as fair a compromise as they could between the wishes of Solar Collective (SC) and those of nearby residents.

We feel that since only one event has been held since the restrictions have been put in place it is **far too early** for SC to ask for a review - and that they have asked for far too great reductions in their responsibilities. It is unacceptable to us that they wish to use the experience of only one event under the new conditions to determine all future events for years to come.

We frankly believe that SC is trying to disrupt the balance struck by the committee at last year's hearing, and to ride roughshod over the very genuine concerns of local residents. It is very disappointing that they have decided to take a one-sided approach.

We also understand that SC have refused to enter into a cooperative discussion with the parish council, despite complaints about their failure to do so last time. After the discussions during last year's event, we were hopeful that a mutually-beneficial and cooperative dialogue would be possible but that hope seems to have been dashed by SC.

Number of monitoring sites

Although we understand that SC did meet the requirements asked of them in relation to monitoring at locations outside the site, the noise was still at such a level that on the Saturday evening that we could still hear it inside, at the back of our house, with all our windows closed. A neighbour of ours also called us at this stage, to ask us if we were suffering as much as they were.

Following that call, and a discussion with a representative of the parish council, my husband went down to the site to speak with them, and had a long discussion with them. During that discussion, he understood from Richard Thompson that SC had taken some measures to try to reduce the impact, but that they recognised that these had not worked, and that they understood from having carried out the monitoring why local residents had been concerned.

He appreciated that a key problem seemed to be that sound simply travelled over the trees, and unimpeded right up the hill - a point that we tried to make at the hearing. In fact, for last year's event the main stage was pointing directly towards

Church Hill (this may also, at the same time, have contributed to a lower impact on Wierton residents, given the lie of the land between the site and Wierton?).

Mr Thompson repeated to my husband what he had said earlier to the parish council representative - that they were looking at altering the direction of the main stage in future, as a further measure to try to reduce the impact (see below).

My husband was told that SC were meeting their limits within the site. One reason for going down was to ask about this, to see how loud it actually was on site, and to ask them to come up and experience what we were experiencing. They were not willing to do so, on the basis that they had no obligation to do so, and believed that they were within their on site noise limits.

My husband's impression was that the sound level at the edge of the site was not that different from the level on our terrace. This shows the importance of monitoring sites that are near the greensand ridge, rather than mainly those that are closer the bottom.

As things stand at the moment, we already have to deal with the fact that there is no monitoring at a site which could give a sound reading that actually reflects the experience of those properties exposed on the ridge - Church Hill itself is a deep cutting between the flatter areas at the bottom and beyond the church - when a key problem seems to be sound travelling above the trees and up the hill.

The Noise Council guidelines confirm the lie of the land can have a significant effect on the impact on neighbouring properties, and this was clearly taken into account by the licensing committee - reflected by their adding position nearer to the ridge to the monitoring list. We would therefore be loathe to see them removed from it.

The fact that the sound faded in and out during daylight hours also shows the influence of environmental factors on residents' experience of the sound level.

Orientation of stage/sound consultant

We understand that there is clear guidance on how a responsible promoter would use an independent noise consultant to help arrange the event for minimum impact and proactively/continuously monitor to ensure sound levels are not exceeded. At the moment, this is not a condition, and we are not aware that they have chosen to employ such a consultant voluntarily. If such a consultant were in place, then that might give all concerned (including the licensing authority) greater comfort that appropriate measures were being identified and put in place to reduce the impacts.

A particular disappointment is that the application for revision does not include any reference to the direction of the main stage, as mentioned above. This was SC's own idea at the end of last year's event. It was also a suggestion made by one of the licensing committee members at the hearing last year. At the time, we were concerned that whilst this might help us, it could just make it worse for others (particularly those at Monk Lakes). Having thought about the suggestion made by Richard Thompson to my husband and to the parish council, and having looked at this on the ground, we can now see that it might, in fact, be possible to orientate the main stage(s) in such a way to reduce the impact of an event on all local residents.

