

I write on behalf of Mid Sussex District Council Environmental Protection to raise a representation against the grant of the above application on the grounds of the licensing objective of the prevention of a public nuisance.

The current licence permits:

### **Sale of alcohol**

Friday to Saturday 12:00 - 23:00

Sunday to Thursday 12:00 -18:00.

### **Performance of live music outdoors**

Sunday 10:00 - 19:00

Monday to Thursday 10:00 -18:00

Friday to Saturday 10:00 - 23:00

### **Playing of recorded music outdoors**

Sunday 10:00 - 19:00

Monday to Thursday 10:00-18:00

Friday to Saturday 10:00-23:00

It should be noted that a condition on the current licence restricts the licensable activities of live and recorded music to no more than 20 days between 1<sup>st</sup> June and 30<sup>th</sup> September.

The applicant seeks to vary the timings for the sale of alcohol, for the provision of live and recorded music, and makes a new application for the performance of plays at this site to every day, 10:00 - 22:00, between 1st September and 31st December. Outside of these dates they wish to perform/play live and recorded music at the currently permitted times. This means that they could carry on licensable activities all year round, but with different timings.

Given the location of the premises in a very quiet rural location with nearby residential properties, Environmental Protection has concerns that noise from music will cause disturbance to people living in the vicinity. Environmental Protection therefore objects to this application.

The applicant has submitted a Noise Management Plan (NMP) with the application as required by a condition on the current licence, and claims that music levels will be controlled to ensure that local residents are not adversely affected by noise due to activities on site. They have indicated that the music noise level (MNL) will not exceed the background noise level by more than 15 dB(A) measured as an Leq over a 15 minute period. Environmental Protection use guidance contained in "Code of Practice on Environmental Noise Control at Concerts" produced by the Noise Council which states that a music noise level of up to 15 dB(A) above the background level over a 15 minute period is acceptable, **provided the number of event days does not exceed 12 each year**. The guidance makes it clear that as the number of days on which events are held at a venue increases, then the lower the music noise level should be.

Environmental Protection regularly receive complaints relating to music played outdoors, particularly live music which is difficult to control. While individuals may accept being able to hear music played at a level loud enough to enable them to identify the lyrics of a song inside their homes on 12 days a year, the acceptance of that level generally diminishes quickly as the number of days when music is clearly audible increases. In addition, low frequency noise can be very noticeable inside a residential property, sometimes at considerable distances from a venue. This means that

even if the dB(A) guidance is being met, unreasonable disturbance may still occur due to low frequency noise.

To agree a suitable MNL, Environmental Protection need to know the number of days when music will be performed/played each year however, the applicants have been unwilling to stipulate the number days they require.

The Council allowed some flexibility on the current licence by permitting live and recorded music on 20 days between 1st June and 30th September however, to expose residents to music, predicted to be up to 15 dB(A) above the background noise level, potentially all year round is unreasonable, and very likely to cause Public Nuisance given the quiet, rural location of this venue.

We accept the principal of changing the hours for the sale of alcohol, the performance/playing of live and recorded music, and the new application for performance of plays however, music at the level predicted, all year round, will inevitably have an unacceptable impact on residents. Music and plays will be performed outdoors or in a marquee (a tent provides very little noise reduction). Without the provision of suitable structures on site to contain or shield the music, in Environmental Protection's opinion, the applicant will be unable to ensure that sound from these activities is controlled to a level that would be considered acceptable. The applicant has stated that the regulated entertainment will be "low key" however, these events will involve an audience of more than 500 people, as a music event provided for fewer than 500 people would not be licensable.

Environmental Protection can resolve this representation if an agreement can be reached with the applicant concerning conditions to prevent Public Nuisance. If the applicant wishes to provide regulated entertainment on more than 20 days, we would expect noise to be controlled to a greater degree than is being currently proposed. The level of noise control required will become more stringent as the number of days for regulated entertainment increases. Environmental Protection cannot negotiate an acceptable level for music without knowing the number of days when regulated entertainment will be provided each year. We would like to stress that unlimited days cannot be considered, as the acceptable noise level in this case is likely to be unachievable.