

IN THE MATTER OF A PREMISES LICENCE APPLICATION

BROCKWOOD PARK

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SUBMISSIONS ON BEHALF OF  
APPLICANT

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**Introduction**

1. The Applicant has submitted an application for a premises licence to accommodate a continuation of events that have been held on parkland at Brockwood Park, Hinton Ampner.
2. As part of that application, a comprehensive operating schedule was provided and professional assistance sought in its completion. Consultation also took place and, following discussions post-submission, the schedule was amended to include the control measures now included in the application.
3. Post-application, a revision has also been made to the application to exclude the areas of land that are covered by a restrictive covenant.
4. A fundamental aim of the event is to raise funds for charity and so far around £5,000 has already been raised for MIND.

**Representations**

5. The application has attracted a number of representations and foremost to these are a group of representations that are associated with the Krishnamaturi Foundation Trust, on behalf of whom a number of documents have been provided.
6. The representations address themselves to the licensing objectives and a number of other matters that fall outside of the sphere of licensing. The licensing authority will be well-versed in determining those issues which are relevant, which in this case fall under the headings of public safety, prevention of public nuisance, crime and disorder.

**Noise**

7. As part of the application, a noise assessment was carried out by a company that is well experienced in events. A profile of Mr Miller from the company is attached along

with examples of the work undertaken. It will be seen that the experience is extensive and covers events of a similar nature to that for this instant application. This contrasts with the expertise of the Representor's consultant, who has produced a report that seems to be more biased towards a planning application and a built environment event. This is of particular relevance when considering that planning permission deals with a permanent arrangement and in this instance, the event is limited to a number of days per annum. If this were an application for a night-club or late-night bar but in this instance the relevant guidance is the "Code of Practice on Environmental Noise from Concerts, which particularly states that ;

*"The use of inaudibility as a guideline is not universally accepted as an appropriate method of control."*

8. Indeed, the courts have previously held that inaudibility is an imprecise and unacceptable requirement in a licence condition (cf Uttlesford District Council v English Heritage [2007] EWHC 816 (Admin), a decision heard at magistrates court level but then considered in the High Court on the matter of costs, which at that level mentioned the judgement that ;

"... we found that the term 'clearly audible' was not a sufficiently precise condition because it was not a scientific measurement and left too much open to interpretation. It was important that any conditions, as stated in the DCM Guidance, should be expressed in unequivocal and unambiguous terms; clarity and simplicity are required- see paragraph 7.15 of the Guidance."

9. The test here is not whether any sound from the event is audible, it is whether the level of any audibility is sufficient, having regard to the location and ignoring any particular sensitivity of an individual, to cause a nuisance.

10. The purpose of the Noise Management Plan appears to have been misunderstood, in that it is produced to demonstrate feasibility of the event to operate to music noise agreed levels that would not, in the experience of F1 Acoustics and the Council's officer, cause a nuisance. It was not intended to be a detailed Noise Impact Assessment. That is a matter to be covered by the proposed conditions in the production of event-specific plans. No single noise assessment can account for every event, because events can change significantly in style and dynamic. It is fundamentally

important to have a plan which equates specifically for the event anticipated and this is what has been suggested, with a very detailed proposal for such a plan.

11. The plan is of course not the end to the matter, as conditions have also been proposed to set noise limits. These have been agreed with the Environmental Health Officer. The proposals go further still, with a post-event debrief and evaluation which is required to be provided to the Council.

12. It would be very wrong indeed to suggest that an event of this nature cannot be held in the location that is proposed and that no conditions can overcome the objection. Each year, there are many events that happen in close proximity to residential and secluded areas and these pass without major incident. This is the purpose of setting the noise limits and it is then for the applicant to comply with them, or face significant sanctions.

### **Safety**

13. The main issue purported to be relevant to the licensing objective is that of road safety.

14. As with other issues, the preparation of a traffic management plan needs to be event-specific and for that reason there is a proposal for an event management plan that will provide such information.

