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Winchester
City Council

Meeting	Licensing Sub-Committee
Date and Time	Wednesday, 10th April, 2024 at 10.00 am.
Venue	Walton Suite, Guildhall, Winchester and streamed live on YouTube at www.youtube.com/winchestercc

S U P P L E M E N T A R Y A G E N D A

The attached document, relating to the agenda item below was not available at the time the agenda was published.

Agenda Item.

3. Application for New Premises Licence - Brockwood Festival, Sheep Dip, Hinton Ampner, Alresford, Hampshire, SO24 0LF (LR585) (Pages 3 - 64)

Supplementary Evidence submitted by the Legal Representative for the Krishnamurti Foundation Trust. (Appendix 5A, 5B, 5C and 5D)

(LR585 Report)

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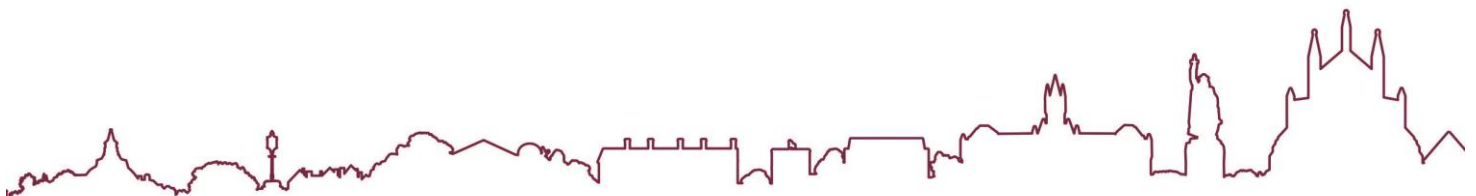
Laura Taylor
Chief Executive

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08 April 2024

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MEMORANDUM

To: Philip Somarakis
Date: 04 April 2024
CC: Tom Power, Sustainable Acoustics team
From: Diego Cordes
Ref: 24-0049-0 Brockwood Festival -
Acoustic Advice - Tech Memo 02-04
NMP Review DC.docx

SUBJECT: Acoustic Review of Brockwood Festival Noise Management Plan – Sound Propagation

1 NON EXECUTIVE SUMMARY

Sustainable Acoustics have been asked to technically review the noise impact assessment completed on behalf of the applicant of Brookwood Festival by the acoustic consultants who manage the noise from 'Boomtown'. In particular the impact on the Krishnamurti Centre which uses the land as a retreat and also the impact on those using Brockwood Park School. These noise sensitive receptors are 260 to 350m from the proposed music stages.

After a review of the report, and conducting our own noise measurements a number of concerns are raised in relation to the applicants proposal. These can be summarised as follows:

- No noise impact upon wildlife has been undertaken, despite endangered bat species being present in the area
- No regard for protecting the enjoyment of the relative tranquillity of the area, which is medium to high according to SDNP, and confirmed by us to be a very quiet area, has been undertaken
- The technical robustness of the report is poor, not providing much of the information that would be expected, including background measurements, instrumentation, weather conditions of survey work etc. It read more like a desktop noise management statement, than an acoustic impact assessment.
- Cumulative impacts of noise from 'Boomtown' and the regularly occurring Motocross nearby have not been considered.

In conclusion the application fails to meet the expectations of local and national licensing regulation and policy allowing the special characteristics of the national park to be harmed for those using the nearest noise sensitive receptors. As a result is recommended this application for a licence is **rejected on noise grounds**.



2 SUMMARY

This technical memorandum focuses on the review of the Noise Management Plan presented by F1 Acoustics representing the Brockwood Festival organization, and into our own preliminary assessment to inform the hearing on the 10th April 2024.

The sound propagation calculations and noise limit target specification proposed by the Brockwood Festival are considered within context and against the current guidance: Code of Practice on Environmental Noise Control, National Planning Policy Framework (NPPF) and other relevant guidance that includes the Local Plan of the South Downs National Park (SDNP), SDNPA Events guidance Note and Licensing Policy of the Local Licensing Authority (which is Winchester).

The Krishnamurti Centre has instructed Sustainable Acoustics to investigate the impact from the proposed event noise on the land used by the centre for a retreat and also the impact on those using Brockwood Park School, SO24 0LQ, which is a boarding school, has 17 occupied full-time residential apartments and is also used for guests out of term.

The event proposed in 2024 is for 3 days between 12th and 14th July, although the licence application is for an annual event of up to 5 days for up to 5000 people. F1 Acoustics have submitted a noise impact assessment. They are the same consultants who moderate Boomtown, a festival that is audible from this site 9 km away. There would be a cumulative impact from these two events on the site as well as from a near-by motocross venue at West Meon Hut which occurs regularly which needs to be considered.

The implications for whether the special qualities of the National Park for the closest noise sensitive receivers will be likely affected, with further steps recommended for implementing National Noise Policy and the consideration of planning and licence policy of the SDNP.

3 RELEVANT POLICY & GUIDANCE TO CONSIDER

Local Licensing Policy

3.1.1 The Winchester City Council is the local authority. In their Statement of Licensing Policy – Licensing Act 2003. (February 2024-2029) point 1.5 states:

“The South Downs National Park Authority (“SDNPA”) is the sole planning authority for “premises” within the South Downs National Park (“SDNP”). The purposes of the SDNP are:

- *Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.*
- *Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.*
- *The SDNPA also has a duty ‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.*”

Where there is a conflict between the purposes and/or duty then Purpose 1 must have priority.



Point 1.14 states:

Winchester District is an attractive area, with historic towns and villages, as well as beautiful countryside, part of which is covered by the South Downs National Park. It attracts visitors from around the world, as well as students who choose to study at the City's academic institutions. Many commute into the District to work each day, whilst a large proportion of residents commute to London and the surrounding areas.

Furthermore, **Section C: Prevention of Public Nuisance – Noise Control**

C2. Stricter conditions with regard to noise control will be expected in some circumstances.

This includes:

- *(ii) areas of the District that have low levels of background noise (such as within South Downs National Park)*
- *(iii) licensable activities which extend into nighttime hours e.g. 2300-0700*
- *(iv) Licensable activities to be held outdoors, in garden areas or in marquees*
- *(vii) Poor history of compliance*

C6. Where an event is held in the South Downs National Park, event organizers should consider:

- *the Tranquillity Study carried out by the SDNPA available at www.southdowns.gov.uk/wp-content/uploads/2017/03/13-04-17-SouthDowns-National-Park-Tranquillity-Study.pdf.*
- *(b) the International Dark Skies Reserve status, with respect to lighting at large events. Guidance can be found on the SDNPA website at www.southdowns.gov.uk/dark-night-skies/.*



National Licensing - Licensing Act 2003

- 3.1.2 The fourth licensing objective is Public Nuisance. Under common law that is a nuisance so wide as to affect across section of his majesty's subjects in the way described in 3.2.
- 3.1.3 The aim of any noise maker, whether part of a Temporary Event Notice (TENS) or as a licensable activity as part of a licence associated with a premises must promote prevention of Public Nuisance.
- 3.1.4 This does not mean reduce noise until it can't be heard, but simply that it must not cause a nuisance.
- 3.1.5 If a nuisance is caused then this objective has not been satisfied and a Review can be called, or TENS would have grounds not to be granted.

Public Nuisance

- 3.1.6 A nuisance is noise which causes material interference with the use or enjoyment of land for its common purpose. This applies to the client's use of the land (including gardens) as a retreat as well as a domestic residence. A public nuisance is one which is so widespread as to not simply be a private nuisance, affecting a cross section of his majesty's subjects. In licensing terms this could include a low-level nuisance affecting only a few people.

Planning & Licensing

- 3.1.7 S182 guidance makes clear at 7.7 that use of Temporary Event Notice (TEN) does not relieve the premises from requirements under planning law for appropriate planning permission, where it is required.
- 3.1.8 It also clearly states at 8.97 that "Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission".
- 3.1.9 At 14.65 it states, "*Licensing committees are not bound by decisions made by a planning committee and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.*" It goes on in 14.66 to say: "Proper *integration should be assured by licensing committees, where appropriate, proving regular reports to planning committees*".
- 3.1.10 Where any doubt remains that licensing decisions should take account of planning this is clarified by a recent letter from the Minister of State for Crime Policing and Fire, dated 15th January 2024, which can be found here: <https://www.instituteoflicensing.org/media/w1qdeti4/15-01-24-minister-philp-to-licensing-and-planning-authorities.pdf>. A relevant extract from it is below:

"We particularly wanted to highlight activity linked to two issues that have been the subject of ongoing post-legislative scrutiny of the Licensing Act 2003 by the House of Lords. These relate to the provision of training for licensing practitioners, and the collaboration between local licensing and planning regimes".

- 3.1.11 It is likely that the site could operate within the permitted 28 days on land without the need for planning permission, meaning that the usual safeguards would not be required to protect quality of life. Although planning and licensing are different regimes nevertheless it has now been clearly recognised by Government that licensing decisions should take into account the planning situation. This is strengthened by the fact that what the "ordinary use" of the land is has a bearing on whether a noise impact might be considered to be a nuisance or not¹. As the use is decided by planning this is therefore relevant to consider in the licensing objective to promote the prevention of public nuisance.



4 APPROPRIATE CRITERIA FOR NOISE IMPACT

This must take into account national and local licensing policy, noise policy and that licensing controls in conditions would need to apply appropriate controls. In doing so, regard must be had for not only the impact on people, but also the impact on wildlife as specified in Purpose 1 of the local licensing policy.

a) Noise Pollution

- 4.1.1 It should be noted that where a 'low adverse impact level' is generally required to be demonstrated for grant of planning permission to be accepted a less stringent criteria can be considered for operations under the licensing tests, providing they do not cause a nuisance. This would usually be on 'observable adverse impact level', so in terms of noise pollution and the impact this has been defined in planning guidance as *expected not to cause a nuisance* for the purposes of licensing.

"Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life".

- 4.1.2 This degree of impact can be quantified objectively as the noticeable change in overall noise level, so **Music Noise Levels (MNL) of +5dB(A) over ambient noise ($L_{Aeq,5mins}$) with careful controls on the bass frequencies of 63Hz and 125Hz to not exceed the $L_{90,5mins}$ by more than +5dB.** This allows a small degree of impact during daytime hours strikes an appropriate balance, limiting the harm to the special qualities of the National Park to within policy expectations. No impact beyond 11pm is considered appropriate to implement planning protections for sleeping hours and to avoid harm to the special qualities of the National Park, which effectively require music not to be audible. This can be approximated to the MNL being -10dB(A) below the L_{A90} .

b) Relative Tranquillity

- 4.1.3 This degree of impact can be quantified objectively as the noticeable change in overall background noise level, which would still allow music to be audible, but not sufficiently to disturb the underlying soundscape. **Music Noise Levels (MNL) of +3dB(A) over background noise ($L_{A90,5mins}$), with careful controls on the bass frequencies of 63Hz and 125Hz to not exceed the $L_{90,5mins}$ by more than +3dB.** This allow for the protection of relative tranquillity on the land of sensitive receptors, during daytime hours, when the ordinary use of the land is as a retreat. The nighttime protection is for sleep, and to avoid harm to the enjoyment of the special qualities of the National Park, which effectively require music not to be audible. This can be approximated to the MNL being -10dB(A) below the L_{A90} .

5 EXISTING NOISE CLIMATE

The instrumentation used and location of measurements over 3 days (25th to 27th March 2024) have been presented in Appendix 2. The weather conditions were stable, but this is a preliminary survey given the timescales given to respond to this application. This data does not include a weekend, so may over-represent the noise climate if anything.

¹ Fearn v Tate case (supreme Court Ruling 2023) [\[2023\] UKSC 4](#) :



In summary the area is extremely quiet during daytime and nighttime, with slight distant contribution from the A272, but this supports the rightly deserved label given by the SDNP as medium to highly relatively tranquil (meaning a general absence of manmade sound).

The background levels measured are presented for the nighttime in Figure 1 and daytime in figure 2 below. The time history for the whole period is shown in Appendix 2, and the data summarised, including for the bass region octave bands of 63Hz and 125Hz in Table 1.