We understand that if the main stage were directed towards the main road (and far enough around to avoid pointing at the properties up Loddington Lane), then a combination of the ambient sound levels, the lower (but slightly rising) lie of the land, and the lack of residential properties in that direction, could mean a much improved impact on us all - certainly compared with pointing the main stage directly up at the properties on Church Hill, as was done last year.

If a different condition were imposed requiring the direction of any amplified music to be towards the main road, then we can see that this might mean that the number of monitoring site well away from that direction could be reduced, whilst still maintaining the balance struck by the committee in the current licence conditions. We suggest that the authority should consider this as a *quid pro quo* if they agree to reducing the number of monitoring sites. We cannot say whether it would actually work - any more than we could (or still can) say that the sound levels would reduce, given the lie of the land - but it would seem intuitively likely to help.

This would not, however, be a substitute for keeping the existing NUMBER of times sound levels are recorded at retained monitoring sites. This should remain as per the original conditions.

Timing of monitoring

Regarding the timing of the monitoring, we would be very concerned if this were only done in the afternoon.

Clearly, at night time when there is far less ambient noise, the sound coming from SC's events is likely to be far more intrusive. Witness last year, when the impact was much greater on the Saturday night, after the last of the evening monitoring visits. Retaining monitoring in the evening is therefore particularly important.

Considering that SC's events are of such a long continuous duration, we feel that monitoring three times a day strikes a reasonable balance, particularly given the limited experience so far.

Sound level methodology

We do not understand why SC wishes to change the technical criteria for sound level monitoring. The committee fixed this based on the Noise Council guidelines, and we are not aware of any reason having been given to change this.

Lack of complaints

We understand that the council may be taking account of a lack of formal complaints made to it during last year's event. We believe that this would be wrong.

None of us are the sort to make complaints when there are other means of trying to resolve issues. My husband went down to the site to discuss the situation with SC direct on Saturday night, having discussed the situation over the telephone with other local residents, rather than take more formal measures. In addition, SC were in breach of the condition in relation to have a 'wind down' period, because we could still hear music on our terrace (the saxophone was the most obvious). The level was not such as to disturb us, though, hence no reason to complain and - had this application to vary the conditions not been made - there would be no reason to raise it, particularly in the light of the hoped-for cooperation indicated by Mr Thompson.

The fact that this happened, though, and that SC are now looking to water down their conditions, reinforces our concerns.

In any event, we anticipated (rightly or wrongly) that the council's attitude was likely to be that if they are complying with their licence conditions, then no action will be taken. If we are wrong about that, then it may assist for the future to know this.

To be fair - yet again - to SC, the sound level was generally less intrusive during the day last year than it had been the year before. That may in part be explained not just by the sound limit restriction but also that the type of music during most of the festival was of a less intrusive sort than the year before - i.e. of a less repetitive in nature and with a less strong base - apart from on Saturday night. This does, though, emphasise to us the importance of maintaining sound level limits and monitoring which can cover all types of event which the licence permits (which we understand to be very broad).

However, we were still able to hear all of the music consistently throughout the event, and there is no reason to believe that this will be any different for any other event (unless additional measures were to be taken to reduce the impact).

We would have hoped that SC would have decided to take the impact on residents more seriously, particularly after last year's hearing and Richard Thompson's discussions during the event. It is a real shame that they have chosen again to ignore them.

It would also have shown a little respect if they had discussed their proposals - and the reasons for them - with local residents (and at least with the parish council) before this application was made. They didn't even try. Nor did they notify us of their application.

We would appreciate confirmation that you have received this email.

Kind regards,

Andrew & Emma Walker

From: Sara Hollingworth [mailto: [REDACTED]]
Sent: 06 March 2014 16:02
To: Licensing
Subject: 14/00375/LAPRE Licence - Events Boughton Monchelsea

Dear Sirs

I would like to object to an application which has been made to vary the conditions attached to a licence which governs the holding of events in a field in Boughton Monchelsea.