15. Given the numbers of proposed attendees, the issues raised by the presence of traffic (in connection with the licensable activities) is likely to be limited. Whilst those objecting to the event may suggest that 2,000 people is a large number, the reality is that in the scheme of outdoor events it is relatively small for a festival of this type. The site has significant space available for parking and there are access roads of suitable capacity in the view of the applicant and its professional advisors.

16. Engagement with the Safety Advisory Group has not raised any concerns and the licensing authority has a degree of assurance that the plans to be produced will be sufficient.

### **Consultation**

17. There is no strict requirement to participate in any pre-application consultation with any party, although it is good practice to do so. This is what the applicant has done, both arranging a meeting with local residents and participating in discussions with

responsible authorities on the proposed conditions. The applicant has also participated in meetings of the Safety Advisory Group (“SAG”).

18. Having received representations, the applicant also attempted to negotiate with the Krishnamaturi Foundation Trust, particularly bearing in mind the good relationships that had occurred over many years, despite issues arising from the operation of the foundation’s premises such as trespass onto the land. Offers have been extended to meet and discuss proposals and to enter into a financial arrangement that would mean that the centre did not need to operate over the event period, but it is clear that there is a fundamental objection to events, no matter how well controlled. A suggestion to find common ground that was made on 5<sup>th</sup> May has not been responded to.

19. The applicant remains open to a positive dialogue and does not wish to harm the good relationships that have existed.

### **Historical Issues**

20. Whilst it is appreciated that there have been a number of issues in the past, this has in part been due to a lack of experience. The Applicant has engaged professional advisors to address all issues relevant to the representor’s concerns and in particular Security & Event Solutions have been appointed to be present on site and take responsibility for all aspects of site management, including security, safety, traffic management and noise.

### **Restrictive Covenants**

21. The representations that refer to restrictive covenants have already been addressed by the applicant and the application is now modified to exclude those areas. The issue was not relevant to licensing but in any case now ceases to be an issue because of this amendment.

22. Allied to this matter, the estate operates a working farm which incorporates livestock and from time to time organises shooting events. The applicant will work with the landowner to ensure that these activities are not affected.

### **South Downs Parks**

23. The matter of the location of the venue being within the South Downs Park Authority (“SDNPA”) area is suggested as being a relevant factor in view of the content of the statement of licensing policy. That policy and the relevance of it to licensing proceedings appears to have been interpreted incorrectly by a number of those making representations. The relevance is of course primary in relation to matters relating to town & country planning and not to licensing. The policy statements made in the licensing policy are of no more weight than others made under the same heading, such as those regarding food hygiene and the general prosperity of the area. Most of the content is related to the other regime of Town & Country Planning. The licensing expectation is contained in paragraph 1.6 of the statement of licensing policy. The policy is that applicants are encouraged to contact the SDNPA and to consider any guidance that is offered. Such guidance has been considered.

24. The SDNPA produces a four-page guidance note for ‘large festivals and events’, which recognises the ‘The South Downs National Park is a beautiful and inspiring place to hold organised events. The area offers fantastic opportunities for people to enjoy the special places of the National Park’. The guidance then sets out the aims of the National Park and notes the balance that must be achieved. It would be entirely wrong to suggest that the guidance is against the holding of events. The second page of the guidance is almost entirely devoted to the requirements for planning permission. In relation to the bullet points that are produced by the SDNPA regarding considerations, these will all be contained within the Event Management Plan.

25. There has been engagement with SDNPA and this is referred to in the officer’s report. The SDNPA, having seen the proposals have written to the licensing authority to state “We do not have an objection to the issuing of a licence based on licensing considerations”. The only wish of the SDNPA is to be consulted on the production of the Event Management Plan, to which the applicant has no objection.

26. Addressing the matter of bats, of which no evidence appears to have been provided, the applicant is aware of the potential for disturbance but also that this is a matter which forms a part of another statutory regime, where there are penalties available, such as pursuant to the Wildlife & Countryside Act 1981. It is therefore not a consideration in relation to the grant of the licence, although it is understandable in the

furtherance of an ambition to have a licence refused that an objector will try to raise any point that otherwise seem persuasive.

