

New Forest District Council
Licensing Services
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

<i>Our ref</i>	CGM/mcm/34248/22
<i>Your ref</i>	PW/LICPR/10/07911/SW
<i>Date</i>	4 March 2011
<i>Direct line</i>	023 8048 2289
<i>Direct fax</i>	023 8048 2368
<i>Email</i>	cliff.morris@parissmith.co.uk

Dear Sirs

Our Client: Heathgate Land & Property Limited
Application for a Premises Licence
New Forest Activity Centre

We enclose herewith a copy of an Acoustic Report, which we confirm we have sent to the Environmental Health department.

Yours faithfully

Paris Smith LLP

Enc



C:\CLIENTS\34248\22\CORRES\20110304.CGM.MCM.LET.NFDC.151615.DOC

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alan saunders associates | acoustics

memo

To: The Directors	From: Matt Sugden
Company: Heathgate Land and Property Ltd	Pages: 2 + 4
cc: Cliff Morris - Paris Smith	Date: 03 March 2011
	Ref: AS6306.110303.M1
Project: New Forest Activity Centre, Brockenhurst	
Subject: Proposal for Sound Insulation Design	

Dear Sirs

Further to our discussions yesterday, we have completed our studies of potential sound breakout from the proposed activity centre and how this could be best mitigated with regards to impact at Black Knoll Cottage. We are pleased to provide our recommendations below.

A criterion of 32dB L_{Aeq} has been adopted for this assessment (as discussed in our memo of 17 January 2011) to be achieved at Black Knoll Cottage. This has been derived in line with draft guidance published within an article in the Institute of Acoustics Bulletin. This suggests that, where the emitted noise level does not exceed the background noise level (L_{A90}) outdoors over a five-minute assessment period, it will be *virtually inaudible* inside noise-sensitive property. This is indicated on the noise survey time histories, attached. The guidance recommends that such a criterion applies to more frequent events or where entertainment continues beyond 11pm.

By way of comparison, the Code of Practice on Environmental Noise Control at Concerts, published by the Noise Council, upon which the Chartered Institute of Environmental Health was represented, advises that:

For indoor venues used for up to about 30 [music] events per calendar year an MNL [Music Noise Level, L_{Aeq}] not exceeding the background noise level by more than 5dB(A) over a fifteen minute period is recommended for events finishing no later than 2300 hours.

The proposed criterion, being 5dB more stringent than this guidance, represents a good standard for a venue such as the activity centre, where events would cease at 10.30pm.

It is recognised that occupants of Black Knoll Cottage may be in the garden during events at the activity centre, in which case they would also benefit from acoustic screening afforded by the boundary fence. We calculate that the fence would provide an additional 5dB attenuation of noise from the centre, i.e. to 27dB L_{Aeq} , within the garden. This is 5dB below the lowest background noise level.

It should be noted, however, that this criterion, whilst in our view reasonable in all respects, has not been submitted to NFDC for comment or approval.

Our measurements of sound insulation provided by the existing building envelope have been analysed and predictions made of the effect of various mitigation measures. As discussed in our email of 25 January 2011, mitigation works are expected to be required for events featuring

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amplified music/speech and shouting, i.e. audience participation. Internal noise levels associated with these sources have been assumed as follows:

Noise Source	Anticipated Internal Noise Level
Amplified Music	80dB(A) [similar to wedding band or small orchestra]
Amplified Speech	75 - 80dB(A)
Crowd Noise	90dB(A)

Clearly, whilst a sound system can be designed to maintain the volume of amplified music and speech at the above the level, crowd noise is essentially uncontrollable. It would be worthwhile designing internal finishes to introduce as much acoustically absorbing surfaces as close to the audience as possible in order to minimise crowd noise within the building.

Suggested mitigation treatments are discussed below:

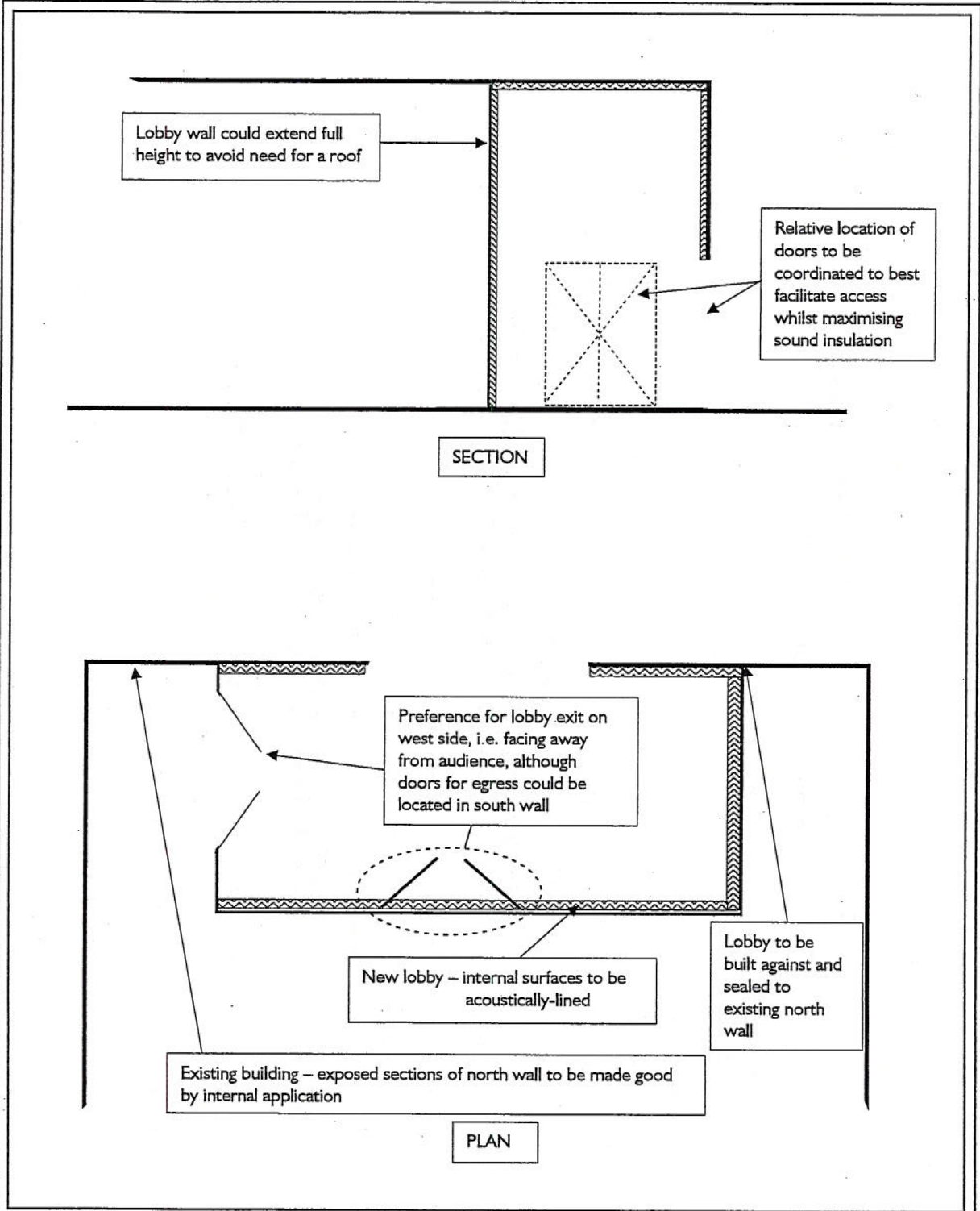
Element	Suggested Works
North Door	Erect new acoustic 'lobby' around inside of door, to be sealed to north wall. Lobby can be formed of steel framing with proprietary steel panel cladding, e.g. Kingspan, or with two layers of board on each side (plasterboard, plywood or similar to provide overall surface mass $\geq 40\text{kg/m}^2$). Lobby walls could extend full height to avoid need for a roof. Internal surfaces to be acoustically absorbent, e.g. wood/straw wool slabs or rockwool/glass fibre insulation ($\leq 75\text{mm}$ thick, minimum 40kg/m^3) retained behind perforated metal or wire mesh. See attached sketch (AS6306/SK2) for principle of form. This space could double as the 'backstage' area.
North wall	Make good large holes and gaps. Where areas of the wall are exposed, i.e. not covered by the lobby, line internal face of wall with two layers of board (plasterboard, plywood or similar) to provide overall surface mass $\geq 20\text{kg/m}^2$ on timber/metal studs to full height. Fit rockwool or glass fibre insulation between studs.
West wall	Erect new internal wall to close existing opening in the length of the wall. New wall to be sealed to the underside of the roof and with north/south walls at the ends. New wall can be constructed of masonry or 'jumbo' stud with two layers of board on each side (plasterboard, plywood or similar to provide overall surface mass $\geq 40\text{kg/m}^2$). Fit rockwool or glass fibre insulation between studs.
South Wall	Make good large holes and gaps.
East Wall	Make good large holes and gaps.
Roof	Make good large holes and gaps.

We trust the above to be of assistance. Please do not hesitate to contact us if you have any queries.

Regards

Matthew Sugden

msugden@alansauanders.com



Title: Principle of North Door Lobby

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Project:
 New Forest Activity
 Centre