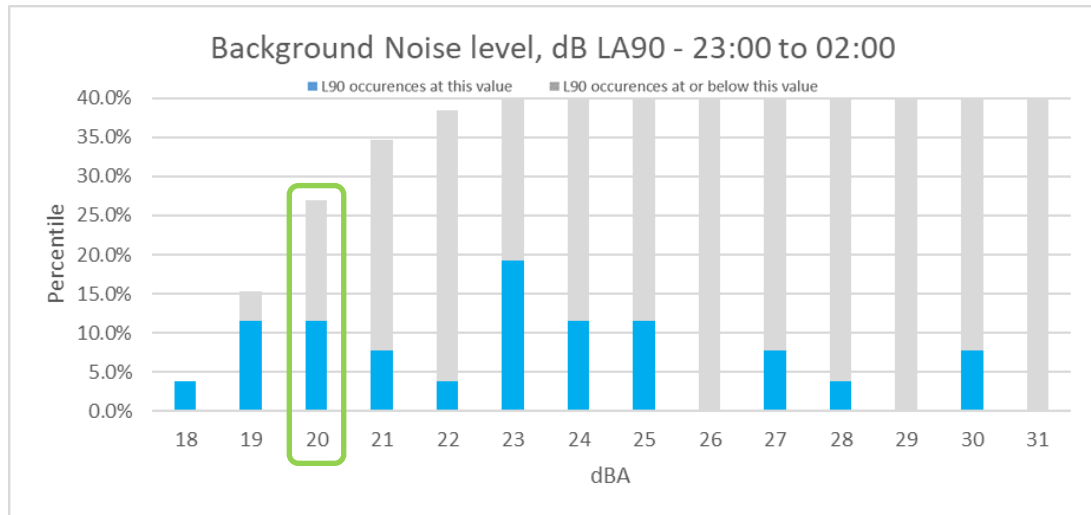


Figure 1: Statistical analysis of background noise levels between 23:00 and 02:00

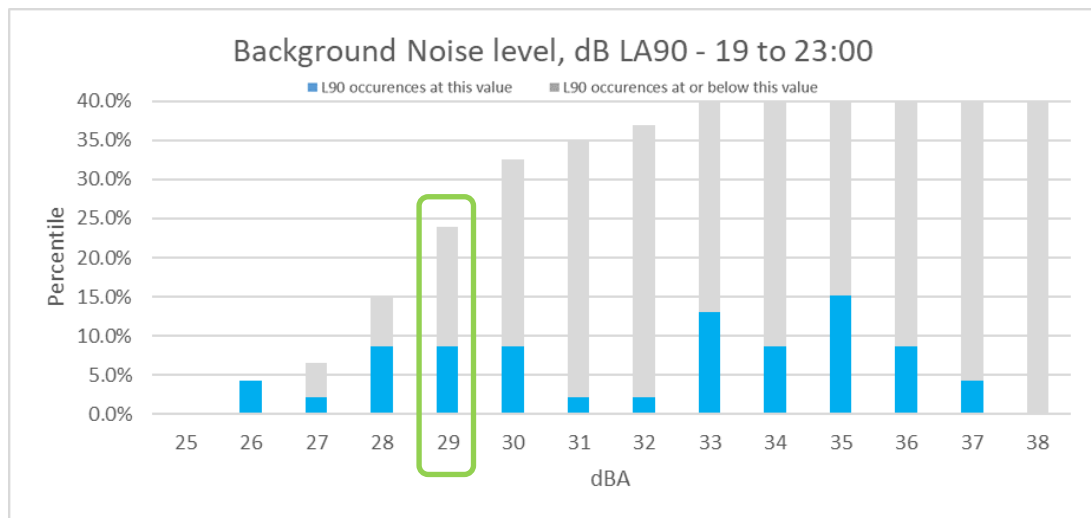


Figure 2: Statistical analysis of background noise levels between 19:00 and 23:00

Existing (no music) – See Appendix 2	L _{eq,63Hz,15min}	L _{eq,125Hz, 15min}	L _{Aeq,15min}
Daytime (16 hr average)	53dB	48dB	43dB(A)
Nighttime (8hr average)	44dB	37dB	38dB(A)

Table 1: Summary of Octave bass frequency results and overall ambient noise levels at The Krishnamurti Centre and Brockwood Park School, SO24 0LQ



6 NOISE LEVEL TARGETS AT THE CLOSEST NOISE SENSITIVE RECEPTORS

6.1 Applying Local Licensing Policy to Event Noise Targets

6.1.1 There must be compliance with 1.5 purpose 1 and 2 of local licensing policy, to conserve the natural beauty and guard against harm to the enjoyment of the special qualities for the national park, which includes the medium to high rating of the relative tranquillity of the area from the map, identified by the SDNP (see Appendix 3). Therefore, it is appropriate in our professional opinion to apply the criteria set out in 3.1.3 in recognition of the ordinary use of the noise sensitive land as a retreat.

MNL Targets (music) – based on Section 3 criteria	63Hz	125Hz	L _{Aeq,15mins}
Daytime (07:00 – 23:00)	56dB	51dB	46dB(A)
Nighttime (23:00 – 02:00)	34dB	27dB	28dB(A)

Table 2: Summary of human centric policy driven appropriate event noise levels (MNL) targets in octave bass frequency results and overall ambient noise levels at The Krishnamurti Centre and Brockwood Park School, SO24 0LQ

6.2 Guidance: Code of Practice on Environmental Noise Control at Concerts

In light the age of this guidance, which was 1995 and the current efforts from both the Institute of Acoustics and the Association of Noise Consultants to update this guidance to the modern concert practices and community response, the commonly referred *Pop code* has become a starting point reference that needs to be complemented with up-to-date standards, guidance and field experience to adequately conform to current legislation and policy, and in this particular case to the extra protection required within a National Park. Its sole use is not considered to be appropriate for this situation in the professional opinion of the author. It has been considered as F1 Acoustics' assessment relies heavily on it.

The CPENCC guidance by the Noise Council is from 1995 and provides guidance for low numbers of outdoor festival style music noise from events, which are often applied by Local Authorities.

The guidance can be found in full on line, or by clicking [here](#) where there is an internet connection.

In summary it sets Music Noise Levels (MNL), which are L_{Aeq,15mins}, and relevant for events held outdoors that occur a certain number of times a year.

At 3.2 it does make clear: “For events continuing or held between the hours 23.00 and 09.00 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation”.

For a small number of events during the day in rural venues it suggests a MNL should not exceed 65dB(A) as a 15 min L_{Aeq} level. This is a very light touch level of control, allowing a significant impact for the short period. The table supporting this position can be found in Appendix 2.



This is not aligned with 1.5 and 1.14 C2 and C6 of the policy of the licensing authority, and if applied would not offer adequate protections to the noise sensitive receptors, wildlife and special characteristics of the national park.

6.3 Discussion to inform what are the appropriate Targets for licensing

F1 Acoustics claim to be consultants to Boomtown, from which sound is audible at this noise sensitive location over a great distance, causing an impact to the relative tranquillity when it is in operation over a very wide area. This raises that they should be well aware that the cumulative impact of another event should also be considered on these receptors. It has not been, and should influence any targets that are imposed by any conditions that might be imposed.

F1 has suggested a MNL of 60dB(A) daytime and 45dB(A) nighttime. In some recognition of the rural nature of the area, for music continuing they propose would continue up to 02:00 for two consecutive nights. It is understood that two stages are proposed to operate at levels of 95dB(A) at 10m from the mainstage, with 102dB at 63Hz.

This would be 14dB above the daytime targets proposed in Table 2 and 17dB above at night in overall and 26dB at 63Hz, and would be expected to result in a significant adverse impact that could seriously impact on the ordinary daytime use of the land as a retreat and on the guest and boarding school dormitories (which will still be in use). The objective of CPEPC is music being inaudible inside at night – this would be not achieved due to the low noise levels in the area (which local policy C2 identifies as a reason for more strict conditions).

Table 2 provides reasoned noise targets based on the aims of local and national licensing policy, and an appropriate basis for a condition (see Section 7 for proposed wording).

Based on the Table 2 targets being used the following calculation establishes the music upper limit at 10m from the stage to achieve the target at the boundary to the land of the noise sensitive receptor's properties:

Daytime Total MNL Target of 46dB(A) + Distance attenuation - wind gradient correction = possible source levels
Day-time Stage(260m): 46+48-5 =89dB(A)

Nighttime Total MNL Target of 28dB(A) + Distance attenuation - wind gradient correction = possible source levels
Night-time Stage(350m): 28+51-5 =74dB(A)

Such a low value of 89dB(A) daytime and 74dB(A) night-time for the combined music sound level of two stages is **not commercially viable** for music events, in a rural area in close proximity to sensitive receivers. This means additional mitigation, such as stage distances, speaker arrangements and specifications and screening would need to be considered, but this is not expected to be enough to satisfy the level of control that would be needed to meet local policy and avoid harm to the enjoyment of the special qualities of the national park, and protect wildlife from potential disruption (which has not been assessed).

CPENC 3.4: *“Assessment of noise in terms of dB(A) is very convenient but it can underestimate the intrusiveness of low frequency noise. Furthermore, low frequency noise can be very noticeable indoors. Thus, even if the dB(A) guideline is being met, unreasonable disturbance may be occurring because of the low frequency noise. With certain types of events, therefore, it may be necessary to set an additional criterion in terms of low frequency noise, or apply additional control conditions”*



In addition, to control bass the CPENCC recommends that low frequency levels do not exceed 70dB in either the 63Hz or the 125Hz octave bands at 1m from the facades of sensitive properties. Due to the predominantly rural character of the area and the extremely low background level L_{A90} (29db 19:00-23:00) we suggest that tightening of this value to those stated in Table 2.

7 MISSING DATA AND TECHNICAL REVIEW OF F1 ACOUSTIC'S REPORT

7.1.1 Having carried out a technical review of the report submitted by the applicant we have the following comments:



Background survey:

CPENC 4.2: *“Determine the sound propagation characteristics between the proposed venue and those living nearby and **carry out an appropriate background noise survey**”*

The lack of a background measurement with statistical analysis is considered a serious omission that limits the understanding of the context where an event is proposed. This is a basic requirement for any assessment of this kind, as the background sound level will determine what can and cannot be heard and directly affect the impact of the noise towards the noise sensitive receivers.



Traffic & People's noise assessment:

CPENC 3.11: *“Associated activities (E.g. Fairground) **should be taken into account when setting the limit for music noise level**”*

CPENC Note 6 to Table 1: *“Account should be taken of the noise impact of other events at a venue. **It may be appropriate to reduce the permitted noise from a concert if the other events are noisy**”.*

Considering the licence application is for two stages and temporary infrastructure and accommodation for 5000 people, it is imperative to fully assess the level of noise impact of incoming and outgoing vehicles and people for what could take weeks of traffic, and for the 3-day (building to 5-day over time) temporary camping site of this magnitude. **This has not been done.**



Propagation calculations for the Day-time stage:

The expected noise level from closest stage to the noise sensitive receptor is **not present in the report.**

Due to the extended time that the neighbours would be exposed to noise, it is necessary to present simulation/ calculations from all main sources of noise to understand the final impact towards the noise sensitive receptors, and the cumulative impact of Boomtown, which can be heard from the site.



Simulation – Receptors height:

The receiver's values in the presented simulation are at 1.5m and not at a representative height of a 2nd storey level, the worst case.

Receivers should be calculated at a 2nd floor height of 8m, instead of the 1.5m in the report, which greatly underestimates the values due to the ground effect as opposed to an elevated source where the impact will be considerably higher.



8 CONCLUSIONS

A number of specific conclusions can be drawn from the review of the festival's acoustic technical proposal and our preliminary assessment, of which 11 are listed below:

1. **Tranquillity** - The locality is rated by the Sound Downs National Park as having **medium to high relative tranquillity**, and our noise assessment would agree with this. This is therefore a prized aspect, which forms part of the special characteristics of the national park, with the noise sensitive receptor of The Krishnamurti Centre use being a retreat and Brockwood Park School used for boarding, located within 260 to 350m from the event stages at SO24 0LQ. The risk of harming the enjoyment of their common use of the land is therefore high.
2. **Locality & Backgrounds** - This location is rural in character and has been shown to experience **very low background noise levels during day and night-time**, making noise pollution even more impactful on the quality of the soundscape. Section C2 and C6 of 1.14 of licensing policy requires this and relative tranquillity is taken into account, and it has not been in the assessment, failing to meet this requirement.
3. **Wildlife impact assessment** - Important data is missing from the F1 Acoustic report, including there has been **no consideration of the impact of the noise on wildlife** (as required to meet the guiding Purpose 1 of local licensing policy to "conserve and enhance the natural beauty, wildlife"). This is considered to require priority over economic wellbeing of the applicants as part of the community, according to the policy. As such the application should be rejected due to the importance of some species, including, we understand, evidence of this providing habitat used by the endangered Barbastelle bat, which could be affected by noise from the event. (Note: an area outside our expertise and likely F1 Acoustics also).
4. **Noise management plan** – the document presented by the Festival applicants omits the information usually expected within a noise impact assessment (i.e. Background levels, Traffic and people's noise assessment, instrumentation, meteorological information). All of this information is missing, which highly increases the risk of misrepresenting the predicted acoustic impact on the neighbouring properties. This makes the **assessment unsafe to rely on** the conclusions drawn.
5. **Model assumptions** - The propagation calculations/ simulation has been done with receptors at 1.5m height, which is **wrong** and has the potential of a large variance in the noise values towards the neighbours which are located at 8m height relative to the source, due to the topography.
6. **Cumulative Impact** – No regard or acknowledgement has been given by F1 Acoustics for the fact that 'Boomtown' can be heard on this site, when in operation, which is over 9km away and this will contribute to the noise impact. Of note is that F1 Acoustics are involved in the noise control for 'Boomtown'. In addition, the Motorcross events at West Meon Hut also already causes regular disturbance at the site, which also has not been considered.
7. **Guidance & licensing objective** - The predicted night-time values do not achieve the expectations of the Code of Practice on Environmental Noise Control, which is the guidance referred to by F1 Acoustic as they would be 25dB over the nighttime background, meaning noise would be highly audible and there would be a serious risk of causing a Significant Observed Adverse Effect Level (SOAEL) which could constitute a nuisance. This would fundamentally breach the further licencing objective to proactively promote public nuisance. This shows that even on the guidance proposed by F1 Acoustics that commercially viable noise levels would not be possible beyond 23:00 hours, where the expectations are for the noise to be inaudible.



8. **Appropriate criteria** - The appropriate levels of noise control, which would align with licensing local and national policy objectives are set out in Table 2 (reproduced below is a suitably worded condition should the licence be approved with conditions – see section 8).
9. **Not commercially viable** – Applying the noise targets in Table 2 would result in total noise emissions from the site at 10m of 89dB(A) daytime and 74dB(A) nighttime (up to 2am). The two stages were assumed to be 95dB(A) each, indicating that this is not viable commercially as proposed. This prompts the need to consider a re-think to use mitigation and other good acoustic design approaches to see whether this could be achieved, or if not that **the site and proposal is incompatible**.
10. **Substantial impact** – For the proposed music noise levels an excess of 14dB(A) for daytime 12dB(A) at night, together with dominant bass frequencies over the Table 2 target criteria would be **likely to cause a substantial interference of material use during the day as a retreat and at night to sleep**.
11. **Planning v Licensing balance** - Planning tests to protect quality of life and amenity is relevant to the licensing decision, as the event would likely operate without the need for planning permission, and the recent clarification from Government is that **appropriate protections should be added which protects quality of life as well as just avoiding a nuisance occurring**. This is supported by Local current local licensing policy, and ties in with Table 2 criteria.