27. Enquiries have nevertheless been made of the landowner, who despite farming the land is not aware of any bat colony in the area.

### **Summary**

28. The Applicant has no interest in operating an event that causes disturbance to neighbours or the surrounding area in general, nor to give rise to crime, disorder or matters of public safety. It is for that reason that a comprehensive set of conditions have been proposed and included as part of the application.

29. The applicant is also mindful of the needs of the landowner of the land upon which the event is proposed to take place and is fully aware that to retain permission to operate on the land, the event must take place without affecting the landowner's interest as well.

30. Given the comprehensive operating schedule and the work that has been done to improve the event by appointing professional advisors, event organisers and consultants, the applicant considers that the licence is entirely capable of being granted and any issues that may be of concern can be dealt with through the impositions of conditions.

31. In considering the application, the sub-committee will of course be mindful of the point that the licensing authority, nor any of the other responsible authorities, have made a representation on the application and that conditions have been agreed with the authority responsible for environmental protection.

32. Under these circumstances, the sub-committee is respectfully asked to grant the licence with the conditions proposed.

## PROFILE – Entertainment and Events

### Robert Miller - Director

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### Introduction and Experience

Robert holds a degree in Music, Acoustics and Recording BSc (Hons) from the University of Salford, 2005. He started his career in acoustics in 2006, employed by RPS as an Assistant Acoustic Consultant and was promoted to Acoustic Consultant in 2008. In 2012 Robert set up F1 Acoustics Company Limited with Rupert Burton.

Robert has been working in the field of Entertainment and Event sound control since 2008 and has proven experience in: expert witness at Premises Licence hearings; liaison with local licensing authorities; baseline noise assessments; venue assessment, noise management plans; assessments of event feasibility; event sound monitoring and management; and event noise modelling and prediction. In this time Robert has provided sound control advice and services to over 100 festivals and events.

