

Tracy Caddy

From: Jack Twomey
Sent: 04 July 2023 17:01
To: Generic - Licensing
Cc: Jennifer Whittle; Wibbly Woods; licensinghq@staffordshire.pnn.police.uk
Subject: FW: FW: Wibbly Woods TEN 23/00752/LATENS
Attachments: App.pdf

Hello Licensing,

As a Responsible Authority I would like to object to this TEN on behalf of Environmental Protection on the grounds of Prevent of Public Nuisance.

To give some recent history to this TEN it should be noted that:

- Wibbly Woods submitted a TEN application which came to Environmental Protection for consultation on 14th April 2023 for this same event (though with a 4am end time). I objected to this on 18th April and prior to a Licensing hearing going ahead, Wibbly Woods withdrew the application.
- Wibbly Woods then submitted a TEN application which came to us on 5th June, and which I objected to on 7th June (with 4am finish). That led to a Licensing hearing which took place on 16th June, in which the applicant failed to persuade the panel that the event could go ahead without impacting on the Licensing Objective of "Prevention of Public Nuisance" and no TEN was issued.
- Wibbly Woods then appealed the Licensing Panel decision to the Magistrate Court, and that hearing took place this morning. The Court agreed with the decision of the Licensing Panel and no TEN has been issued.
- Just prior to the Magistrates court hearing, last week, Wibbly Woods submitted this TEN application with the only apparent change being a move from a 4am finish on the three nights to a midnight finish.

There now follows a further history to this event.

The first Wibbly Woods event took place in 2021. We had concerns around noise given that it was just a few hundred metres from the nearest residents and there are many properties close enough to hear music at levels which are typical for such events, especially given that it finished at 4am and went over several nights. Having said this, it was the first event they had held so we did not object and instead monitored. It was noted when monitoring that the event was VERY loud and we subsequently received several complaints including one from Paskin Close, Fradley, which is 1.4 miles away as the crow flies. The original organiser of the event was told that any future TEN applications would be objected to on the basis of the noise levels at the first event.

For 2022 the event organiser applying for the event had changed to the current one, Bertie Benson of Wibbly Ltd. Unfortunately due to an oversight within the Environmental Protection team, the objection to the 2022 event did not get copied to the event organiser and Police Licensing and as a result it was considered invalid. The event was therefore permitted to go ahead. Due to the problems from the previous year we served a Nuisance Abatement Notice on the organiser on the basis of "likelihood of nuisance". This Abatement Notice was not appealed and still stands.

I personally monitored the event throughout. Noise levels were as expected. To illustrate the problem, I can say that on one night last year the music was audible in Elmhurst, some 1.6 miles from the event and at a level where the tune being played was identifiable. The residents exposed to the noise changed on different nights due to the wind direction. This did not prevent us from receiving complaints. The next working day following the event we received complaints from Wychnor (2.6 miles away) and Alrewas (2.4 miles away). Whilst I was of the opinion that the event breached the Nuisance Abatement Notice which had been served, it was not considered in the Public Interest to prosecute for an event which would not happen again (we hoped), together with the Legal weakness that we could have objected and prevented it but failed to do so properly. I had made it clear to the applicant that any

future TEN applications would be objected to and had hoped this would have been listened to and the event moved to a more appropriate location or time. Clearly this has been ignored.

Of particular concern in relation to this TEN is the “Code of Practice on Environmental Noise Control at Concerts”. This is the go to Code in relation to events such as this one and its purpose is to give guidance on how disturbance or annoyance from such events can be minimised. The Code suggests noise limits for such events but what is particularly important is that these limits relate to the music noise level *up to* 11pm. Section 3.2 of the Code goes on to state “*For events continuing or held between the hours of 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*”. This clearly was not complied with and I am of the opinion that it *cannot* be complied with for an event such as this in this location and continuing beyond 11pm. I don’t know the reasoning why the applicant still wants to continue beyond 11pm but clearly my main concern for this TEN is the noise in this hour to midnight.

At the previous Licensing Hearing, much was made of the Bearded Theory Festival in Catton Park continuing into the early hours. I can now confirm that following consultation with South Derbyshire District Council, who licence that event, that the main stage does indeed close at 11pm and other music continuing after that is conditioned so as to be inaudible at sensitive receptors. This raises the issue of location – Catton Park has a few nearby residents that agree to the events by being compensated in some way. This then ensures that the nearest receptors are considerably further from the event than those for Wibbly Woods, hence they can comply with the inaudibility condition.

Another point of note is that the Wibbly Woods Noise Management Plan states that the music level will be at 110dB, 25m from the sound source. This is extremely loud and at a level where hearing damage can occur. In fact, the management plan also states that hearing protection is available for staff and customers should they wish, in order to comply with Health and Safety requirements. Using the accepted acoustic estimation method of a 6dB reduction per doubling of distance means at this level the noise at the nearest receptors who have confirmed to me that they do not agree to the event would be around 80dB. That would even exceed the level in the Code of Practice before 11pm. It is likely that the background noise level in the area is around 40dB at midnight so even if it was quieter than 80dB, it would have to be an extremely significant reduction to reach inaudibility levels.

Following the Magistrates hearing today, in order to be reasonable in spite of the application still going for 1 hour beyond the time the Code of Practice suggests inaudibility, I went to the Kingfisher Caravan park and spoke to the owner about their views on a midnight finish. Obviously whilst I object, I didn’t want to assume this would be the view of other residents. He has since emailed Licensing and objects strongly to the event on behalf of around 300 residents there. He said the previous events have had a great impact on caravans as the structures do not have very good sound insulation properties. He also advised that people come there for peace and quiet and have been so upset by the noise they have left the park in the early hours of the morning and travelled home in order to be able to sleep. Finally he highlights the negative impact on his business of this event being allowed to continue. All of this sounds reasonable bearing in mind what I witnessed at last year’s event. We had 7 complaints in 2021 and 5 in 2022, though the caravan site owner said he represented many of his residents.

Overall it is disappointing that the applicant has gone ahead with bookings and ticket sales for an event which they knew in December last year that we would object to. Whilst the move to a midnight finish on each night is of course preferable to 4am, I have concerns about noise between 11pm and midnight as well as concerns around the ability of the applicants to control noise from the remainder of their site such as the camping area. I have no evidence to support it but it has been suggested that last year music continued beyond 4am and this has been suggested as a possible source.

If you require further information please let me know.

Regards,

Jack Twomey

Environmental Protection and Housing Manager

Operations, Regulation & Enforcement

t: 01543 308734

From: Generic - Pollution Safety <pollution@lichfielddc.gov.uk>

Sent: 29 June 2023 10:04

To: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>

Subject: FW: Wibbly Woods TEN 23/00752/LATENS

From: Generic - Licensing <licensing@lichfielddc.gov.uk>

Sent: 29 June 2023 09:40

To: Generic - Pollution Safety <pollution@lichfielddc.gov.uk>; licensinghq@staffordshire.pnn.police.uk

Subject: Wibbly Woods TEN 23/00752/LATENS

Dear Licensing Colleague,

Premises: Wibbly Woods Festival 2023

Address: Land at Fradley Woods

Please find attached a standard TEN for your scrutiny.

The last day for reps is 4/7/2023.

Kind regards



Victoria Mckenzie

Licensing Assistant

Operations, Regulation & Enforcement

t: 01543 308735