In conclusion the proposal is not aligned with 1.5 and 1.14 C2 and C6 of the policy of the licensing authority, or licensing objective four of the Licensing Act 2003 to prevent public nuisance. If permitted this licence would not offer adequate protections to the noise sensitive receptors, wildlife and special characteristics of the national park. For these reasons it should be **rejected on technical noise grounds** as not satisfying local or national policy, and because it would undermine the common use of The Krishnamurti Centre and Brockwood Park School, SO24 0LQ.

At proposed levels we conclude that there is **a serious risk of the event causing material interference to ordinary use of the land as a retreat and to house overnight accommodation** for staff and guests, which could provide sufficient evidence that it would constitute a nuisance in advance of it taking place. There is evidence that is a complaints history from the previous time the event was held.

It is recommended that the licensing sub- committee **rejects** the application on ground of noise, for the reasons stated, including the protect enjoyment of the special characteristics of the national park for humans, and to protect wildlife for which no impact assessment has been completed.



APPENDIX 1 Relevant Policy and Guidance



9.1 Noise Policy Statement for England

Paragraph 185 of the NPPF also refers to advice on adverse effects of noise given in the Noise Policy Statement for England² (NPSE). This document sets out a policy vision to

“Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”.

To achieve this vision the Statement sets the following three aims:

“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.*

In achieving these aims the document introduces significance criteria as follows:

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur. It is stated that “significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development”.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected. It is stated that the second aim above lies somewhere between LOAEL and SOAEL and requires that: “all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.”

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise. This can be related to the third aim above, which seeks: “where possible, positively to improve health and quality of life through the proactive management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.”

The NPSE recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations and provides no guidance as to how these criteria should be interpreted. It is clear, however, that there is no requirement to achieve noise levels where there are no observable adverse impacts but that reasonable and practicable steps to

² Department for Environment, Food and Rural Affairs, *Noise Policy Statement for England*, London, 2010



reduce adverse noise impacts should be taken in the context of sustainable development and ensure a balance between noise sensitive and the need for noise generating developments.

10 OTHER RELEVANT GUIDANCE AND LEGISLATION

10.1 Guidance: Code of Practice on Environmental Noise Control at Concerts

Table 1 of the CPENCC sets out noise limits for music events appropriate for different environs and frequency of event:

- 3.1 The Music Noise Levels (MNL) when assessed at the prediction stage or measured during sound checks or concerts should not exceed the guidelines shown in Table 1 at 1 metre from the façade of any noise sensitive premises for events held between the hours of 09.00 and 23.00.

TABLE 1

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75 dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65 dB(A) over a 15 minute period
4 to 12	All Venues	The MNL should not exceed the background noise level by more than 15 dB(A) over a 15 minute period

Notes to Table 1

- The value used should be the arithmetic average of the hourly L_{A90} measured over the last four hours of the proposed music event or over the entire period of the proposed music event if scheduled to last for less than four hours.
- There are many other issues which affect the acceptability of proposed concerts. This code is designed to address the environmental noise issue alone.
- In locations where individuals may be affected by more than one venue, the impact of all the events should be considered.
- For those venues where more than three events per calendar year are expected, the frequency and scheduling of the events will affect the level of disturbance. In particular, additional discharges can arise if events occur on more than three consecutive days without a reduction in the permitted MNL.
- For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5 dB(A) over a fifteen minute period is recommended for events finishing no later than 23.00 hours.
- Account should be taken of the noise impact of other events at a venue. It may be appropriate to reduce the permitted noise from a concert if the other events are noisy.
- For venues where just one event has been held on one day in any one year, it has been found possible to adopt a higher limit value without causing an unacceptable level of disturbance.



10.2 Other relevant guidance

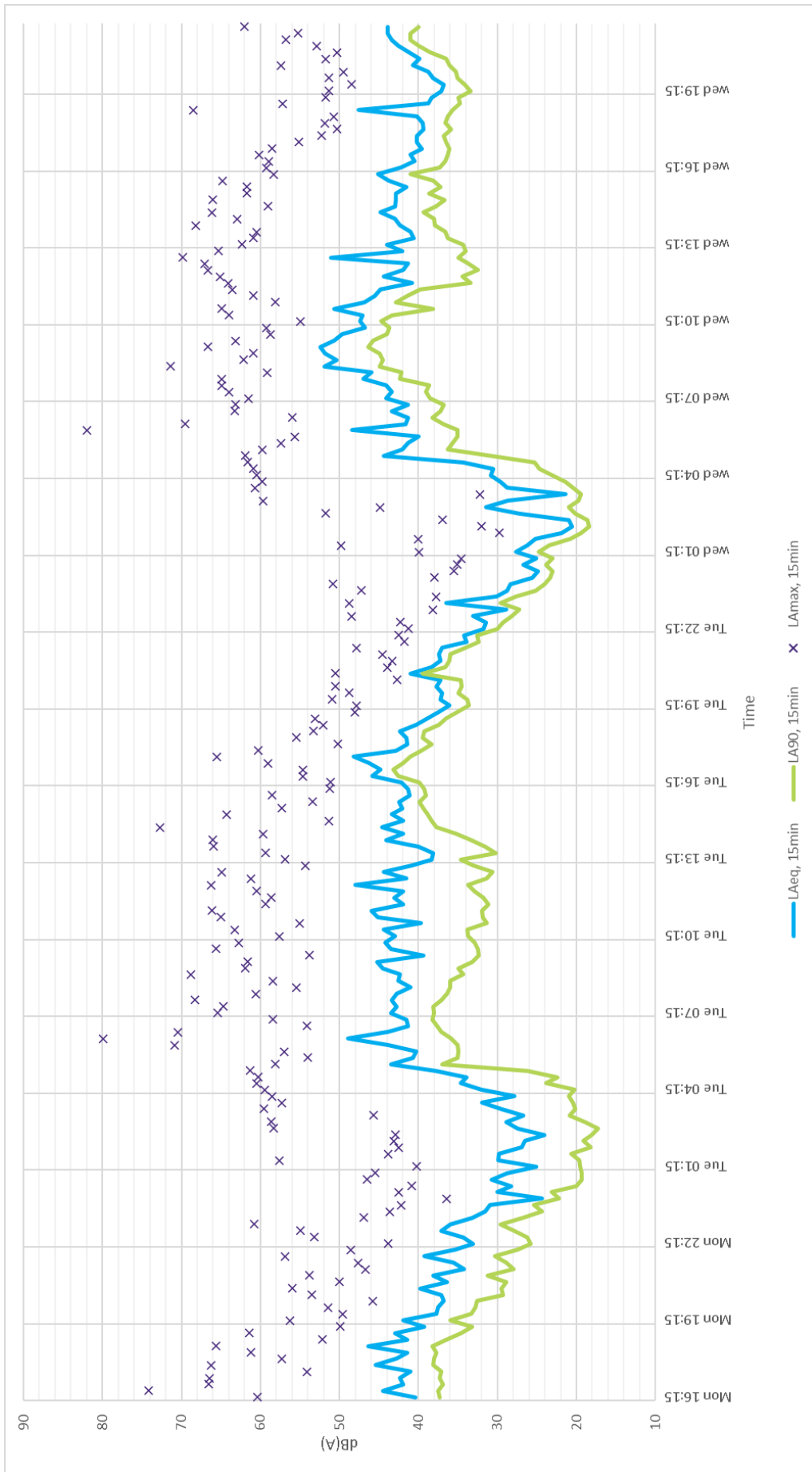
The Noise from Pubs and Clubs final report for Defra, dated March 2005 (under contract NANR 92) is of interest, in that it considers an optimised UK assessment method. It identifies a number of criteria to be proposed for validation in Table 7 but is not conclusive about which one is favoured.

Name	Parameter	Type
IoA working group annex	L_{Aeq} vs L_{A90} plus L_{10} vs L_{90} in 40-160 Hz 1/3 octave bands	Relative
BS 4142 / Noise Act 1996	L_{Aeq} vs. background (L_{A90} , L_{A99} , etc.)	Relative
Noise Rating curve	1/3 octave (L_{eq} , L_{10} or L_{max}) vs. NR curve	Absolute
Absolute L_{Aeq}	L_{Aeq}	Absolute
DIN 45680 / Moorhouse	10 – 160 Hz 1/3 octave L_{eq} vs reference curve	Absolute
Inaudibility	Subjective	Relative

Table 7. Schedule of proposed criteria for validation.



APPENDIX 2 Logger Data, instrumentation location and





Summary Data Results

		Ambient noise level, dB 63Hz L_{eq}	Ambient noise level, dB 125Hz L_{eq}	Ambient noise level, dB $L_{Aeq, 15min}$		Maximum noise level, dB $L_{Amax, 15 min}$	Background noise level, dB $L_{A90, 15 min}$		
		Period	Period	Range	Period	Range	Typical ¹	Range	Typical ²
Daytime	07:00-23:00	53	48	32 - 52	43	31 - 74	65	26 - 46	32
	07:00-19:00	54	49	38 - 52	44	38 - 74	65	30 - 46	35
Evening	19:00-23:00	48	44	32 - 44	39	31 - 62	51	26 - 41	32
Night	23:00-07:00	44	37	21 - 49	38	23 - 82	65	17 - 38	20

1 Typical maximum noise level taken as the 10th highest of 2min samples during the period.
 2 Typical background noise level shown is 20th percentile.

Site Location and Context

The site is located in Brockwood Park, Alresford, SO24 0LQ. Receptor A is the most sensitive neighbouring receptor at 260m southeast from the closest point of the daytime stage. The nighttime stage is 350m away. Background sound levels are controlled by the A272, approximately 840m to the northeast. The site location is shown in the figure below.

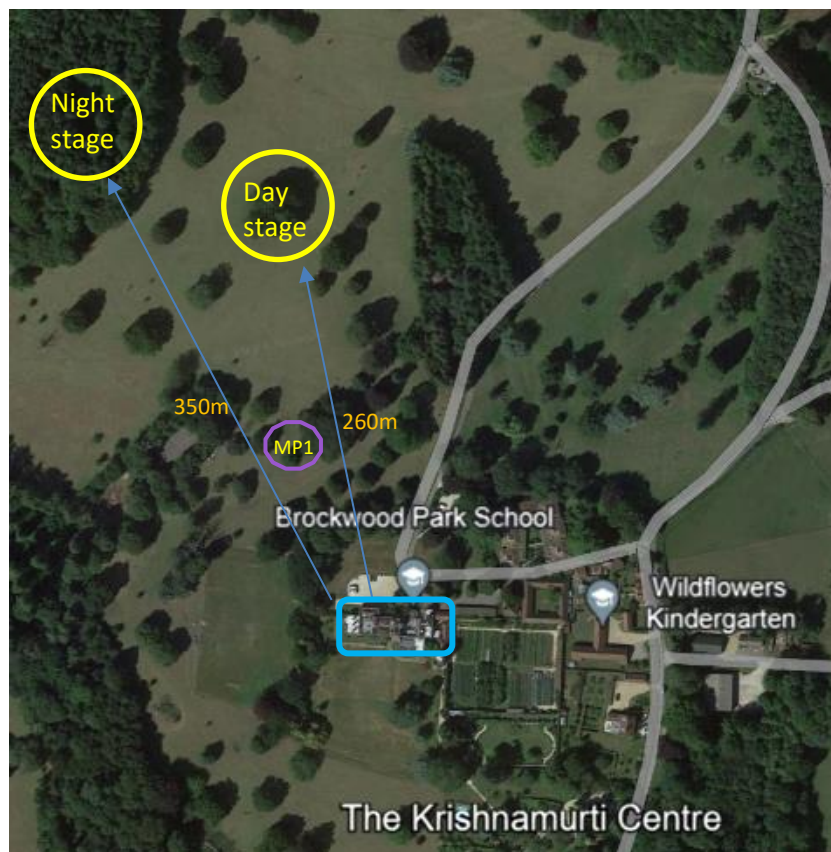


Figure A1: Site location and context. Brockwood Park School location in blue, stages in yellow. Sound level meter logging location in purple, Monitor Position 1.



Instrumentation

Equipment	Type	Serial Number	Calibration	
			Date	Certificate no
Svan 958				
Svantek Class 1 Sound and Vibration Analyser	958A	59146	31/07/23	1505800-2
Microphone	MK 255	12565	31/07/23	1505800-2
Preamplifier	SV 12L	57962	31/07/23	1505800-2

Equipment used during the survey. Calibration was checked before and after with no significant variance observed.



