



**MIDKENT ENVIRONMENTAL HEALTH SHARED SERVICE  
MEMORANDUM**

<b>From:</b> Mr John McCullough <b>Environment and Street Scene</b>	<b>To:</b> Licencing
<b>Date:</b> 14th March 2018	<b>Our Ref:</b> 18/503184/GENLIC
<b>License Application : Ref Pending</b>	
<b>Address: <u>Bedgebury Pinetum Bedgebury Road Goudhurst Cranbrook</u></b>	

I have assessed the above application and have the following comments:

I have looked at the Council's Uniform property database and this has indicated some initial concerns back in 2001/2. There was some issues from residents that was looked into and resolve in 2005 the details from these are missing from the system. There was a formal complaint about noise from the concerts in 2007.

The concerts have generally had the format of two days of music with two different sets of artists from around 18.00hrs to 23.00hrs on two consecutive nights. The concerts have been undertaken for around 17 years with relatively little complaints. The Environmental Protection Team monitored events for a number of years without subsequent complaints and allowed the Concerts to proceed without formal monitoring of the noise.

The current proposal to have up to 4 consecutive nights causes us concern particularly as it will include a weekday. We feel that there is not sufficient data to support the current proposal to escalate the number of days from two to four days. The Code of Practice on Environmental Noise Control at Concerts 1995 suggest a incremental reduction in noise from concerts once the number of days exceeds three (see extract table from the code below).

**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

The location of the concert is deemed to be "other urban and rural venue". Thus the code would indicate that up to 3 concerts would require the Music Noise Level (MNL) to not exceed 65dBA over any 15 minute period. From our previous measurements of noise from the concert this level can be achieved. The move to four concerts evokes the MNL not exceeding the background noise level by more than 15dBA over a 15 minute assessment period. We do not have exact figures for the background noise level but would expect it to be 30-40dB or thereabouts over the last four hours of the concert which could result in the MNL not exceeding around 55dB over the 15 minute period.

There is a need to monitor the concerts for a period of time to ensure that the new format does not cause problems. It would also be advisable for the concert to be monitored this year to facilitate the gathering of data in relation to noise control to develop a noise management plan. The monitoring from this and subsequent three day events could in future be utilised to demonstrate the feasibility or otherwise of a four day event or separate event. If the format establishes a good track record of no disturbance the EP Team would evaluate the situation for formal monitoring to cease (as they have done in the past) upon receipt of acoustic reports over a period of time demonstrating ability to control noise levels. In these circumstances we would consider this in the context of a variation with evidential based data supporting this.

THEREFORE I OBJECT TO THE APPLICATION AS CURRENTLY APPLIED FOR unless they accept the following conditions

- 1) That there be no more than three concerts days per calendar year.
- 2) Music shall only be played between until 12.00hrs and 23:00, and on the Friday and Saturday, and between 12.00hrs and 22.30hrs on the Sunday. There shall be no music played on any other days of the week.
- 3) The Music Noise Levels should not exceed  $L_{Aeq,15min}$  65dB or other figure agreed in writing with the local authority.
- 4) The Premises Licence Holder or their authorised representative shall prepare and submit to the Licensing Authority, a Noise Management Plan (NMP) prior to implementing the first three day concert.. The NMP shall deal with, but not be limited to, the following issues.
  - a) How noise from events will be controlled to prevent public nuisance
  - b) How noise from public address systems and other noise sources will be controlled to prevent public nuisance
  - c) The contact details for any acoustic consultant(s) appointed for monitoring the noise. The acoustic consultant(s) should have appropriate qualifications and experience in undertaking noise monitoring.
  - d) The locations of any noise sensitive premises where noise monitoring is proposed.
  - e) The equipment to be used by any acoustic consultant(s) appointed for noise monitoring
  - f) Details of how communication between the acoustic consultant(s) and mixing desks or noise control operators will be managed

- g) Details of how communication between the acoustic consultant(s) and the Environmental Health Team will be managed
  - h) A proposed format for a post-event report following any Category One or Category two event
- 5) The licence holder shall submit a proposed calendar of events at the premises including any events outside the scope of the Licensing Act 2003. This calendar shall be submitted annually in January detailing the events planned for the following 12 months. Any additions, amendments or alterations to the calendar of events shall be notified to Kent Police and the Licensing Authority in writing (by letter, email or fax) as soon as practicable.
- 6) Upon reasonable request, authorised enforcement officers of the Responsible Authorities: Environmental Health Team, Kent Police and Fire Service, must be provided with security passes for full and free access at all times to each and every part of the licensed area
- 7) Noise reports will be submitted to the Licensing Authority within 28 days of the event

THEREFORE I OBJECT TO THE APPLICATION AS CURRENTLY APPLIED FOR.

If the panel are minded to grant the application despite our representation we would request that they consider the above conditions in order to reduce the impact of the proposed activities.

Please contact me for further advice or information.

Regards

*John McCullough*

John McCullough BSc (Hons) MSc CMCIEH MIOA

Senior Environmental Health Officer & Chartered Environmental Health Practitioner





## Forestry Commission

John McCullough  
Midkent Environmental Health  
Tunbridge Wells Borough Council

Forest Live  
Keystone Innovation Centre  
Innovations Centre  
Croxtan Road  
Norfolk IP24 1JD

4<sup>th</sup> April 2018

Dear Mr McCullough

**Bedgebury Pinetum, Premises License Application**

Further to your letter of 14<sup>th</sup> March (ref 18/503184/GENLIC). Having discussed your formal objection with the Forest Live Management Team I write to confirm the following:

- a) We withdraw the 4<sup>th</sup> night making no more than 3 concerts per year Friday-Sunday.
- b) Music will only be played between 1700 – 2300 on Friday and Saturday and between 1700 – 2230 on the Sunday
- c) There will be no music played under this application/license on any other days of the week.
- d) As per the last 17 years our noise levels will not exceed MNL LAeq will not exceed 65dB(A) over a 15-minute period.
- e) Under this new licence (for concerts in 2019) I can confirm we will forward our Noise Management Plan 4 months in advance of the 2019 concerts.
- f) I can confirm for 2018 we would like to utilise your support as discussed on the phone for gathering data to support our plan moving forward to 2019.
- g) I can confirm for a period of time we will monitor concerts to ensure the new 3-day format does not cause problems and could be used as supporting evidence should we re look at a 4<sup>th</sup> night in the future
- h) I can confirm we will inform authorities each year our proposed summer dates for the 3 - night concert series. This will be no later than January each year. Please note due to artist confidentiality we may not be able to inform you of the artist name until we have announced and gone on sale.
- i) I can confirm we have no issues with enforcement officers being provided with access wristbands.

Thank you for your advice and support on this matter and I trust this now means your objection will be removed.

Your Sincerely

David Barrow  
Forestry Commission, Forest Live Management Team