As the conditions were imposed only very recently and as there has been one event only since they were imposed, now is not the right time to consider any relaxation of the conditions. I would therefore ask that the conditions be maintained, unchanged, until such time as the applicant is able to demonstrate that they are superfluous, by reference to a track record which clearly shows that there has been little or no disturbance to people living in the surrounding area.

Would you please confirm that this email will be made available to those considering the application.

Regards
Sara Evans

[REDACTED]
[REDACTED]
Boughton Monchelsea
Kent [REDACTED]

From: Marice Kendrick [mailto: [REDACTED]]
Sent: 06 March 2014 16:42
To: Licensing
Subject: Application 14/00375/LAPRE from Solar Collective. Objection.

Dear Sirs

We write in reference to the above request from Solar Collective to alter the conditions of its existing Licensed Premises licence, whereby Solar Collective seek to reduce the number of locations monitored for acceptable noise levels and the duration and frequency of monitoring sessions.

We live at Boughton Monchelsea Place, on Church Hill, which is itself a licensed premises. We host a limited number of events over the course of the year, most of which finish by 5pm although we do host two weekends of open-air theatre in the summer. In the spirit of 'live and let live' we were not unhappy with the idea of Solar Collective using their site for events. Although the position of our property and that of near neighbours seems peculiarly vulnerable in terms of noise transmission from sites to the South, as Solar Collective's site is, we felt that last year a reasonable agreement had been reached with the imposition of such noise-monitoring conditions on Solar Collective's licence as currently apply.

In the event, although we could clearly hear noise from the festival throughout the weekend, it was not terribly obtrusive until the Saturday night, when the noise level within our house from the festival was quite disturbing for a time. Following discussion with other neighbours, Andrew Walker of Church Farm Oast went to speak to the organisers; Andrew reported that, surprisingly, during his visit the noise level down at the site was not very different from that audible to us halfway up Church Hill, some distance away. **This is why it is very important to retain all previously agreed monitoring sites, particularly those nearer to the ridge of the Greensand Way, as the volume of audible noise is not directly proportionate to the distance of the monitoring site from the licensed premises.**

It causes us great concern that Solar Collective are seeking to reduce the number and duration of times that the monitoring sessions take place as the sound levels can vary greatly throughout the course of the day, depending on environmental conditions, as we experienced last year.

We would add that, in a rural community such as ours, neighbour relations are particularly important. We ourselves unwittingly caused concern to neighbours when we used to host a classic car show some years ago. One of the attractions which the organisers of the show offered was a short helicopter ride over the surrounding area. We received two complaints from near neighbours over the resulting noise and as a result we refused the organisers permission for helicopter rides in the future. This led to the organisers' decision not to use our site in future years as the helicopter rides had greatly added to the profitability of the event for them. While this was a blow financially for us we accepted the fact that happy neighbours are often as important as happy bank balances. Solar Collective would do well to adopt this approach. It is particularly sad to note that Richard Thompson of Solar Collective always seems a very reasonable man, willing to look for compromises such as changing the orientation of the stage in order to ameliorate the noise. Yet does not seem inclined to carry through any such compromise.

In summary, we strongly object to any reduction in the level of noise monitoring required from Solar Collective, whether in terms of the number of locations monitored, the frequency of the monitoring sessions or the duration of the monitoring sessions.

Please confirm receipt of this objection.

Yours faithfully

Marice and Dominic Kendrick

From: Jonathan Gershon [mailto: [REDACTED]]
 Sent: 06 March 2014 18:29
 To: Licensing
 Cc: Lesley Windless; Doug Smith
 Subject: Parish Council Submission for 14/00375/LAPRE variance application

Boughton Monchelsea Parish Council's response to Consultation on 14/00375/LAPRE Premises License Variation

Eel House Farms, Boughton Bottom Farm, Lower Farm Road, Boughton
 Monchelsea. ME17 4DD

In setting the conditions on granting this license, MBC's Licensing Committee correctly took notice of the national guidance from **The Code of Practice on Environmental Noise Control at Concerts** when setting the noise limits for a rural settings based concert festival

Boughton Monchelsea Parish Council would like the application for variance of monitoring as it stands to be rejected for the following reasons.