### Qualifications and Memberships

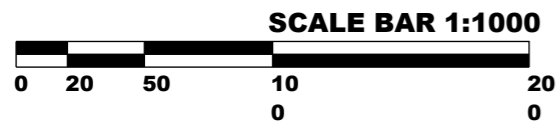
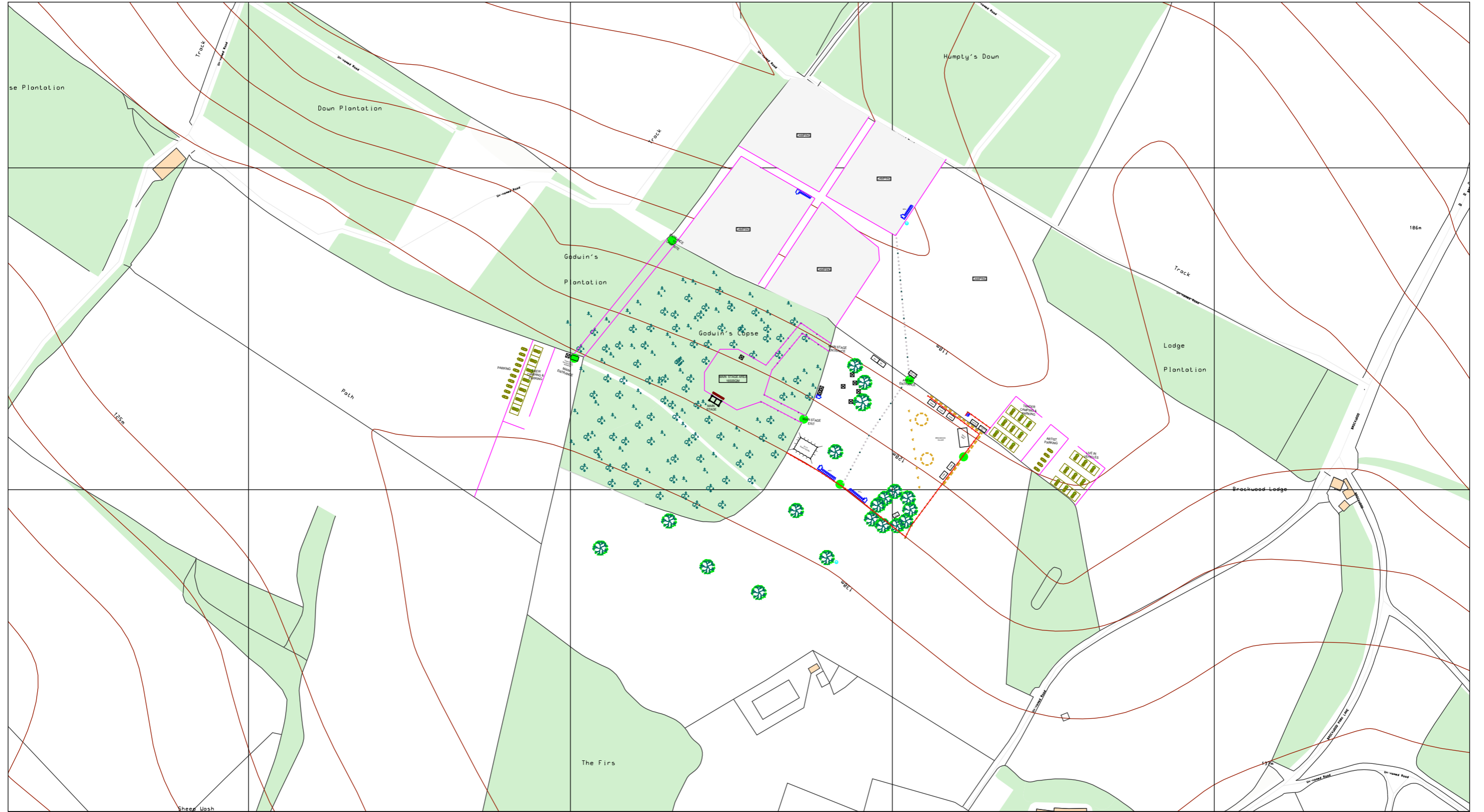
- Music, Acoustics and Recording BSc (Hons), University of Salford.
- Member of the Institute of Acoustics (MIOA).
- Certificate of Competence: Environmental Noise Measurement, Institute of Acoustics.
- Sound Insulation Measurements course, Brüel & Kjær.
- Construction Skills Certification Scheme registered.