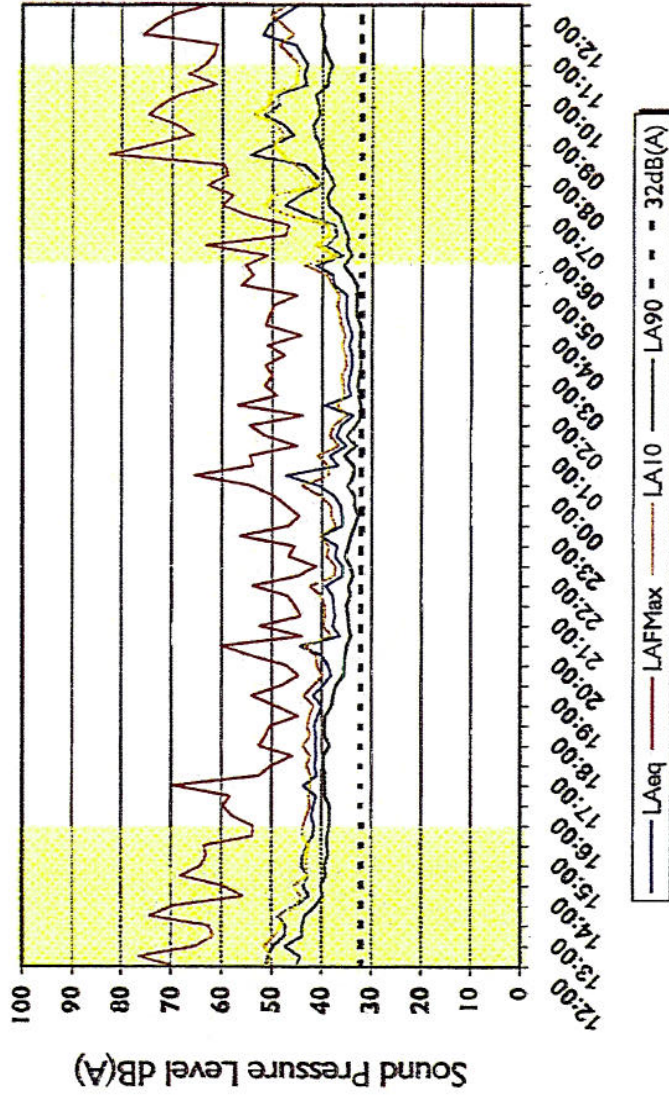
Date:
 3/03/2011

Figure No:
 AS6306/SK2

Scale:
 NTS

Rainfall - data omitted
from analysis

Black Knoll Farm, Brockenhurst Environmental Noise Time History

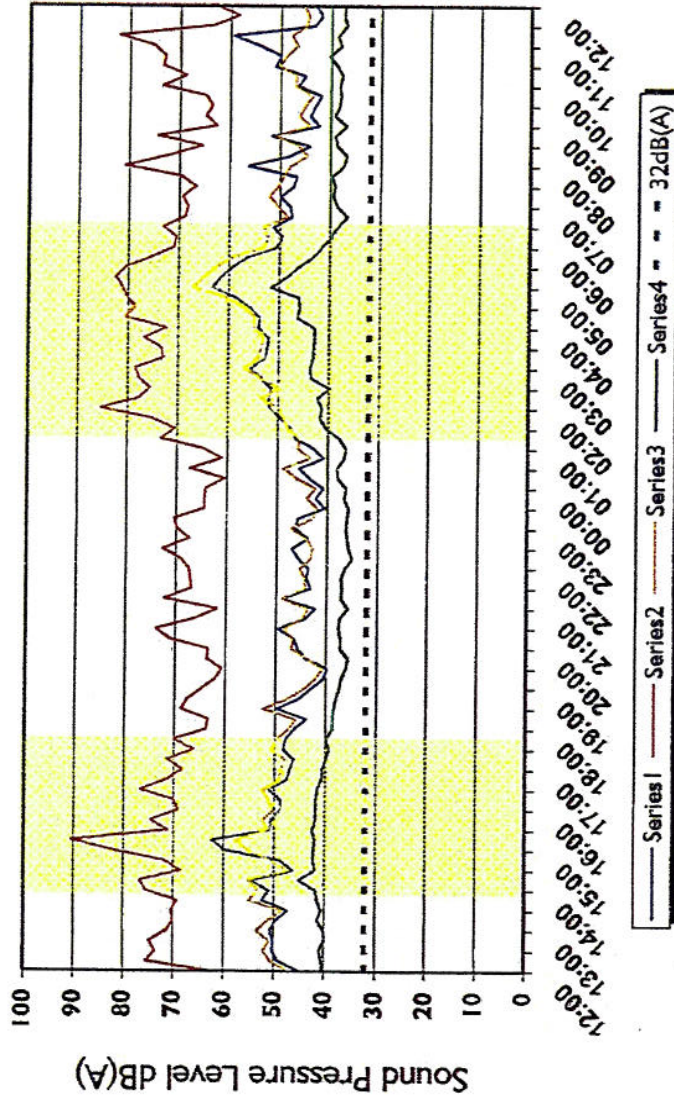


Thursday 06 January to Friday 07 January 2011

Figure AS6306/TTHI

Black Knoll Farm, Brockenhurst Environmental Noise Time History

Rainfall - data omitted
from analysis

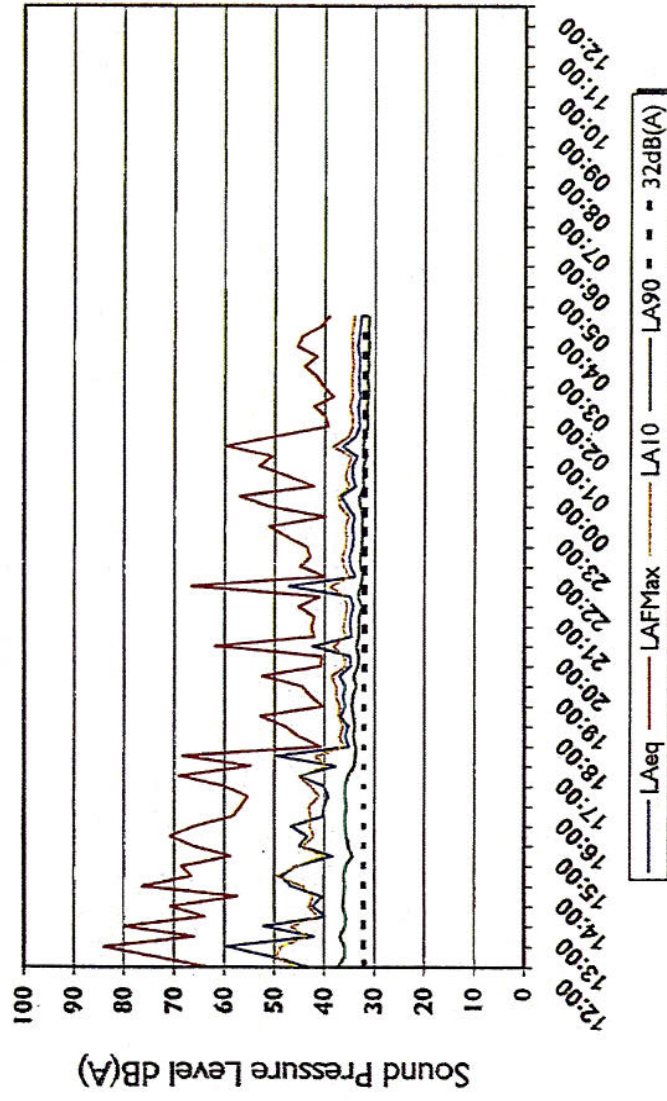


Friday 07 January to Saturday 08 January 2011

Figure AS6306/TH2

Black Knoll Farm, Brockenhurst

Environmental Noise Time History



Saturday 08 January to Sunday 09 January 2011

Figure AS6306/TH3

Paris Smith

New Forest District Council
Licensing Services
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Our ref
Your ref
Date
Direct line
Direct fax
Email

CGM/mcm/34248/22
PW/LICPR/10/07911/SW
14 March 2011
023 8048 2289
023 8048 2368
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By Post & Email: licensing@nfdc.gov.uk

Dear Sirs

Our Client: Heathgate Land & Property Limited
Application for a Premises Licence
New Forest Activity Centre

We refer to the above matter and enclose herewith further correspondence which has been provided to us by our client. Both we and our client believe that this will be of assistance to members of the Licensing committee and those attending the meeting on the 21st March.

Yours faithfully

Paris Smith LLP

Encs

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08/05/30



FILE
COPY

Dr Julian Lewis MP
House of Commons
London
SW1A 0AA

Our ref: SA/NAS

Your ref: -

30 March 2010

Dear Dr Lewis

Black Knoll, Brockenhurst

Thank you for your letter of 29 March 2010 and accompanying letter from your constituent.