1. The Licensing Committee took full note of these guidelines when they set these conditions, nothing has changed and therefore these conditions should not be altered, although the use of an external independent noise control consultant should be considered for inclusion as in bullet 6 below from Appendix III of the guidance.
2. The applicant's first request is to reduce the LAeq from the 15min period to 5min. ***The Noise Council's guidelines (The Code of Practice on Environmental Noise Control at Concerts)*** are very clear so that where there are *between 1 and 3 events a year - that the Mean Noise Level (MNL) as shown through the LAeq should not exceed 65dB(A) over a 15 minute period.*

Where there are more than 3 but less than 12 events per year, the MNL should not exceed the back ground level by more than 15dB(A) over a 15 minute period. There are further recommendations for more frequent and longer events.

The Guidelines go on to suggest that it may be appropriate to reduce the length of time for sampling but this is so 'useful control can be exercised by monitoring LAeq over one minute periods. This enables an early warning to be obtained of possible breaches in the 15 minute limit.'

Consequently reduction to LAeq is not intended for there to be a reduction of the LAeq for the Monitoring & Recording purposes, but as a tool that the event promoter to ensure that they are proactively ensuring the noise level does not accidentally exceed the LAeq 15 limit.

3. The reduction of the number of sampling sites outside the site from 7 to 4 is of concern as it cannot be said to comply with the guidance of appropriate issues with the local topography. Again this is recognised as an issue within the code of practice and especially in relation to different frequencies causing a greater reading over distance further away from the event. Whilst recognising that the furthest site (East Hall Hill) did not show high readings, the Parish Council does not consider after just one event under this license that it is possible to have properly established any pattern and no case has been made in the application to justify changing the site locations.
4. The third request - was to reduce the frequency of monitoring. The guidance on page 12 goes on to say - '*Carry out noise monitoring within the venue at the noise monitoring positions and at sample locations outside the venue throughout the event.*' Therefore a single afternoon sampling session is far from adequate.

Additionally it is recognised that evening and night time noise has more impact than that during the day due to reduced local ambient noise and therefore a single afternoon sampling will not be sufficient. The guidance also recognises the need for events to increase sound levels as the event or a set progresses and makes clear guidance concerning the best way to achieve this without exceeding the 65 dB(A) 15 minute LAeq. Without a proper monitoring regime a breach is recognised as being a real risk in the guidance and consequently the Parish Council cannot see any justification has been made for changing this condition.

5. The issue of complaints from past concerts / events. This was the first event under this license and there was a lot of talk and concerns in the parish, with calls between parishioners and Parish Councillors and especially along the ridge and at least one did contact the promoters during the event. Whilst we understand that no one actually phoned to complain to MBC or to the Police, this is not to say that there were not concerns and complaints that were dealt with at Parish level. We would not want to see an escalation in complaints as a result of a failure to properly and proactively monitor levels.
6. Independent expertise: The guidance in Appendix III also goes onto outline how the promoter appoints an independent suitably qualified and experienced noise control consultant to

the approval of the local authority. They undertake work on all noise related work prior to and during the event.

The intention is that this independent expert will enable to promoters to be proactive in ensuring that the festival does not accidentally exceed the 15minute LAeq. We understand Solar Collective have undertaken this work on their own and have found this quite an onerous task. The employment of an Independent Noise Consultant is however something that national guidelines clarify as a reasonable and encourages Local Authorities to make use of Licensing Conditions and Statutory Powers to implement the procedures outlined in Appendix II, including the Licensees appointment of a suitably qualified and experienced noise control consultant, approved by the Local Authority. Additionally the independent noise consultant will assist the promoter in identifying the best layout to reduce the impact on the surrounding area.

In discussions during and after last years event the organisers did suggest changing the direction of the main stage, away from pointing at Church Hill, to the less inhabited and flatter South West. Under the guidance of an independent Noise Consultant, this change could go some way to reduce the impact on the more vulnerable up slope areas and may require a review of appropriate locations BUT the Parish Council would want to ensure that the existing most vulnerable sites were included in the monitoring regime until it can be clearly demonstrated to the Licensing Committee that there are no unreasonable noise concerns.