## Sound Control Experience

- Glastonbury Festival 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2019 and 2022. Bronze lead (daytime).  
Live at Worthy Farm Filming. 2021.
- Boomtown Fair 2015, 2016, 2017, 2018, 2019 and 2022. Matterley Bowl, Winchester. Sound Control Team Manager.
- Glade Festival 2009. Matterley Bowl, Winchester. Lead consultant.
- Evolution 2009, 2010, 2011, 2012 and 2013. Newcastle upon Tyne. Lead consultant.
- White Air 2009. Brighton. Lead consultant.
- Sanctuary 2010. Catton Hall Estate, Derbyshire. Lead consultant.
- Eurostar Traction 2012. Granary Square, London. Lead Consultant.
- Leeds Festival 2008, 2009, 2011 to 2015.
- BBC Radio 1 Hackney Weekend 2012. Hackney Marshes, London.
- Shakedown Festival 2012 and 2013. Brighton.
- Latitude Festival. Suffolk, 2010 and 2018.
- Sanctuary 2008. Matterley Bowl, Winchester.
- Hope Festival 2013 and 2014. Highams Hill Farm, Surrey. Lead consultant.
- Farr Festival 2011, 2013 to 2018. Newnham, Hertfordshire. Lead consultant.
- High Definition 2014. Eridge Park, Royal Tunbridge Wells. Lead consultant.
- Kendall Calling 2014, 2015, 2016, 2017 and 2018. Lowther Deer Park, Hackthorpe.
- Festival No. 6 2014 to 2017. Port Merion, Wales.
- Masked Ball Summer 2015, 2016 and 2019. Porthleven, Cornwall. Lead consultant.
- Masked Ball Halloween 2015, 2017, 2019 and 2022. Flambards, Helston, Cornwall. Lead consultant.
- Forgotten Fields 2015. Eridge Park, Royal Tunbridge Wells. Lead consultant.
- Detonate Festival, 2016, 2017, 2018, 2019 and 2022. Colwick Country Park, Nottingham. Lead Consultant.
- Glass Butter Beach, 2016. Abersoch, North Wales. Lead Consultant.
- El Dorado Festival 2017, 2018 and 2019. Eastnor Castle, Ledbury. Lead Consultant.
- Common People, Southampton, 2018. Lead Consultant.
- TN32 Festival, Bodiam, 2018. Lead Consultant.
- Tea Party Festival, Windsor Racecourse, 2018.
- Classic Ibiza, Windsor Racecourse, 2018.
- Windsor Racecourse, Race Day Events, 2018, 2019, 2020, 2021 and 2022. Lead Consultant.
- Clapham Common Events 2021. Lead Consultant.
- Southern Sunset Festival 2021 and 2022, Hastings Oval. Lead Consultant.
- Milton Keynes Reggae Festival 2021 and 2022. Lead Consultant.
- Warm Up Festival 2021 and 2022. Newnham, Hertfordshire. Lead Consultant.
- Zen Festival 2021 and 2022. Lead Consultant.
- Rochester Castle Concerts 2021 and 2022. Lead Consultant.
- Electric Woodland Festival 2021 and 2022. Newnham, Hertfordshire. Lead Consultant.
- Forbidden Halloween 2021 and 2022. East of England Showgrounds. Lead Consultant.
- South West Four Weekender 2019. Clapham Common. Lead Consultant.
- House of Common 2019. Clapham Common. Lead Consultant.
- Africa Express: The Circus 2019. Leytonstone. Lead Consultant.
- Bass Jam 2019. Planet Ice, Milton Keynes. Lead Consultant.
- Anthropos Festival 2019. Bygrave Plantation. Lead Consultant.
- Walthamstow Garden Party 2019. Lloyd Park. Lead Consultant.
- Beer Bop a Lula Festival 2019. Priory Park, Reigate. Lead Consultant.
- Hastings Reggae Festival 2019. Hastings Oval. Lead Consultant.
- The Giving Tree Festival 2019. Near Great Gaddesden. Lead Consultant.
- NFL Welcome Zones 2019, 2021 and 2022. Tottenham, South Bank and Wembley. Lead Consultant.
- Alexandra Palace, London. Multiple Events 2008 – 2017. Lead Consultant.
- Victoria Warehouse, Manchester, Multiple Events 2014 – Ongoing. Lead Consultant.
- Starworks Warehouse, Wolverhampton. 2016. Lead Consultant.
- Best Parties Ever, Christmas Parties. 2017, 2018, 2019 and 2022. Lead Consultant.
- Marlay Park Concerts, Dublin, 2016. Lead Consultant.
- Hastings Pier Events, E. Sussex, 2017 and 2018.
- Printworks London, 2018 to 2023.
- The Drumsheds London, 2019, 2020 and 2021.
- Naughty 90s, Brighton. Lead Consultant 2022.
- Somerset House Summer Series 2022.
- Brighton Pride 2022. Lead Consultant.
- London Dockyards 2022. Lead Consultant
- Pub in the Park 2022 (multiple sites).
- Leeds 2023 Year of Culture – The Awakening, Headingley Stadium.



# SITE OVERVIEW



	PROJECT: BRACKWOOD FESTIVAL 2024	CLIENT: BRACKWOOD DEVELOPMENT LTD
	VENUE: BRACKWOOD PARK, BRACKWOOD, ALRESFORD, SOUTH GLOS	DESIGNER: SECURITY & EVENT SOLUTIONS
	TITLE: GENERAL SITE PLAN	SCALE: 1:1000
	DATE: 07/02/24	DATE: 07/02/24
	REF: BF-V2-07-02-24	B