I am very aware of local residents' concerns about the impending use of Black Knoll for jousting spectacles. The site does benefit from a lawful leisure use that would allow this type of activity to proceed without the need for further planning permission. However, we are liaising closely with our colleagues at New Forest District Council about various other matters relating to the fabric and condition of the building and the need for appropriate licenses.

Yours sincerely

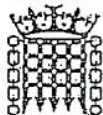
Steve Avery
Director of Strategy and Planning

Tel: 01590 646659
Email: steve.avery@newforestnpa.gov.uk

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CHAIRMAN CLIVE CHATTERS INTERIM CHIEF EXECUTIVE BARRIE FOLEY

Dr JULIAN LEWIS MP (NEW FOREST EAST)
Shadow Defence Minister



30 MAR 2010

HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Steve Avery
Head of Development Control
New Forest National Park Authority
South Efford House, Milford Road
Everton, Nr Lymington
Hampshire SO41 0JD

29 March 2010

Dear Steve,

Black Knoll, Brockenhurst

Enclosed is a copy of a self-explanatory letter on this subject to NFDC and copied to me to me by and I shall be very grateful if you will consider the points raised, in so far as they fall within the remit of the National Park, and then send me your comments.

I look forward to hearing from you presently.

With kind regards,

Yours sincerely,

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From: Gary Worsley
Sent: 16 March 2010 13:42
To: Edward Vandyck; Carole Gallagher
Cc: 'Steve Avery'
Subject: FW: Black Knoll, Brockenhurst

Carole/Edward

Info from Steve at NPA

Gary Worsley
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety

Tel: 023 8028 5274 | HSPN: 8 777 5274
Fax: 023 8028 5127 | Minicom: 023 8028 5416
Disability Helpline: 01425 656096
gary.worsley@nfdc.gov.uk | www.newforest.gov.uk

P Think before you print!