APPENDIX 3 SDNP Local Plan & Tranquillity Map

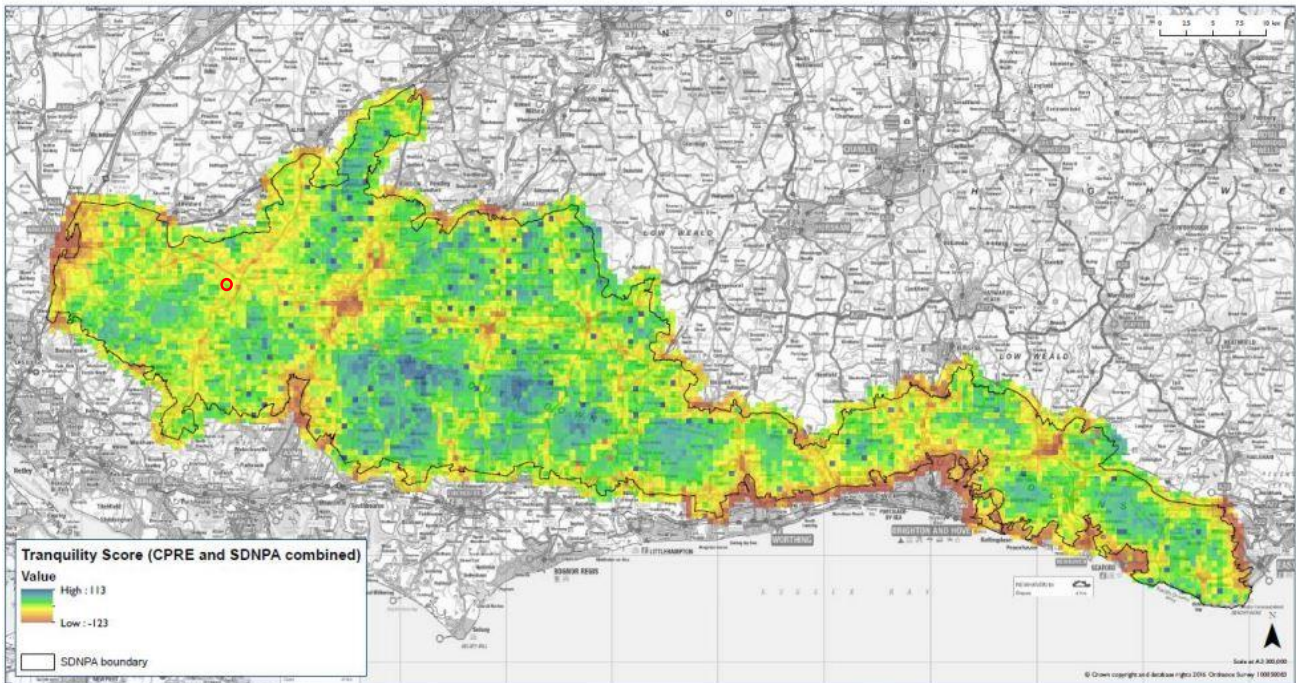


Figure 5.4, pg 54 of the Relative tranquillity South Downs Tranquillity Study – “baseline from which to assess changes in aural ...environment” (5.44 of Local Plan)with approximate site location indicates by red circle.

SDNP Local Plan (2014 – 33) relevant extracts

There are 15 mentions of noise in the Local Plan, which are covered in the sections highlighted below, with key relevant sections in bold and underlined for emphasis.

Pg 53, 5.45 states : *“The assessment of impacts on relative tranquillity is not the same as a noise assessment, and the assessment of zero noise impact for an application will not be taken necessarily as meaning that there would be a similar impact on relative tranquillity”*

5.46 states: *“ The Tranquillity Study identified areas which are highly tranquil, of intermediate tranquillity, and those of low tranquillity. Applications for development proposals in highly tranquil areas should demonstrate that they conserve and enhance, and **do not harm, relative tranquillity**. Development proposals in areas of intermediate relative tranquillity are the areas which are most vulnerable to change, and should avoid further harm to relative tranquillity and take every opportunity to enhance it. Development proposals in areas of poor tranquillity are often located within or on the edge of urban areas and thus there may be limited scope for enhancing relative tranquillity in these area; opportunities to enhance relative tranquillity should be taken wherever possible”.*

5.47 states: *“The extent that proposals conserve and enhance relative tranquillity will be determined by an assessment of the impact on relative tranquillity, which is proportionate to the scale and expected impact of the development in relation to the surrounding context”.*



7.133 on pg 129 says about small and micro businesses: *“It is important that home based businesses do not cause unacceptable harm to the amenity of neighbours in terms of traffic, smell, loss of privacy, outlook, noise and overlooking”.*

7.135 on pg 130 on Intensification states: *“Policy SD25 prioritises the development of previously developed land. Commercial development on existing employment sites should make an efficient use of existing buildings and previously developed land through intensifying uses, **provided that this does not compromise the special qualities of the National Park**”.*

7.145 on pg 132 on change of use that: *“Robust evidence will need to be submitted and approved by the Authority that there will be **no adverse effect on the landscape and other special qualities through traffic, noise or pollution**. Advice on these matters will be sought from other statutory bodies, particularly the county councils and Highways England on the amount and type of traffic generation and the impact on the National Park’s rural roads”.*

Policy SD54 on Pollution and Air Quality (pg 166) states: *“Development proposals will be permitted provided that levels of air, noise, vibration, light, water, odour or other pollutants **do not have a significant negative affect on people and the natural environment now or in the foreseeable future, taking into account cumulative impacts and any mitigation**”*

Policy SD2 : Ecosystem Services 9.8 on pg 184 Noise regulation is identified as Key to Ecosystem Services.

9.154 states : *“Development proposals should therefore be informed by the following evidence studies”*: Bullet 10 = Noise Assessments

Policy SD7: Relative Tranquillity

Strategic Policy SD7: Relative Tranquillity

1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:
 - a) Direct impacts that the proposals are likely to cause by changes in the visual and aural environment in the immediate vicinity of the proposals;
 - b) Indirect impacts that may be caused within the National Park that are remote from the location of the proposals themselves such as vehicular movements; and
 - c) Experience of users of the PRoW network and other publicly accessible locations.
2. Development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity.
3. Development proposals in poor tranquillity areas should take opportunities to enhance relative tranquillity where these exist.



Policy SD35: Employment Land

Strategic Policy SD35: Employment Land

1. The SDNPA will make overall provision for the following amounts of new employment land between 2014 and 2033:
 - Office (B1a/b): approximately 5.3 hectares
 - Industrial (B1c/B2): 1.8 hectares
 - Small-scale warehousing (B8): 3.2 hectares

2. Development proposals for the change of use of redundant B2 premises and land to accommodate the need for new offices and/or warehousing will be permitted provided that there would not be a potentially adverse impact on the landscape and other special qualities of the National Park including by reason of traffic, noise or pollution.

3. The Authority will safeguard all existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses. Change of use applications that would result in a loss of employment land will only be permitted provided that evidence of a robust marketing campaign of at least 12 months clearly demonstrates that there is no market demand for the business premises.

4. The principal and local employment sites are shown on the Policies Map, to which further protection applies as follows:
 - a) On principal employment sites: B Class employment uses will be safeguarded from development proposals for Non-B Class Uses and evidence of a robust marketing campaign of at least 18 months will be required.

 - b) On local employment sites: commercial uses will be safeguarded from development proposals for non-commercial uses and evidence of a robust marketing campaign of at least 18 months will be required.

Details of marketing requirements are set out in Appendix 3.

Full document access can be found here:

https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf

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**Application is for a new Premises Licence
for the Brockwood Festival, Sheep Dip,
Joan Acre Lane, Hinton Ampner, Alresford,
Hampshire, SO24 0LF.**

Andrew Bamber 3rd April 2024.

Executive Summary

1. There have been two previous events, both of which caused problems for the Foundation. This has resulted in this representation being made against granting a premises Licence for future events.
2. I am also aware that there is a covenant dispute about the use of the land adjacent to the Foundation. This area has been designated as the main entrance to the proposed festival with camping facilities either side of the access and egress route.
3. From the documentation that I have reviewed the application fails to ensure that the 4 Licensing objectives are adequately dealt with.
4. The required risk assessment is absent and I have the impression that the applicant has relegated the responsibility for the Licensing Objectives to the Safety Advisory Group.
5. The applicant has simply listed a number of policies that have no detail and no substance. They are listed against the Management Plan which should be submitted to the Authority at least 120 days before the event. There are now less than 100 days to the event and I am unaware if the management plan is in existence, or that the policies that have been highlight are complete.
6. The failure to complete a comprehensive risk assessment to address the Licensing Objectives and to mitigate identified risks will inevitably lead to a negative impact upon the Foundation and the wider local community.
7. If the event proceeds as planned there is no doubt that the Foundation will have to close for the duration of the festival. The nuisance caused by the festival presents the Foundation with a significant predicament. The potential reputational risk and damage to the Foundation's image if individuals that are resident as part of a sanctuary retreat are unable to fully avail themselves of the Foundation's benefits.
8. The South Downs National Trust has written a letter highlighting the potential for nuisance on SDNT land and highlighted the problem of footpath access.

There is a footpath that crosses the land to be used by the festival. The footpath will be effectively barriered off and the footpath closed. This nuisance to ramblers using the footpath in the week that the festival is set up, operates, and then dismantles has not been addressed in the licensing objectives or the Traffic Management Plan.

9. The application for a Premises Licence differs from the details listed within the Traffic Management Plan. The duration of the event is 2 days longer in the application stating that the Thursday and Sunday are included in the festival, whereas the TMP sets out the festival days as the Friday and Saturday.
10. The Traffic Management Plan also makes the assumption that the Foundation's land can be used to gain access to the site. No such agreement exists and use and access will be refused.
11. I have the impression that there has been a lack of openness and transparency around the development of the event.
12. The applicant has failed to produce the required risk assessment and adequately deal with the Licensing Objectives as required.
13. The policies that underpin the 4 Licensing Objectives have not been produced.
14. There is every indication that the 4 Licensing Objectives are not at the forefront of the application or that they are a key concern for the applicant. In my previous roles, based upon the disclosure in this application, I would have ensured that a robust representation was made to object to the application.

Introduction

15. I have been asked by Philip Somarakis of Irwin Mitchell to review an application from Brockwood Entertainment Ltd, Sheep Dip, Hinton Ampner, Alresford, Hampshire, SO24 0LF.
16. The application is for a new Premises Licence for the Brockwood Festival, Sheep Dip, Joan Acre Lane, Hinton Ampner, Alresford, Hampshire, SO24 0LF.
17. The purpose of the application is to provide licensable activities for one event, running for no more than 5 consecutive days, each calendar year.
18. I have been provided with.
19. A copy of the application with the proposed schedule of conditions, as amended on the 15th February 2024.
20. A noise management plan, dated the 16th February 2024, developed by F1 Acoustics, 38 Briton Hill Road, South Croydon, Surrey, CR2 0JL.
21. A Traffic Management Plan produced by Last Mile Services Ltd, dated the 29th February 2024.
22. In addition to the documentation provided by Irwin Mitchell I have read the Winchester City Councils Statement of Licensing Policy for 2024 – 2029. Along with literature from the South Downs National Park, that included a letter from the South Downs National Trust.
23. I have not seen any representations from the responsible authorities or any other interested party. I have not been provided with any other documentation.
24. I am aware that there has been some community engagement that has not resulted in any meaningful community resolutions.

25. I am aware that my observations must relate to one or more of the 4 Licensing Objectives and the likely effects that the grant of the licence would have on the promotion of at least one of the objectives.

Personal profile

26. This assessment is completely independent of my instructing solicitor and the owner and anybody associated with the venue. I have no personal involvement with the applicant or any business or resident in the area.

27. I am able to evaluate the operational environment based upon my considerable experience and qualifications. I can view the environment through several perspectives and make objective and proportionate interpretations of any data and evidence.

28. In brief I have been:

- A licensing observation officer.
- A divisional licensing Inspector on a busy and challenging London Borough.
- The operations manager for the central London Clubs and Vice Unit.
- A Detective Chief Inspector managing divisional crime investigations.
- A senior investigating Officer.
- A Borough Commander responsible for developing and delivering local policing plans that include the night-time economy challenges.
- As an Assistant Director, for 10 years, on a semi-inner London Borough I was responsible for the Safer Communities portfolio that included the development and delivery of the Partnership Community Safety Strategy. I was directly responsible for the Licensing function and the night-time economy, problem solving local crime and ASB hotspots, and the development and management of Licensing policies.

29. I acknowledge that as an expert witness my primary duty is to the Court and Licensing Sub-Committee. All facts identified in this report are true to the best of my knowledge and experience. They were either witnessed or experienced by me personally or relayed to me in good faith and appear to be credible and reliable.

30. The opinions I have expressed within in this report are honestly held and correct to the best of my judgement and belief. My fee for preparing this report is not conditional on the opinions I have stated within or the eventual outcome of the case.

Krishnamurti Foundation

31. I visited the location on Tuesday the 2nd April 2024 and met with a Mr Tom Power. During my visit I walked around the Foundation Grounds and buildings and the proposed site for the festival.
32. The Krishnamurti Centre and the Brockwood School form a foundation that exists to preserve and make available Krishnamurti's works.
33. It is a charity based in the UK, providing a worldwide service to those pursuing an understanding of Krishnamurti's teachings in their own lives. There are two other foundations. One in India and the other in America.
34. The charity was founded in 1968 and purchased Brockwood Park in 1969. The school started in 1969 and the centre was opened in 1987. It is a retreat centre that has been purposely designed. *'This place must be of great beauty, with trees, birds and quietness, for beauty is truth, and truth is goodness and love.'* KRISHNAMURTI
35. It is designed as, an ideal setting for inquiry into the whole of life. The elements of Brockwood Park complement each other and form a unique whole. The Krishnamurti Centre is a quiet retreat centre designed for adults to explore the work of Krishnamurti and its relevance to their lives.
36. The venue operates as a 24/7 entity alongside term times in the school and specific managed retreats in the Krishnamurti Centre. People arrange individual retreats throughout the year, and guests can arrange their own study, use the library, walk in the grounds and local area, and inquire informally with others.