To reiterate, Boughton Monchelsea Parish Council believes that the original conditions are essential / reasonable and that such a dramatic reduction of monitoring would be contrary to the appropriate monitoring expected in the code of practice and that a conscientious promoter would be carrying out as a matter of course.

The Parish Council would wish this variance application to be rejected, but to consider including the requirement of an Independent Noise Consultant in setting stage direction to minimise impact and ensuring early warnings of potential

breaches, so enabling the promoters own interventions to prevent actual breaches taking place.

Parish Cllr Jonathan Gershon
on behalf of Boughton Monchelsea Parish Council and the Clerk of Boughton Monchelsea Parish Council.

Please reply to The Clerk, Boughton Monchelsea Parish Council.
& Parish Cllr Jonathan Gershon.

From: James McDonald [mailto:██]
Sent: 06 March 2014 21:07
To: Licensing
Subject: Objection to 14/00375/LAPRE

Please find attached an objection to the above application.

Regards,

Mr. McDonald

Mr. & Mrs. D. McDonald,
[REDACTED]
[REDACTED]
[REDACTED]

Boughton Monchelsea,
Maidstone,
Kent.
[REDACTED]

6th March 2014

Dear Sir/Madam,

It is with concern that we note a request by Solar Collective Ltd to vary their premises licence to make alterations to the conditions relating to noise monitoring. The original licence application was granted based on the conditions which were agreed upon as a result of a public meeting and for alterations to be requested less than 12 months after being agreed, seems totally unreasonable. These conditions were put in place on the grounds of the prevention of public nuisance to safeguard residents from noise and therefore should be upheld.

Condition 11 of the Premises Licence stipulates that the Music Noise Level should not exceed 65dB(L_{Aeq,15min}) at the façade of the nearest noise sensitive properties. This condition is based on Guidance contained with the Code of Practice on Environmental Noise Control at Concerts, which looks to minimise the disturbance or annoyance caused by events.

A reduction in the time reference from 15 minutes to 5 minutes in effect shortens the measurement period, and this would not provide the same level of protection for residents. In essence, measurements may not take account of the fluctuations in the noise level and in the worst case could be timed to take place during these lulls.

This is further exacerbated with the proposal to reduce the number of measurements to one 5 minute period in the afternoon. These variations would not be representative of the noise climate, which will vary during the event. In addition, the variation would remove the checks and balances that multiple monitoring periods provide i.e., the noise level could be monitored in the afternoon and achieve condition 11, the noise level could then increase during the event, but no further monitoring would take place to bring the noise levels back in line with the condition.

We appreciate that there are some advantages to monitoring over a shortened averaging period of 5 minutes as it provides an early warning of a breach of condition 11. However, if this method was to be adopted, condition 11 would need to

be altered to ensure that the noise levels are measured over a suitable time period
[REDACTED] consecutive 5 minute measurements at each location, at least 3 times during
[REDACTED] However, the Music Noise Level of 65dB(L_{Aeq,15min}) at the
[REDACTED] most noise sensitive properties, as specified in condition 11, should
remain.

The monitoring positions are also defined in the Licence and we would not wish to
[REDACTED] any changes to the locations, which were identified by the Environmental Health
Officer to take account of the noise sensitive properties.

All these requests seem to undermine the controls that the Licensing Authority put in
place to address the licensing objectives. They are proposed before those controls
have been properly tested. In short, they seem to be for the convenience and
advantage of the applicants rather than safeguarding residents and for this reason
we strongly oppose the variation application.

Yours faithfully,

Mr. & Mrs. D. McDonald

From: Rowland Roome [REDACTED]
Sent: 07 March 2014 13:14
To: Licensing
Subject: Ref: 14/00375/LAPRE: licensing variance application

Dear Sir / Madam.

The above referenced licensing variance application requests several major modifications to conditions agreed as part of approval of licensing given only recently. I request refusal of this variance application in full for reasons given below.