Jim: Steve Avery [mailto:Steve.Avery@newforestnpa.gov.uk]
Sent: 16 March 2010 13:42
To: Anthony Climpson; Annie Righton; Gary Worsley
Cc: Carol Seymour; Sandy Tolmay
Subject: RE: Black Knoll, Brockenhurst

Maureen Holding would like to join us but can't make 3pm – Maureen asks if there is any chance we could bring it forward to 1pm??

Steve

From: Anthony Climpson [mailto:Anthony.Climpson@nfdc.gov.uk]
Sent: 16 March 2010 07:56
To: Steve Avery
Cc: Carol Seymour
Subject: RE: Black Knoll, Brockenhurst

Thanks Steve,

See you then

Anthony Climpson OBE
Employment and Tourism Manager
Tel: 023 8028 5464 | HSPN: 8777 5464
anthony.climpson@nfdc.gov.uk
www.thenewforest.co.uk www.thegreenforest.org

From: Steve Avery [mailto:Steve.Avery@newforestnpa.gov.uk]
Sent: 15 March 2010 13:42
To: Anthony Climpson; Annie Righton; Gary Worsley
Cc: Sandy Tolmay
Subject: RE: Black Knoll, Brockenhurst

Thanks Tony, unless I hear to the contrary, we'll come to you for 3pm on Wednesday.

Steve

From: Anthony Climpson [mailto:Anthony.Climpson@nfdc.gov.uk]
Sent: 15 March 2010 13:33
To: Steve Avery; Annie Righton; Gary Worsley
Cc: Sandy Tolmay
Subject: RE: Black Knoll, Brockenhurst

37

Hi Steve,

That would be very helpful in the circumstances.

Wednesday (17/3) afternoon would suit me best at say 15.00hrs we could all meet in my office if you wish.....

Many thanks

Anthony Climpson

From: Steve Avery [mailto:Steve.Avery@newforestnpa.gov.uk]
Sent: 12 March 2010 11:00
To: Annie Righton; Gary Worsley; Anthony Climpson
Sandy Tolmay
Subject: Black Knoll, Brockenhurst

Hi,

As you know, Mr Girling is progressing his plans for jousting events at Black Knoll. Maureen Holding has probably spoken to you about in the last few days. I suspect that we are all likely to receive renewed calls from the public and the parish council to intervene but the reality is likely to be that there is little that any of us can do given the established lawful planning use of the site. But it might be worth us getting together to understand the limitations/extent of our respective statutory powers as they affect this site and jousting! Sandy and I would be happy to come up to Appletree Court - we're free next Wednesday (17Th) and Thursday afternoons or anytime on the Friday if that would suit?

Steve

Steve Avery

17 March 2010
Mr M Holding

EP00 / Noise Complaint

17 March 2010
NPk planning history outlined.

Edward Vandyck

AMEE/ Meeting

AC, MH, CAG, EV. + Steve Avery, Sandy Tolmay

17 March 2010

Jody Gaylard

Job Sheet

17 March 2010

Edward Vandyck

AEMA/ E-mail

From: Edward Vandyck
Sent: 17 March 2010 18:17
To: Alan Reynolds
Cc: Annie Righton; Anthony Climpson; Carol Seymour; Carole Gallagher; Cllr Maureen Holding; Stephen Stone
Subject: 'Jousting Events' - NEW FOREST ACTIVITY CENTRE, RHINEFIELD ROAD, BROCKENHURST, SO42 7QE

Alan

Thank you for the quick response as to whether the 'jousting' activity, as recently advertised to take place at the above premises, was licensable.

Subject: FW: NF Activity centre

33

Edward,

Paul has written to Mr Girling advising him that if the activity meets certain criteria then he needs to apply for a premises license. Following a meeting between Paul Weston and Mr Girling yesterday afternoon it seems that he meets this criteria and it is likely that he will make the application which will then be dealt with according to the Licensing Act.

Regards

Alan Reynolds
Community Safety and Licensing Manager
Public Health and Community Safety
Tel: 023 8028 5214 | HPSN: 8 777 5214
alan.reynolds@nfdc.gov.uk | www.newforest.gov.uk

From: Paul Weston
Sent: 31 March 2010 08:09
To: Annie Righton
Cc: Alan Reynolds
Subject: RE: NF Activity centre

I have the impression that he will apply for a licence – I would expect people to object – but without evidence or reasonable cause the licence would have to be granted!