37. The Foundation is located in Brockwood Park and set in over forty acres of grounds amongst the ancient woods and the rolling hills of the beautiful and peaceful Hampshire countryside, within the South Downs National Park.
38. The Foundation actively publish authentic books, curated articles, and quotes, and has an archive of free video and audio, social media and podcast projects.
39. The philosophy of the Foundation clearly aligns with the South Downs National Park. Where the *'landscape rich in folklore and legend that has inspired generations of writers, artists and storytellers who have flocked to witness the beauty of the rolling chalk downland and the wooded heaths of the National Park. It's been a place of worship for centuries, nurturing a spiritual and emotional connection in those who spend time here'*. South Downs National Park.

Festival

40. I am aware that there have been 2 smaller events at the location in previous years, the last being in 2022.
41. They were much smaller than the proposal to bring in crowds of two to three thousand people onto the site. There is also a suggestion that the number might exceed 5000 if approval for this event is granted.
42. During my discussions with Mr Power, it became apparent that the first event was allowed to proceed with certain guarantees being made by the event organisers. Unfortunately, the organisers failed to live up to their obligations and the event of some 500 festival goers was deemed to be disruptive, noisy, and chaotic, the cause of many nuisances to the centre.
43. I am also led to believe that the second event that was objected to was permitted to go ahead and was equally as disruptive to the local community.

44. As a result of their experience during 2 small festival events and the failings of the event organisers as described by Mr Power the Krishnamurti Foundation object to the presence of the festival and the application for a Premises Licence.
45. The objection is based upon the 4 Licensing Objectives and that the applicants have completely failed to demonstrate that their event supports and properly deals with the promotion of the 4 objectives. The event will undoubtedly have a negative impact upon the Foundation, those employed and resident at the centre, people at the centre undertaking individual retreats, and the wider community.
46. The location of the event, in close proximity to the Foundation will undoubtedly cause a number of nuisances which do not appear to have been mitigated.
47. Given the purpose of the Foundation I have no doubt that its purpose will be adversely affected for over a week. I believe that the only way to preserve the reputation of the retreat and provide the sanctity it offers its clients will be to close its doors for the duration of the event.
48. This will have a debilitating effect on the international reputation of the Foundation as the granting of the permanent licence will encourage the festival to grow.
49. Such a result is not a proportionate outcome for an established sanctuary and may well have a devastating effect.
50. I have not seen all the relevant documents that should support such an application and I am unaware that they are in existence.
51. If there were to be a lack of openness and transparency with this application it would be a significant concern for me. It would undoubtedly be an indicator that the 4 Licensing Objectives were not at the forefront of the application or a key concern for the applicant.
52. I am also aware that there is a land covenant issue with the proposed use of the land immediately adjacent to the Foundations buildings.

F1 Acoustics noise management plan.

53. I am not qualified to comment upon the technicalities of the noise management plan produced by F1 Acoustics and will leave it to Sustainable Acoustics to do so. My concerns relating to the various sources of noise caused by this event are set out further in my report.

Application from Brockwood Entertainment Ltd

54. The application is for one event per calendar year, for no more than 5 consecutive days.

55. The application requests

Films (indoor and outdoor)

Thursday	14.00 to 21.00
Friday and Saturday	14.00 to 0000
Sunday	14.00 to 21.00

Live and recorded music and anything similar (indoors and outdoors)

Thursday	14.00 to 22.00
Friday and Saturday	12.00 to 02.00 (the next day)
Sunday	12.00 to 23.00

Late night refreshment (indoors and outdoors)

Friday and Saturday	23.00 to 04.00 (the next day)
---------------------	-------------------------------

Supply of alcohol (for consumption on the premises)

Thursday	14.00 to 22.00
Friday and Saturday	12.00 to 02.00
Sunday	12.00 to 23.00

56. The proposed schedule of conditions recognises that this is a significant event where it is anticipated that 2000 people will be on the site in 2024 and 3000 in 2025.

Proposed schedule of conditions.

57. Section A4 Safety Advisory Group.

58. The suggestion that there would be a minimum of one Safety Advisory Group meeting before each event and that this could be eliminated if the chair of the meeting agrees.

59. Given the size of the event I am of the view that one Safety Advisory Group meeting would be inadvisable.

60. Section A5 Event Management Plan

61. I note that the section highlights that the initial event management plan would be submitted to the Licensing Authority at least 120 days before the event is held.

62. There are now about a 100 days to the event. It may be that the plan has been submitted and that I have not had sight of it for this exercise.

63. Given that the applicant has produced an acoustic report that deals with the management of sound and the specific mitigation measures that will be put in place to ensure that the potential for noise nuisance event is effectively managed (Prevention of public nuisance objective). I am surprised that the same attention to detail is not provided for the management of all 4 Licensing objectives.

64. Within the paragraphs highlighting the Event Management Plan there is a proposed suite of policies.

65. A licensing application must specifically address the 4 licensing objectives supported by a thorough risk assessment, so that the Licensing Sub-Committee has confidence that any venue is competently managed for the duration of the licence.

66. Therefore, I would have expected each of those policies to have substance and structure for the information of the Licensing Sub-Committee, rather than just the title of a policy.
67. The anticipated number of people is known and the operator knows the site. At the very least each of the policies should have a basic standard operating procedure around 'who' will undertake the role, 'how' it will be implemented and managed, 'where' the locations that are linked to the respective policy, and 'when' the times of operation and the reasons for the timings.
68. The 'why' is known; It is to ensure that the Licensing Sub-Committee have confidence in the operators, that they understand their responsibilities, and that the 4 licensing objectives are at the forefront of the event. It is to safeguard those working at the event, those attending the event, and the community impacted by the event.
69. I see no reason why the operator of a music festival should be treated any differently to other venues (in buildings) where there is an expectation that policies that link directly to the Licensing Objectives are developed and readily available to the licensing Sub-Committee.
70. Given that it is less than 120 days to the event, the draft Management Plan should be in existence. Therefore, I would have expected each of these policies to be completed and produced so that the Licensing Sub-Committee had confidence in the management of the licensing objectives during the event.
- 71. Section A9 Management.**
72. I am aware, through an internet search, that a festival has previously been held at this location. That being the case the Event Management Plan should already be in existence and with the Licensing Authority. The draft plan should be submitted 120 days before the event, it is now some 100 days away.
73. It may be that this information is available for the committee. Similar to the details supplied for the noise management arrangements.

Proposed conditions for the 4 Licensing Objectives.

74. Crime and disorder objective.

There are 4 proposed conditions for this objective.

- Training.
- Refusals and incident records.
- SIA security staff.
- Communication.

75. The policies that should underpin this objective appear in a headline list linked to the event management plan for the Safety Advisory Group. There is no detail accompanying any plan.

76. Public Safety

This objective proposes 3 conditions.

- Searching
- Glass
- First aid

77. There is no specific detail around searching mechanisms for the event. The term 'Appropriate measures will be in place' is used. Such a term is open to all sorts of interpretation and would be wholly inadequate in all applications that I have dealt with.

78. Glass will not be permitted in public areas and drinks served in plastic cups etc. Any bottled drink will be decanted.

79. This condition, along with the search condition, does not identify what will happen if those attending bring their own bottles and glassware.

Prevention of Public nuisance.

- Noise

80. This proposed condition focuses solely upon noise and the noise management plan.

81. The focus upon a single issue for this objective should be a cause for concern as the applicant does not appear to have a grasp of the types of nuisance issues that may arise during a multi-day event in the open air.
82. An environmental audit and risk assessment may have helped the applicant appreciate that the potential for nuisance at such an event extends beyond noise.

Protection of children from harm.

- This licensing objective is covered by the standard licence conditions.
- Challenge 25
- Disclosure and barring service checks.
- Age

83. Statement of Licensing Policy

84. The 2024-2009 policy was introduced on the 7th February 2024 and is pertinent to this application.
85. The following paragraphs are extracts from the policy.
86. *The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.*
87. *The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned.*
88. *The availability of Police resources to deal with crime and disorder problems arising from the operation of licensed premises will be taken into account when considering applications.*

89. *As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.*
90. *Applications must be accompanied by an Operating Schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the four licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed in Part 4 of this Policy, need to be considered carefully and measures included in the Operating Schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.*
91. I have only worked with the documentation that has been supplied to me and the following comments are based upon the assumption that there are no other relevant documents to support the application.
92. Other than the audit and risk assessment undertaken by the acoustic company for the noise element of the application. The applicant appears to have failed to *“undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule”*.
93. The applicant has listed a suite of policies in support of the application that will be placed before the Safety Advisory Group. It is no more than a list and the policies themselves do not appear to have been developed.
94. The governance, development, and responsibility of the authorities 4 Licence Objectives is the provenance of the Licensing Committee. I find it unusual that an applicant has apparently delegated the responsibility of the licensing

objectives to the Safety Advisory Board by suggesting that the SAG will agree the policies that underpin the licence schedule.

95. The focus of the application seems to be the SAG and not the Licensing sub-committee!
96. It should be for the Licensing Sub-Committee to determine whether the policies are relevant to the application and that they are fit for purpose and aligned to deliver on the 4 licensing objectives as highlighted in Part 4 of the council's policy.
97. This is not an insignificant event. The potential for 2000 people to be on the site at peak times requires attention to detail.
98. The absence of a thorough risk assessment in respect of the 4 Licensing Objectives, the lack of detail in the list of respective policies, and absence of the event management plan will hinder the Licensing Sub-Committee when they are determining. *'The balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.'*
99. *And to assess the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned.*

South Downs National Park

100. Whilst the SDNPA does not wish to make a formal representation, it has highlighted that it is desirable to consider the Licensing Objective that relates to the Prevention of Public Nuisance.
101. The letter highlights the public nuisance elements that will impact upon the rural nature of the area and the tranquillity of the National Park. They also highlight the impacts upon users of the public footpath running through the site.

102. There is no doubt that the closure of the footpath and the failure to take account of its existence and to mitigate the impact of the closure will amount to public nuisance for those walking the route during this period.



103.

Traffic Management Plan

104. The plan has been developed by Last Mile Services Ltd, dated the 29th February 2024.
105. There do not appear to be any revisions or comments as a result of community engagement where concerns about the plan may have been raised.

106. Elements of community engagement have not been disclosed and I am unaware if concerns have been ignored or there were no concerns raised by the community.
107. My first observation is that the traffic management plan is at odds with the Premises licence application.
108. The live event details in the Traffic Management Plan are significantly different to the application for a premises licence.
109. The Traffic Management Plan states that there will be no event on the Thursday and the Sunday.
110. However, the application requests a premises licence running from the Thursday through to the Sunday.
111. Having checked the festival website for 2024 the event is clearly advertised as running from the 12th – 14th July 2024 for 2 nights.
112. The application may be viewed as misleading as it appears to be a mechanism and a clear intention to extend the festival in future years by obtaining a licence that includes and additional 2 days.
113. The TMP only deals with vehicular traffic. No mention is made of pedestrian traffic that may wish to traverse the site during the festival period which would include the set up and dismantling of the site.
114. The attached map highlights that there is a footpath that runs across the site. By my estimation this footpath will sit within the main area of the site. It will run through the camping area and along the main access and egress route to the festival site.
115. The map supplied with each part of the application seems to highlight that the area will be fenced of and will deny walkers any access to the footpath.

116. Absolutely no provision has been made to ensure free passage along a public footpath at a time of the year that it is likely to be popular with people walking in the South Downs National Park.

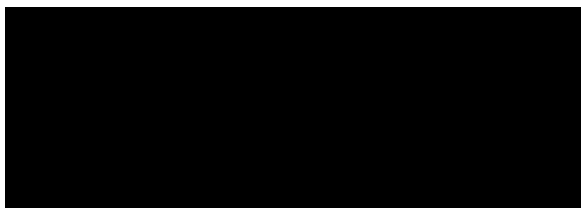
117. I am of the opinion that this failure will undermine the Public Nuisance Licensing Objective for those individuals that wish to walk the South Downs National Park over a number of summers days and evenings. See the comments made by the South Downs Nation Trust in their letter dated the 5th March 2024.

Conclusion

118. There appears to be a lack of openness and transparency with this application and a failure to adequately address the 4 Licensing objectives.