I write as a neighbour to the concert site, my address being Spring Farm, East Hall Hill, Boughton Monchelsea, ME17 4JX, and also on behalf of my mother who lives next door at East Hall on the same hill, same post code.

- 1) The conditions agreed to the licensing approval last year were the result of a great deal of coordinated effort by residents who live locally to the concert site. The details of those conditions were closely referenced to the Code of Practice on Environmental Noise at Concerts. If these conditions are now waived or modified after only one concert having happened, this demonstrates both clear disrespect to the well considered and substantiated opinions of local residents who approached last year's application with openness and a clear sense of social responsibility, and contravenes the referenced Code of Practice. At the very least it requires more than a single test case before conclusions can be drawn about noise levels in the locality.
- 2) The variance application proposes to drop the monitoring sites from seven to four, including Wierton and East Hall Hill among the dropped sites. I do not know the decibel levels during the last concert, but I can vouch, for living on East Hall Hill, that the music was persistently audible and frankly infuriating. For myself personally, there is no worse intrusion than having to listen to someone else's music that I don't wish to listen to - most especially on a quiet summer's afternoon and evening in my own house and garden. The condition for a monitoring post on East Hall Hill should be maintained as agreed as it is necessary that the condition is not abused. If the condition was agreed by the licensing authority as reasonable in the first place, how can it become not so, so soon and after only one concert?
- 3) Similarly, the variance application requests dropping the number of times that monitoring occurs from three times per day to once only, in the afternoon. This cannot be acceptable as it is the evening, when ambient noise is less, that the concert will be even more audible in the locality.
- 4) Furthermore, the variance application gives no recognition to the fact that sound travels more clearly uphill. Again, for this reason, all the monitoring stations on the slope above should be retained.
- 5) Apart from contravening the Code of Practice, the variance application to reduce the monitoring from 15 minutes to 5 minutes at each point should not be approved for the same reason that overturning a condition that was reasonably agreed by the licensing authority after due thought and so recently would not now be reasonable. The applicant may say that the monitoring is onerous. I can only say that the applicant agreed to these conditions, and they do not reduce the value of his concert. If the monitoring requires effort, local residents have also put much effort into making the conditions reasonable to all parties, and for them the concert noise is onerous too.
- 6) Mention is made that no complaints were received by the police, MBC or licensing authority during the last concert. This is a non-point. Of course not. All local residents, having been so much involved in negotiating for the conditions, were trusting in the monitoring system to provide the data before making any further comment. This was a test case. I understand that the decibels were within the agreed limits, so we had nothing to complain about. However, now to disassemble the system that gave us that reassurance might indeed give us cause to complain at the next concert as

we could have no faith that the decibels are within agreed limits - there would be no way of knowing.

Yours faithfully,

Rowland Roome, [REDACTED]
and Mrs AP Roome, [REDACTED]

8

From: Sue Batt [REDACTED]
Sent: 07 March 2014 15:28
To: Licensing
Subject: : Licensing variance application - Festival monitoring

Solar Collective have requested that the frequency and number of monitoring sessions be adjusted and they have proposed the details below

1. Replace LAEQ 15 with LAEQ 5
2. Set the locations to surround the site
 1. Church Hill / Peens Lane Junction
 2. Stilebridge Lane (outside the Kennels)
 3. Staplehurst Road (as before)
 4. Entrance to yard of Eel House Farm (as before)
3. To monitor all locations once in the afternoon of a noise sensitive event

We believe that this proposal should be rejected. Since they have been granted a license there has only been the one event and that it is far too early to even consider reduced monitoring. A conscientious promoter would be evaluating over a number of events and the changing weather conditions the impact of monitoring noise levels to the surrounding area Boughton Monchelsea Parish Council believes that the original conditions are essential / reasonable and that such a dramatic reduction of monitoring would be contrary to the appropriate monitoring expected in the code of practice. We agree with the Parish Council and wish this application to be rejected.

Sue Batt and Jonathan Gershon
[REDACTED]

Sent from my iPad