Paul Weston
Licensing Officer
Licensing Services
Tel: 023 8028 5505 / HSPN: 8 777 5449
paul.weston@nfdc.gov.uk / www.newforest.gov.uk

From: Annie Righton
Sent: 30 March 2010 21:20
To: Paul Weston
Cc: Alan Reynolds
Subject: RE: NF Activity centre

Thanks Paul I think there is going to be some serious politics around this one. I presume ultimately it will land up back with Legal if Mr Girling does not want to co-operate.
Annie

Annie Righton
Head of Public Health and Community Safety
New Forest District Council, Appletree Court, Lyndhurst, Hants SO43 7PA
Tel: 023 80285123, HPSN 8 7775123
P Think before you print!

www.communitysafety.newforest.gov.uk
www.newforest.gov.uk

From: Paul Weston
Sent: Tue 30/03/2010 12:50
To: Annie Righton
Cc: Alan Reynolds
Subject: NF Activity centre
Dear Annie

Many thanks Edward,

Await the next step with interest

Anthony

Anthony Climpson OBE
Employment and Tourism Manager
Tel: 023 8028 5464 | HSPN: 8777 5464
anthony.climpson@nfdc.gov.uk
www.thenewforest.co.uk www.thegreenforest.org

From: Edward Vandyck
Sent: 17 March 2010 18:17
To: Alan Reynolds
Cc: Annie Righton; Anthony Climpson; Carol Seymour; Carole Gallagher, Cllr Maureen Holding; Stephen Stone
Subject: 'Jousting Events' - NEW FOREST ACTIVITY CENTRE, RHINEFIELD ROAD, BROCKENHURST, SO42 7QE

Alan

Thank you for the quick response as to whether the 'jousting' activity, as recently advertised to take place at the above premises, was licensable.

Following your initial assessment (on the information available at present) that it is not, it will be very helpful for Environmental Health's progress of the case (whether under the Licensing Act or not) if you could forward advice you receive from our Legal colleagues on this point of interpretation of the Licensing Act.

Edward Vandyck
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety
023 8028 5160 | HPSN 8777 5160
edward.vandyck@nfdc.gov.uk | www.newforest.gov.uk
023 8028 5127 (fax)

2 March 2010 Edward Vandyck AEMA/ E-mail

From: Edward Vandyck
Sent: 22 March 2010 16:48
To: Paul Weston
Cc: Stephen Stone
Subject: RE: New Forest Activity Centre

Paul
Here we are:-

Paul Girling – main contact.
Tel:

Add //
The Lodge,
Setley Ridge Vineyard,
Lymington Road,
Brockenhurst,
SO42 7UF.

Cc: Anthony Climpson
Subject: Black Knoll

25

Hi all,

Thanks for the meeting last week – very helpful. Do we know any more about whether a site/entertainment licence is required?

Steve

08 April 2010 Edward Vandyck AV/ Visit
Noise assessment of music played on the venue system.

20 April 2010 Edward Vandyck AEMA/ E-mail
From: Carole Gallagher
Sent: 20 April 2010 10:48
To: 'Steve Avery'
Cc: Edward Vandyck
Subject: RE: Black Knoll: Public Entertainment licence

That would be nice.

I've been talking to Edward about our discussions the other evening and we are going to go back to the Winship's about the need for them to submit more information on the potential noise impacts of the events i.e a noise assessment from an acoustic consultant. Based on the current information it is likely that we will object to the scale of the entertainment currently proposed but we are intending to have further discussions with Legal as to our options and whether it would also be appropriate to serve a Noise Abatement Notice now based on the likely occurrence of noise nuisance.

I am also hoping to attend the SAG on the 29th April so will get a better idea as to the other Agencies views after that.

Cheers

Mrs Carole Gallagher
Environmental Health Manager (Protection)
Tel: 023 8028 5162 | HPSN: 8 777 5162
carole.gallagher@nfdc.gov.uk | www.newforest.gov.uk
Fax: 023 8028 5127

From: Steve Avery [mailto:Steve.Avery@newforestnpa.gov.uk]
Sent: 20 April 2010 08:08
To: Carole Gallagher
Subject: RE: Black Knoll: Public Entertainment licence

Thanks Carole. Nice to see you again, I'll liaise with Julia re some possible dinner dates.

Steve

From: Carole Gallagher [mailto:Carole.Gallagher@NFDC.gov.uk]
Sent: Mon 19/04/2010 12:55
To: Sandy Tolmay
Cc: Steve Avery
Subject: RE: Black Knoll: Public Entertainment licence
Hi Sandy,

I've checked with Licensing and apparently the applicant sent you a copy but it was then sent up to Licensing here. So I believe it was dispatched back to you last Friday and should be with you by now (hopefully). If you

24
Thanks for the update. On this basis, do we have any formal reason or ability to withhold any further support or engagement with this project?

Regards

Anthony

Anthony Climpson OBE
Employment and Tourism Manager
Tel: 023 8028 5464 | HSPN: 8777 5464
anthony.climpson@nfdc.gov.uk
www.thenewforest.co.uk www.thegreenforest.org

From: Edward Vandyck
Sent: 31 March 2010 14:03
To: Cllr Maureen Holding
Cc: Anthony Climpson; Carole Gallagher; Jenny Broom; Paul Weston; Stephen Stone; Steve Avery
Subject: RE: Black Knoll

Councillor,

Following advice from the licensing officer, EH continue to proceed on the basis that the jousting event needs to be licensed. In any event, having got our foot in the door, so to speak, Jenny & I advised the organisers that they needed to make further progress in their handling of noise control and health & safety for the event, licensed or not.