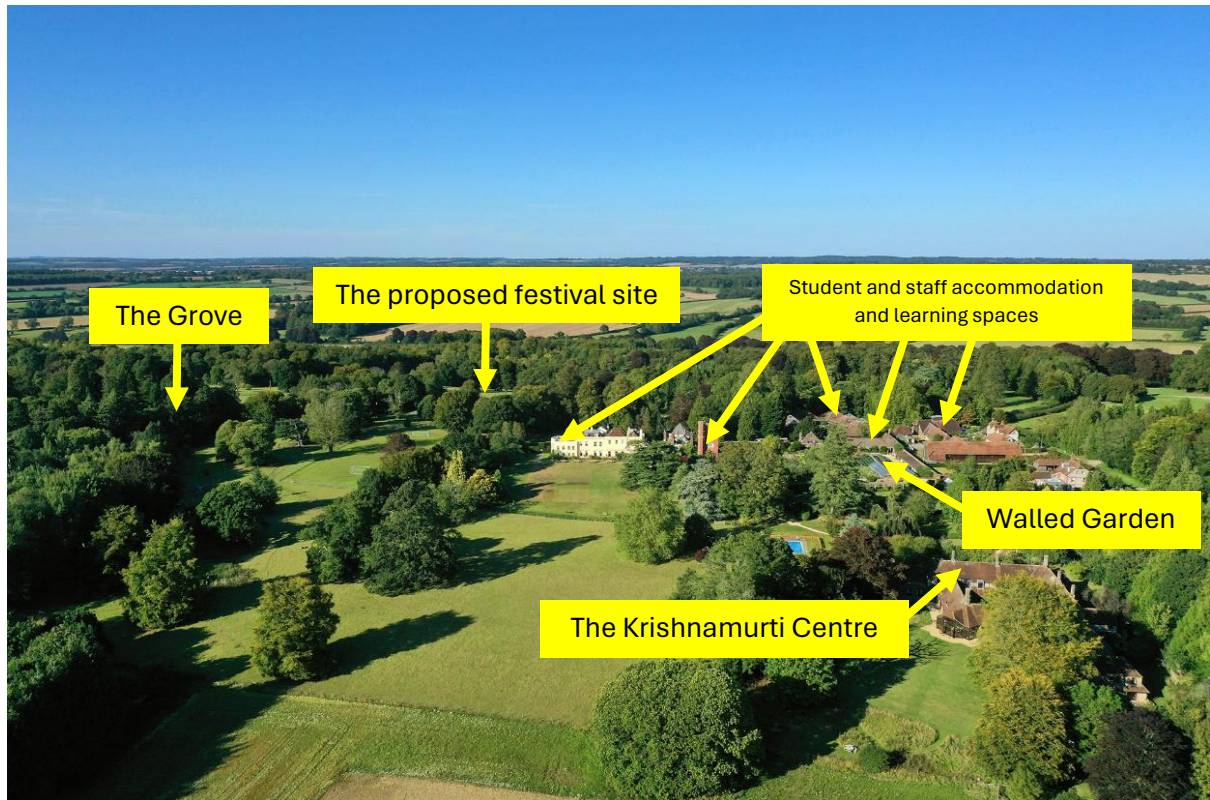
119. Based upon the documentation that I have been given I would (in my previous roles) have significant concerns.

120. There is every indication that the 4 Licensing Objectives are not at the forefront of the application or that they are a key concern for the applicant. On that basis I would have ensured that a robust representation was made to object to the application.



4th April 2024

Exhibit 1: Brockwood Park: Photos of the Buildings and Surrounding Areas





The walled garden



The Grove – a special and silent place for retreatants and residents alike. The proposed festival campsite and parking sits 50m from the edge of this area.



The Krishnamurti Centre



Exhibit 2: Communication/Social Media posts pertaining to the event in 2022

In 2022, the event was held over two days (9th and 10th July) and we understand a temporary event notice was used. It caused significant trouble due to the around 600 people who attended.

There was excessive noise before and after 11pm, trespassing onto the school site, littering, and traffic issues. The organisers have since apologised to us. Running a retreat centre next to this event is impossible, and we question why a licence would be granted for an event that essentially puts us out of business for two days, with immeasurable damage to our reputation as a quiet and serene place for retreat.

- Before the event we came across the following post on the Festival Instagram Channel which told people to head to the Grove for a 'naughty third music stage' which was quite disturbing for us considering the significance of the Grove to the charity and its uniqueness in the parkland.

← Posts



19 likes

brockwoodfestival 🌿Clarkus🌿

Clarkus is holding the fort for any DnB head out there, being our one and only DnB DJ at Brockwood. Clarkus is breaking into the festival circuit, last week he was causing a ruckus at El Dorado and is jetting off to Tomorrowland after Brockwood. He normally plays for @Unorthodox who are making moves providing a platform and celebrating the queer community in the DnB scene. Head over to The Grove, our third stage, for a naughty one @ 18:30

View 1 comment

6 hours ago



brockwoodfestival



Following the event, we found the following post on the Festival Instagram Channel:

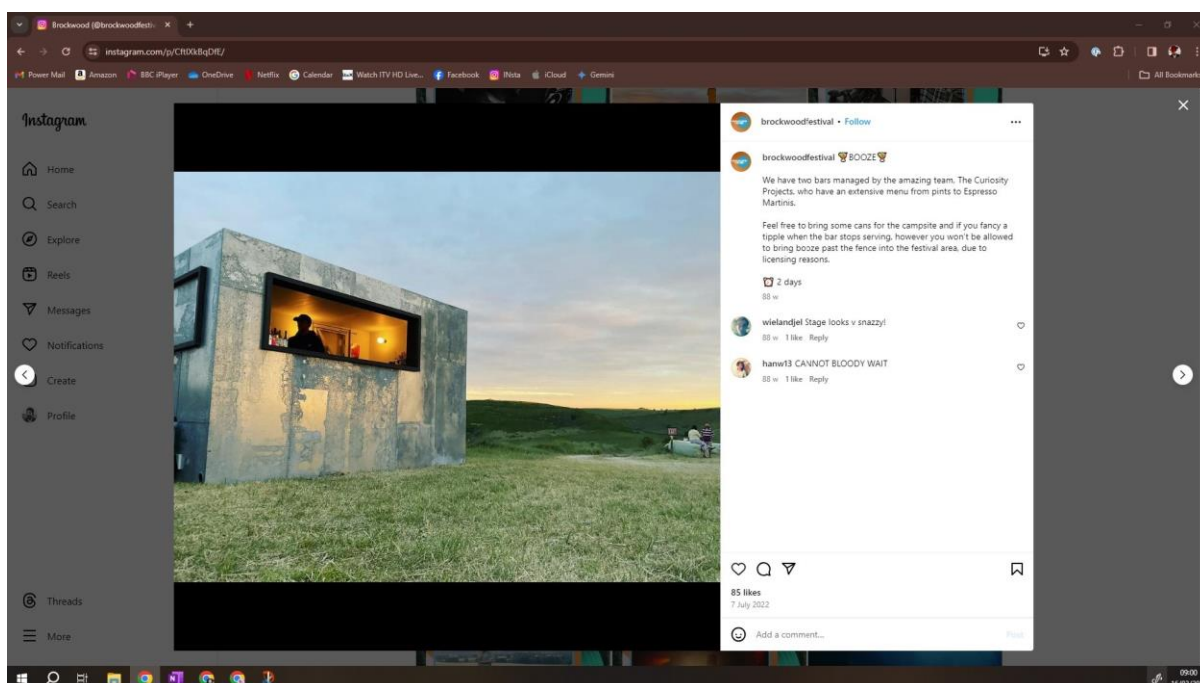
- Here the festival organisers are communicating that although there were ‘less desirable parts, like the noise restrictions’, the ‘more we adhere to all that stuff now, the better licence we’ll get for future years.’ We are concerned that they seem to consider the licence as permission to do what they like in the future.



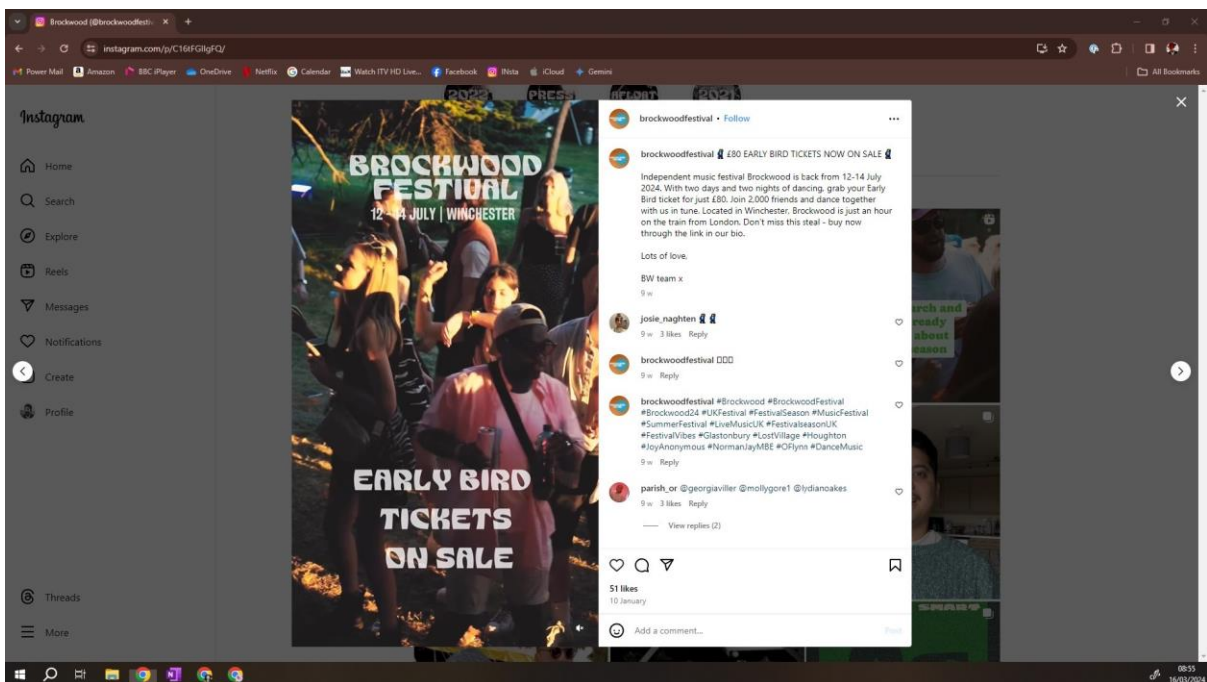
Exhibit 3: Social media posts associated with the current application

Below are a range of posts from the festival organiser's social media feeds that are of concern to us as they encourage excessive noise, drunken behaviour and a disregard for the process of application for a licence. In addition to these, we have seen (but not saved) text from the festival website that describes the festival as, 'inhibition free', and 'a legendary party'. Both of these statements could be interpreted as an encouragement to abuse alcohol and drugs while at the festival, should the licence be granted.

- Here the organisers are encouraging people to 'bring some cans for the campsite and if you fancy a tippie when the bar stops serving'. Clearly, encouraging drinking after 2am is questionable if they are hoping to reduce noise in the early hours. We also have concerns about campers bringing portable speakers and continuing the party after the official stages have finished.



- Here the organisers are selling tickets (and in other posts boasting about how many have been sold) before the licence has even been granted. We have concerns that this lack of respect for the appropriate steps and right behaviour is not restricted to the application of the licence.



- These last 2 posts emphasise the organiser’s plans (and those planning on attending) to ‘dance all night’ and that the proposed festival is going to be ‘some party’.

Instagram

Home Search Explore Reels Messages Notifications Create Profile

Threads More

brockwoodFestival • Follow

brockwoodfestival We can't wait to welcome @meggyward to Brockwood this July 🎧👋

She is known for creating a bassline heavy and synth driven sound that'll keep you dancing all night long, she's one you won't want to miss!

The countdown is on... #Brockwood24

4 d

masquenada.ldn Whoooo hooooo

4 d Reply

31 likes
4 days ago

Add a comment...

08:56 16/02/2024

Instagram

Home Search Explore Reels Messages Notifications Create Profile

Threads More

brockwoodfestival • Follow

Original audio

brockwoodfestival Wave 1 Artists (a-z)

Brockwood Festival is 2 nights, 1 hour from London & Bristol 📍

5 w

tibasko_ Let's have it 🎧

5 w 3 likes Reply

View replies (1)

davidsheerin let's gooo can't wait 🎧

5 w 3 likes Reply

View replies (1)

gardnauk some party this is going to be 🎧🎧🎧

5 w 2 likes Reply

View replies (1)

masquenada.ldn @tibasko_ yes boys! 🎧🎧

5 w 1 like Reply

View replies (1)

beast_jane 🎧 trailer🎧

5 w Reply

dukeboara 🎧🎧

5 w 1 like Reply

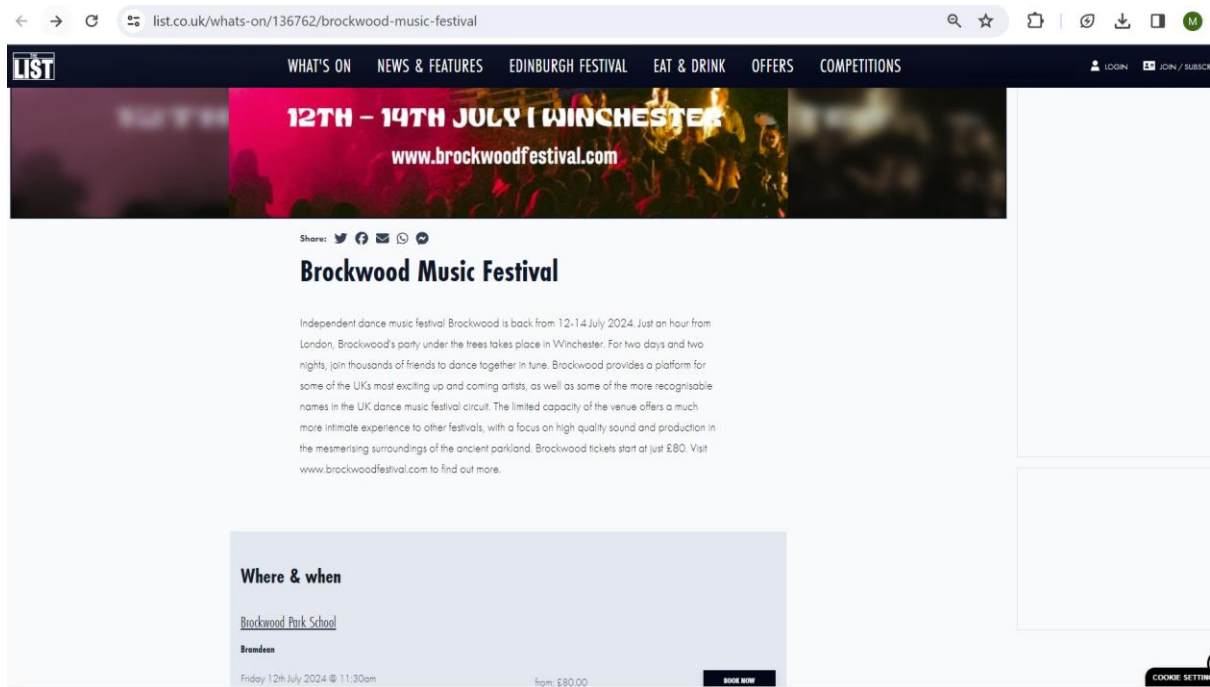
111 likes
7 February

Add a comment...

08:56 16/02/2024

One of the promoters selling tickets with the location of event as Brockwood Park School

- The List is one of the paid promoters currently selling tickets for this proposed event. As you can see below, the location of this event (Where) has been put as Brockwood Park School.



And if you click on Brockwood Park School, the way it's been displayed shows that the festival is a project of Brockwood Park School. You can see the URL in the screenshot below which is <https://list.co.uk/venues/20380/brockwood-park-school> which can be very misleading to the charity and school stakeholders such as alumni, parents and donors.



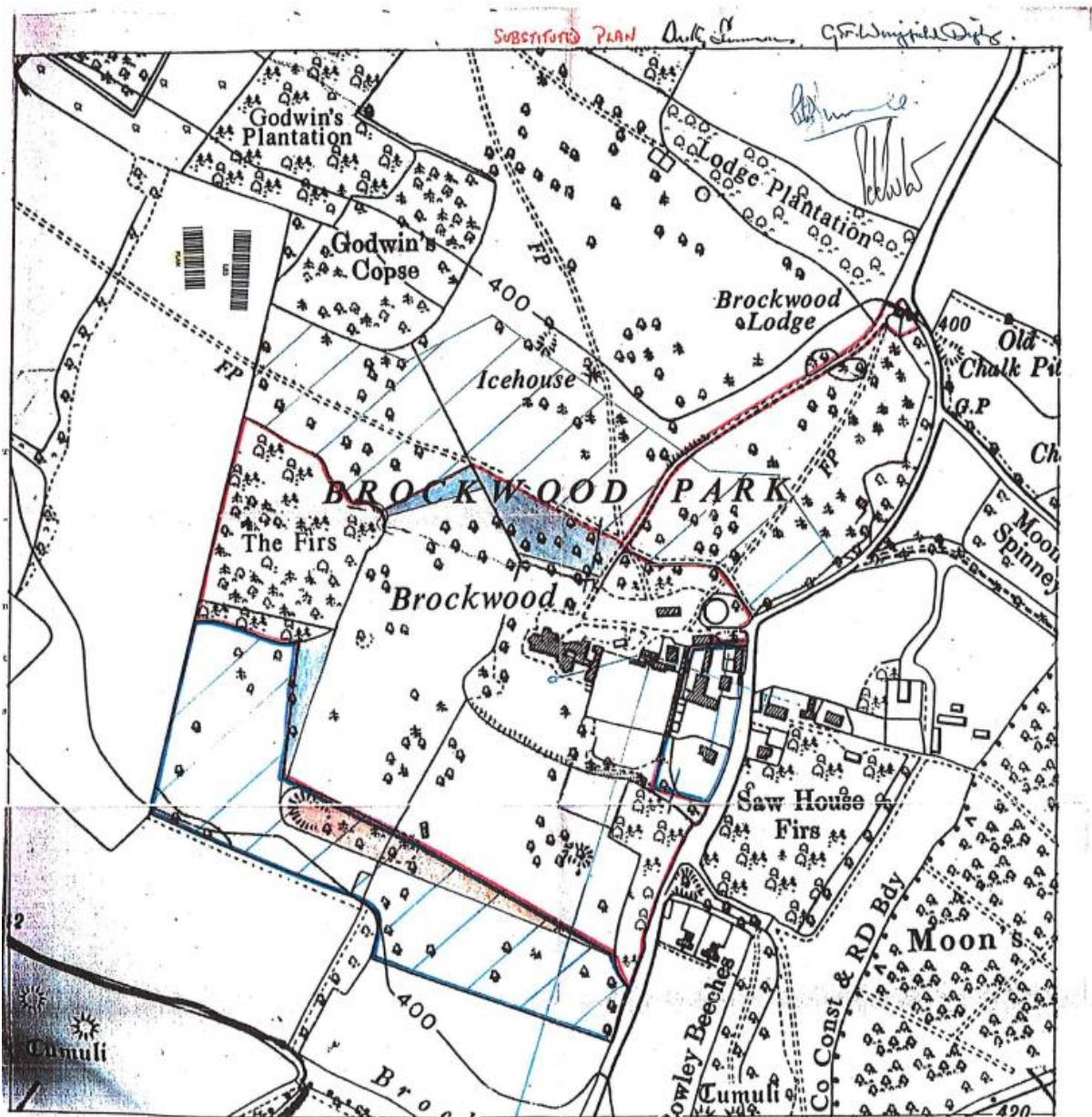
Brockwood Park School

Projects

- [Brockwood Music Festival](#)

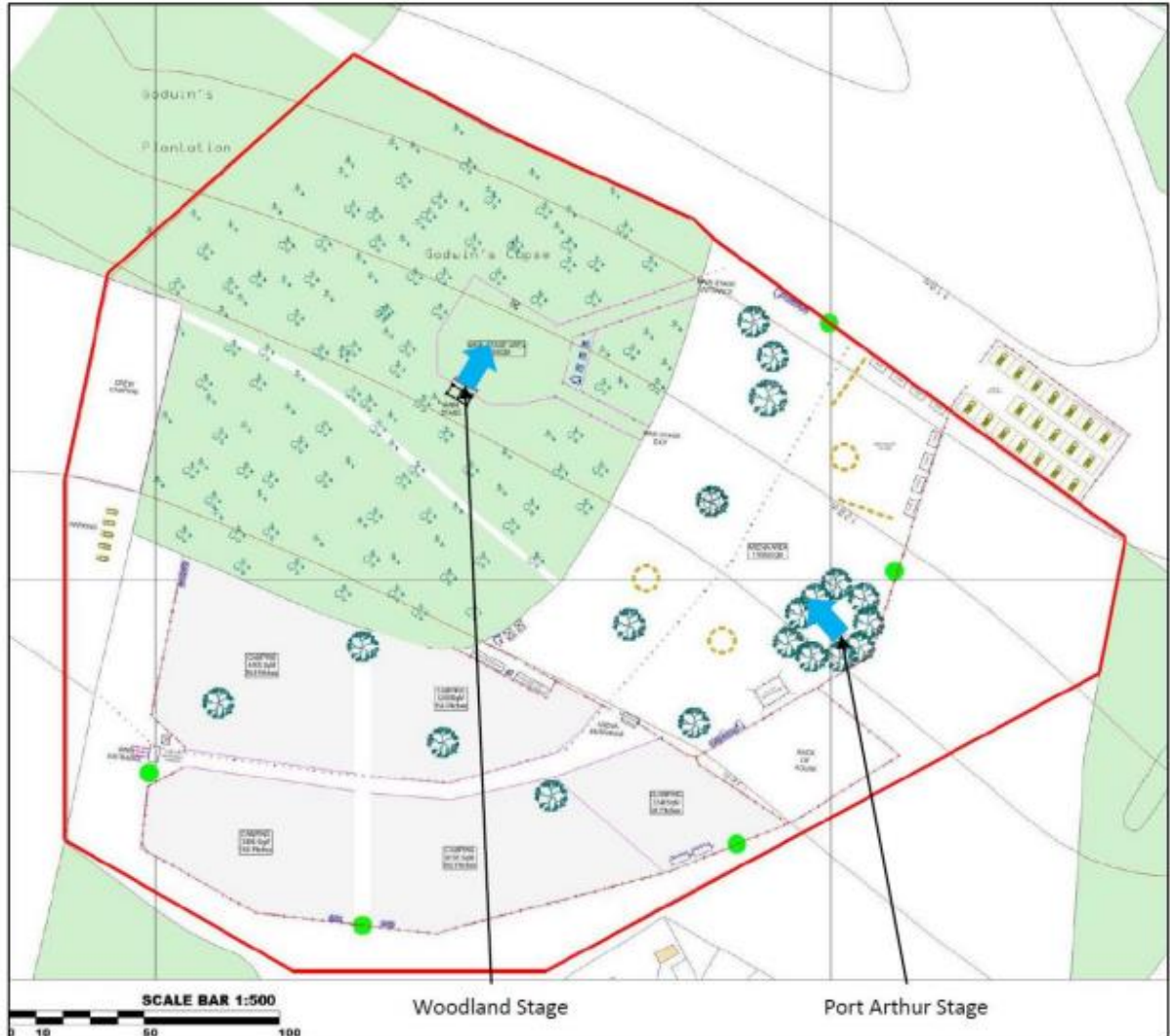
Exhibit 4: Restrictive Covenant covering the proposed festival site.

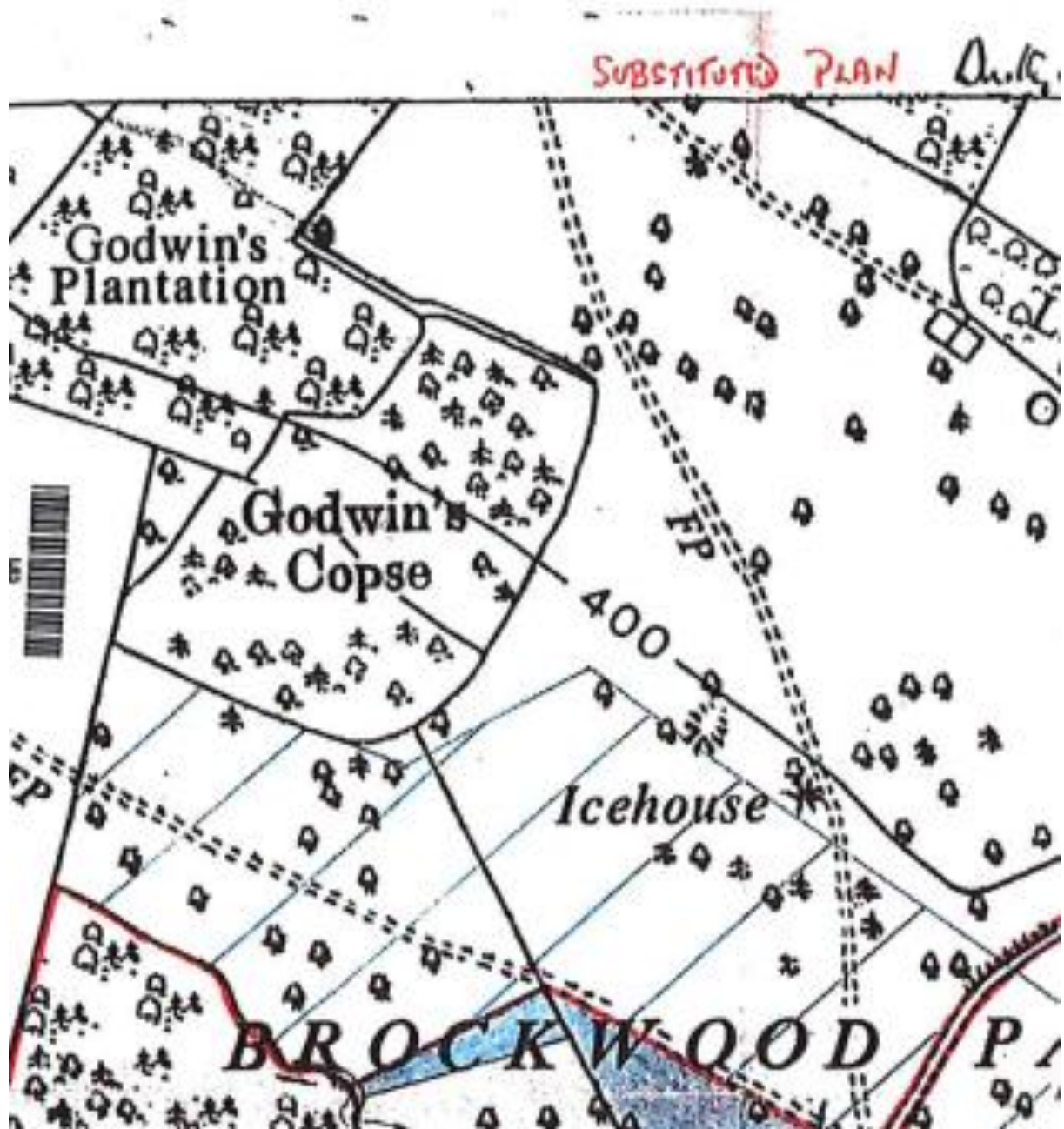
Below we are sharing part of the conveyancing documents that were drawn up in 1968 when the Trust bought the land from the previous owners. They detail a restrictive covenant that does not allow any use of the land indicated below in the blue hatched area to be used other than, “for purposes in connection with the practice of farming forestry sporting or any other agricultural or rural occupation”.



- Below we are including the site plan for the proposed festival (included in their noise management plan) along with a section of the above map showing that part of the festival site falls within the land covered by the restrictive covenant. Although the fine details of the location of the covenant land will need to be verified, you can see that the areas marked on the site plan as ‘camping’, ‘back of house’ and ‘glamping’ fall under the restrictive covenant.

Figure 4.1: Site Layout and Sound System Locations





BEFORE THE WINCHESTER CITY COUNCIL LICENSING SUB COMMITTEE

BETWEEN

BROCKWOOD ENTERTAINMENT LIMITED.