The organisers have been advised by EP that there is a significant risk of noise nuisance being caused to the nearest properties.

I will again be visiting the site next week, when the weather is suitable, with Mr Winship. This is to make an assessment of their amplification, set up as for the proposed event, and start to establish the level of likely noise impact to the nearest dwellings.

Yours sincerely,

Edward Vandyck
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety
023 8028 5160 | HPSN 8777 5160
edward.vandyck@nfdc.gov.uk | www.newforest.gov.uk
023 8028 5127 (fax)

From: Edward Vandyck
Sent: 26 March 2010 15:11
To: 'Steve Avery'
Cc: Anthony Climpson; Carole Gallagher
Subject: RE: Black Knoll

Alan Reynolds has asked, and I understand that we are still waiting for the Legal opinion.

Edward b
5160

From: Steve Avery [mailto:Steve.Avery@newforestnpa.gov.uk]
Sent: 26 March 2010 09:57
To: Carole Gallagher; Edward Vandyck

From: Breach, John [john.breach@hants.gov.uk]
Sent: 29 March 2010 16:06
To: Paul Weston
Cc: Meadows, Julie; Lawton, Tim
Subject: RE: Traffic management issues - Rhinefield Road Brockenhurst
Paul

Thanks for your comments a few moments ago. Highways West Director (Kevin Fuller) has been contacted by the anti jousters and believes we should have a SAG to discuss traffic management. I need to have a think about the best way to get the information to other SAG members. Meanwhile I will send a copy of the letter received from 'Friends of Brockenhurst' to the traffic police to see if they have any comments.

Regards
John

From: Paul Weston [mailto:Paul.Weston@NFDC.gov.uk]
Sent: 17 March 2010 10:56
To: Breach, John
Subject: RE: Traffic management issues - Rhinefield Road Brockenhurst

John

This has become very much a political issue & the residents in the vicinity of said are using any means possible to prevent said happening.

The proposed activity is not (in my current opinion) licensable under the LA2003.

The proposed events will occur on a regular basis - I therefore have no intention to SAG said at present as it is akin to visitors to any attraction or activity within the new forest.

Regards

Paul Weston
Licensing Officer
Licensing Services
Tel: 023 8028 5505 / HSPN: 8 777 5449
paul.weston@nfdc.gov.uk / www.newforest.gov.uk

From: Breach, John [mailto:john.breach@hants.gov.uk]
Sent: 17 March 2010 10:38
To: Liquor Licensing; Paul Weston
Cc: Wiltshire, Martin
Subject: FW: Traffic management issues - Rhinefield Road Brockenhurst

Paul

For info. Will try and find out more details of event as I dont think it has been notified.
John

From: Wiltshire, Martin
Sent: 17 March 2010 08:19
To: 'Castle Man'
Subject: RE: Traffic management issues - Rhinefield Road Brockenhurst

Dear Mr Smith,

Thank you for your email regarding the traffic management arrangements associated with



copy

Our ref: SANAS

Your ref: -

26 March 2010

Dear

Black Knoll, Rhinefield Road, Brockenhurst

Thank you for your further letter of 24 March 2010 regarding the situation at Black Knoll.

Sandy Tolmay has now been out to the site and noted the three green hessian covers that have been tacked onto the north side of the building (as shown in the enclosed photograph). These hessian covers appear to be temporary and in any event, would not constitute "development" within the meaning of the Town and Country Planning Act. So I'm afraid we can not do anything about these covers from a planning point of view.

Sandy was also able to confirm that no engineering works had been undertaken to provide a car park but in view of what you say, we will obviously keep an eye on things.

We are liaising with our colleagues at New Forest District Council to make sure that where we can, we have a joined up approach in our respective regulatory roles (we met last week).

Yours sincerely

Steve Avery
Director of Strategy and Planning

Tel: 01590 646659
Email: steve.avery@newforestnpa.gov.uk

New Forest National Park Authority
South Efford House Milford Road Everton Lymington Hampshire SO41 0JD
Telephone 01590 646610 Fax 01590 646666 Email steve.avery@newforestnpa.gov.uk
www.newforestnpa.gov.uk

CHAIRMAN CLIVE CHATTERS INTERIM CHIEF EXECUTIVE BARRIE FOCEY

Statement re Licence Application The New Forest Activity Centre

May I first of all introduce myself. I am ANTHONY KEITH GLENISTER and speak today on behalf of my clients Mr. and Mrs. Kirsch. I am a Chartered Town Planner. I hold a Diploma in Town Planning (Dip. TP.) and I am also a member of the Town Planning Institute (MRTPI). I have 38 years experience in Town Planning and would advise the Sub-Committee I find the application by Heathgate Land & Property Limited lacking in information and with little detail, which would enable you to understand what is being proposed here.