-v-

KRISHNAMURTI FOUNDATION TRUST

WITNESS STATEMENT OF GARY PRIMROSE

Introduction

- 1) I am a Trustee and sit on the Board of Trustees of the Krishnamurti Foundation Trust (also referenced as "KFT" in this statement). The Krishnamurti Foundation Trust bought Brockwood Park in 1969 after an extensive search for a suitable site. It wanted to start an international, alternative boarding school in the English countryside in beautiful natural surroundings, now set within the South Downs National Park. I append as Exhibit 1 a number of photos of the buildings and surrounding areas that make up Brockwood Park.
- 2) The school that started the same year, is the first of four areas of activity occurring at Brockwood now that the Foundation is responsible for, and the school remains the only one of its kind in Europe. The Foundation's approach to education ensures that students have regular contact with nature, spending time working in gardens and on the grounds and in quiet reflection in peaceful surroundings. Teenagers are bombarded by the noise of modern life and the school endeavours to moderate that and keep it at arm's length.
- 3) In 1987, the Foundation completed construction of the Krishnamurti Centre on the grounds of Brockwood. It is a purpose-built international retreat and study centre with 20 ensuite guest rooms. The Centre appeared in King Charles' book 'A Vision for Britain', which championed traditional approaches to design and building. The Centre receives a constant stream of guests who can stay for up to two weeks, and who are there to retreat and study the work of the philosopher, educator, Jiddu Krishnamurti, in a tranquil and conducive setting. When not studying, guests often go for quiet walks on the estate or on some of the many public footpaths in the area. The Centre is also the only one of its kind in Europe and is open seven days a week, throughout the year, except for January.

- 4) The Festival under consideration has occurred twice before in the same location. In July 2021, our neighbours held an event in a field directly adjacent to the school which was described as a 'private party', however, around 500 people attended. The music began in the early evening and was loud up until around 11pm; after 11pm the event moved closer to the school and the volume, especially of bass frequencies, became appallingly loud. The walls of The Lodge (staff accommodation) were vibrating with the sound, and the windows of the school buildings rattled. This continued until 4am.

- 5) In 2022, the event was held over two days (9th and 10th July) and we understand a Premises licence was granted. It caused significant disruption due to the presence of around 600 people. There was a good deal of noise before 11pm, and the noise for the music and revellers was also clearly audible after that time. Trespassing onto the school site, littering, and traffic issues, occurred; the organisers have since apologised to us. There was no event in 2023, so the organisers could, in their words, 'sort out the issues' that occurred in previous years. I reference as Exhibit 2 – social media posts/complaints to organisers etc relating to 2022

- 6) While the school would obviously be closed in July, the operation of the Krishnamurti Centre will be severely impacted should the Festival go ahead. The purpose of the Centre as a place for quiet contemplative study is made impossible by the arrival of a music festival at our backdoor. Why a licence should be sought for an event that does nothing to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park is not clear to any of us.

- 7) I remain very concerned by this application. I was a Head Gardener at Brockwood for over 15 years, thus I have a keen understanding of and concern for wildlife within the South Downs National Park and specifically at Brockwood itself

- 8) **History:**
Brockwood Park estate maps show the parkland began with the Greenwoods in the mid 1800's. It was improved with extensive planting by Lord and Lady Royden in the 1930's to 1950's. Replacement planting was by the present owners the Mortons and KFT after the storms of the 1980's and 90's

- 9) **Landscape:**
The parkland at Brockwood is an important landscape feature in the area and has been recognised by Parks and Gardens UK, Historic England, and Hampshire Gardens Trust <https://www.parksandgardens.org/places/brockwoodpark> and <https://historicengland.org.uk/listing/the-list/listentry/1350848> and <http://research.hgt.org.uk/item/brockwood-park-school/>. We also currently have trees registered in the Ancient Tree Registry. The parkland is also designated by Natural England as a Biodiversity Action Plan ("BAP") Priority Habitat.

- 10) **Ecology:**
Parkland is a mosaic habitat with trees having a large canopy and old trees having abundant wood decay which are important for rare fungal species, invertebrates, bryophytes and bats, many of which are red data species. Parkland is an edge habitat which is important for many birds and butterflies requiring the combination of refuge and open areas. Parkland trees are dependent on mycorrhizal fungi in the soil for nutrient transfer and their fungal hyphae will be damaged by compaction. Repeated stress to parkland soils from compaction, drought or water logging will make trees and especially ancient trees much more susceptible to pests and diseases.

11) Disruption to wildlife:

Parkland areas often host diverse wildlife and large events can disrupt their habitats, causing stress and potentially leading to long-term negative impacts on local ecosystems. One specific example of this for this proposed festival is the negative impact it could have on Barbastelle Bats; there are very few breeding sites but we believe there is one at Hinton Ampner. We also recorded them in the grove in the autumn of 2019 so it seems they are feeding along the ridge between Hinton Ampner and our site. This proposed festival in the summer would clearly negatively impact this nationally scarce species. There is also Firecrest breeding on site (we have seen a couple of them in the last month and have taken photos in these couple of occasions). Firecrest is a Schedule 1 bird and it is a criminal offence to intentionally or recklessly disturb [adult birds or young] at, on or near an active nest.

12) Continuity:

There is a further concern of yearly festivals in the parkland. Old and dying parkland trees, a nationally rare habitat, will not be allowed to remain and slowly decay because of health and safety concerns of the festival organisers.

13) I enclose some of the social media posts associated with the current application (Exhibit 3) These paint a very different picture to the proposed suite of licence conditions being offered and give an indication of how this Festival is being promoted and will be managed. It has been very concerning that the organisers started selling tickets for this event before the licence is even considered by the Licensing Sub Committee let alone granted. This is a testament to the lack of expertise and experience required in organising such an event; it also shows a complete lack of regard to all relevant stakeholders

14) One concern for us is the fact that the organisers have no control, not only over who will be buying the tickets but also how the third-party promoters will be promoting to sell the tickets of the events. I enclose one example of this (contained within Exhibit 3) showing that the paid promoter list.co.uk is promoting the event and as you can see in the enclosed under the location/where, it says Brockwood Park School. This is quite misleading for the charity's stakeholders such as parents, alumni and donors. This just goes to show that the organisers have no regard to the risks examples such as this imposes on our charity and that the applicants are not at all aware of the great consequences of the event such as this and their disregard for their neighbours, nature and wildlife, and impacted parties such as our charity.

15) We have had cause to instruct solicitors to write to the landowners concerning the proposed use of the land contrary to the restrictive covenant entered into when the land was sold (Exhibit 4). This expressly prohibits the land from being used for any purpose other than farming. Approximately one third of the proposed licensed area falls squarely within the restrictive covenanted land (Exhibit 4). Furthermore, we have also had to point out to the landowner that the proposed use of the main stage in Godwin's Copse, is subject to a further restrictive covenant in favour of the Forestry Commission, which limits the land for the use of the growing of timber (Exhibit 5). Godwin's Copse is also designated as a Higher Tier in Countryside Stewardship – meaning it needs complex management, such as creating or restoring habits and improving woodland. It is thus dismaying that the applicant is suggesting that this location is suitable for a main stage.

Summary of evidence from others

16) In order to save time at the hearing, I am summarising the evidence of a number of other residents of Brockwood Park who have made representations and would otherwise wish to speak. I can confirm that all of those listed below have had sight of this witness statement and agree that the content of their evidence is "correct."

17) Bill and Leila Taylor

They have been resident at the Lodge at Brockwood Park for over 30 years. Bill has worked for the KFT throughout that time, as did Leila for some years. Leila now has advanced MS and is severely disabled. They were at home for both of the previous events, and the following is a statement written by Bill:

"Due to my wife's disability, she is sensitive to noise and to changes in her surroundings. The Lodge is in a beautiful setting and we greatly value the tranquillity of the parkland and woods that surround it. The first music event, occurring in the field directly opposite was extremely disruptive. The music went to around 4.00am and the bass frequencies made it sound and feel as though someone was outside our bedroom repeatedly striking the wall with a sledge hammer. We complained to the neighbours about this and the second event was less disruptive, as the speakers had been repositioned and steps taken to reduce noise. Our concern now is that the licence application is for a bigger, longer festival to be held on an annual basis, directly next to our home and we do not accept that the full impact of this event is understood or appreciated by the organisers."

18) Thomas Lehmann

Thomas has been working and living here since 2016. Thomas I= was present for both previous events in 2021 and 2022 and witnessed the nuisance both events caused for the local community, particularly in terms of noise and potential disorder and crime caused by intoxicated individuals.

"In 2021 there was a smaller "private" event organised on Saturday 24th July during which I was at the Krishnamurti Centre (further away from the event). It was extremely loud and made regular sleep impossible. It presented an upsetting level of disturbance to myself and the other guests at the retreat Centre who came to the place to spend time quietly and enjoy the beautiful surroundings and the peacefulness of the countryside. I was not at the school that time so cannot say anything about the level of disturbance at the school even though some of my colleagues reported very high levels of noise and the rattling of the windows at the main house.

I was at the school and in my flat during the event of 2022 which was organised as an official festival on 9th and 10th July. I witnessed the disturbances caused by the preparations and the actual festival which brought more than 600 people to the site. Again, the noise made it impossible to enjoy oneself during the day and to sleep at night. What we considered insufficient security measures caused considerable concern and anxiety at the school as ours is an open site (with low levels of protection and supervision during summer) directly adjacent to the field where the festival happened and it seemed easily possible for curious or intoxicated festival goers to walk up our drive and wander around our property.

The next day we did indeed find some signs of trespassing that had happened onto our site. Apart from these issues the level of noise was simply very disturbing and not appropriate for the location, a beautiful national park with rare and sensitive wildlife that many people visit to enjoy the quietude and the beauty of the landscape. At the time, we considered this festival a one-off event

and did not understand the full implications but it became clear that running events such as these (festivals that come with a particular type of intrusive loud music and alcohol sales until the early morning, as well as other "unofficial" substances) here leads to considerable levels of public nuisance and potential for disorder."

19) **Charley Lee**

Charley has been living and working here since 2022

"In 2022, I was working at the school as a staff member at the Centre. I spent my evenings on the Brockwood Park School Site. Throughout the duration of the festival loud music was heard around the entire site, significantly disrupting the atmosphere at our Retreat Centre. Guests reported the noise and often shared they could hear it at night (whilst they were supposed to be sleeping). I also was disturbed by the noise as well as having to be alert to trespassers of an evening. This had a huge impact on me as I would work long shifts at the Centre and struggled to rest in my home."

20) **Charline Sowa**

Charline has been living and working here since 2017. Charline was not present in 2021 but was in 2022

"In 2022 I was disturbed throughout the night by the noise and music at the festival. I experienced significant worry as there were reports of people trespassing on the school site which lead to us having to be alert to intruders. I struggled to sleep on the evening of the festival due to the excessive noise."

21) **Lorena Magallanes**

Lorena has been living and working here since 2019:

"My flat is usually quiet and isolated from outside noise; this tranquillity and quietness is one of the reasons makes living at Brockood so special. When the event was held in 2021, the music was unbearably loud until very late in the morning and I could hear it from my flat. I remember they also had fireworks around midnight which disturbed my sleep. I could also hear birds flying off the trees because they were scared by the noise of the fireworks. In 2022, the music was as loud as the year before and unbearable. I also remember walking down the road the days after the festival and there was litter spread all over the lawns, which took a couple of days to be cleaned completely."

22) **Emma Birt**

Emma has been living and working here since 2018:

"I live in flat WW5 in Brockwood Park School. My kitchen window overlooks the proposed festival site. During the time of the smaller festival/party in 2021, the impact of the sound from the music was so strong that my windows were rattling with each beat. The noise during the day was horrible and very disturbing. I can remember having to leave my home, to get some peace. During the evening and at night it became unbearable; I tried, unsuccessfully, to block out the noise with ear plugs, but I couldn't sleep. In the end, I think the music stopped at around 3 am."

23) **Alexandro Lopez**

Alexandro has been living and working here since 2020:

“When the event was held in 2021, during the night I could hear the music while I was in my room. I was woken up many times. I was also quite worried for the wildlife. In 2022, knowing that it was going to be a bigger event, I was already worried that people from the festival could enter Brockwood Park School property and the noise levels. I could hear the music from my room. I couldn't sleep properly. The next day of the event I went for a walk and there was some rubbish on the surroundings”.

24) **Robert Beddow**

Robert has been living and working here since 2018:

“In 2021, I was living at Dell cottages yet could hear the 'music' playing loudly even with windows closed. My work is in a management role so unlike teachers I need to work in the school holidays. The lack of sleep and security issues were very distressing. In 2022, I was living in the school buildings much closer to the festival. It was very hard to get any sleep or rest with the loud noise and we also had security/trespass issues which caused distress and operational problems. I had assurances from the organiser that the noise levels would be managed but it was much louder than we had been led to expect.”

25) **Conclusion**

We are very concerned by this application for a premises licence for a “Dance Music Festival.” It is our view and which is sadly supported from first hand experience, that the applicant company and those associated with it, are incapable of operating this Festival in such a way that it would avoid impacting significantly on its surrounds in which it is proposed to be held. We are dismayed that the applicant believes that it is still appropriate to locate this event in such a sensitive location, despite the warning signs from previous years. This application does very little to address this and has either been made in ignorance of very clear Policy objectives regarding use of National Parkland and is entirely oblivious to the prohibition on use imposed by the restrictive covenants. The applicant has failed to promote the licensing objectives on the two previous occasions when this Festival was held. It has not sufficiently addressed the issues that will arise once again if this licence is granted, but it has also failed to address at all the “fifth” Licensing Objective which the Licensing Authority is duty bound to promote - *“Conserve and enhance the natural beauty, wildlife and cultural heritage of the Park”*

Statement Truth

I believe that the facts stated in this Witness Statement are true.

Signed: 

Name: Gary Primrose

Dated this 5th day of April 2024