Indeed whilst I note Mr. Girling (Heathgate Land and Property Ltd.) states in his letter dated 13th September that the application "This time it will be a professionally made to avoid the pressure on the operator that occurred on the last occasion", I find no detail whatsoever on likely numbers, let alone traffic, and scant, if any, detail regarding noise. How the applicant can possibly believe the application gives enough detail to enable you to be satisfied the proposed use will not cause noise disturbance or affect public safety beats me.

I am, of course aware the applicant submitted, "Notes on Traffic Management" and belatedly submitted a "Memo" from Noise Consultants, but with respect the first is of no assistance to you whatsoever and the second is so lacking in detail so as to be meaningless. I shall explain.

I appreciate this Committee has previously expressed concern in relation to public nuisance and public safety, so I do not propose to go over that aspect of the matter but since then the applicant has submitted the above referenced documents and I believe it is important that I address you on these, so can I first turn to the most recent document, The Memo from Alan Saunders Associates.

This Memo is based on a criterion of 32dB LAeq at Black Knoll Cottage and states if noise is restricted to background levels then noise emitted from the Activity Centre would be "Virtually inaudible inside" noise sensitive properties (i.e. Black Knoll Cottage) and calculate noise "within the garden" would be 27dB LAeq, taking account of the boundary fence. This is 5 dB below the lowest background noise level.

What the memo does not say is the time period over which this noise level is to be measured. Furthermore to put the matter into context a background noise level of 32dB LAeq (16hr) would place this area in the quietest 2% of the country, whilst a level of 27dB LAeq (16hr) would be virtually unique throughout the entire country. In any case I seriously doubt it would be possible to record a level 5dB below background, let alone achieve the necessary level of noise reduction.

That said I recognise the Memo suggests attenuation work can be carried out **and** music events should be restricted to 30 in any calendar year, but the recommendations given in the memo are no more than a wish list of work that could be carried out and even then very vague.

More importantly as far as I can tell the work, that is set out in the Memo, has not been the subject of any costing and, given there appears to be no calculations or predicted noise levels, let alone meaningful comparisons to enable you to judge the likely impact and extent of attenuation required, you can have no confidence whatsoever that such work would be acceptable let alone viable.

Indeed I note in July 2010 your Officers were of the opinion the extent of sound proofing the existing structure was unlikely to be proportionate as required by the Licensing Act (paragraph 10.13 refers). At the very least therefore the Applicant should demonstrate the cost is proportionate and viable **before any License is granted.**

In any case any License should also be conditional upon there being no more than 30 events, which include music in any calendar year, noise from the centre being limited to 27dB LAeq, at any point in the garden of Black Knoll Cottage, as set out in the Consultants Memo, and works of attenuation being carried out PRIOR to any event taking place, in accordance with details previously submitted to and approved by the Environmental Health Officer.

On the other hand it **must be appreciated** the Consultants do not appear to advise on **maximum likely noise levels** and seem to have failed to advise what the predicted noise levels would be in relation to non music events that could take place on the other 334 days a year (i.e. Jousting Tournaments, Battle re-enactments, indoor sporting events and entertainment of a similar description) all of which will be noisy in their own right.

Further the memo makes no mention whatsoever, of noise from traffic entering or leaving the premises or general disturbance in the area, consequent upon up to 1000 people attending shows/performances at any time during the 13 ½ hours the premises could be open, 7 days a week, 52 weeks a year.

Moreover, all this activity will be accessed via a shared **single-track access** and in my opinion there is not a chance of this level of activity being satisfactorily controlled let alone being restricted to a noise level of 27dB LAeq, particularly when one bears in mind the hundreds of cars plus coaches, horseboxes and delivery vehicles trying to use the access at the same time.

The applicant says, in his notes on traffic management he can/will provide 126 parking spaces for **Public Use**, but he appears to make NO PROVISION

- 1) For staff and performers,
- 2) For coaches,
- 3) For horse boxes,
- 4) For delivery vehicles or,
- 5) For such vehicles to turn load or unload.

So where do such vehicles go? Certainly I cannot for one minute envisage these vehicles parking elsewhere, so room **MUST** be made for them on site. Yet we have no details in this respect whatsoever.

As regards staff and performers I would expect in the order of 40 spaces to be required. These can only go in the car park leaving just 86 parking spaces for public use. However, given there could be up to 1000 people attending a performance (and let me make it abundantly clear the Committee can only consider the application on the likely maximum use), I would expect this level of attendance to generate well over 400 cars.

This means at least 314 cars (400-86) having to park elsewhere.

I believe the nearest car park is in Brockenhurst, approximately 1 mile from the centre and I therefore suspect the vast majority, if not all overspill parking will take place on Rhinefield Road and/or other (private) roads in the vicinity.

Bearing in mind such parking would not be marked out 314 cars parked end to end could stretch for nearly 1 mile either side of the access. To imply this would not be a problem beggar's belief.

That said it must also be stressed the access to the car park is via a long (1/8th of a mile) single track, which contains no passing places, and for the first 30 metres is approximately 7 foot 6 inches wide (See photographs 1 and 2 attached).

All vehicles must also pass over a narrow cattle grid and more importantly, in terms of the safety of pedestrians, there are no footpaths, only a grass margin, which in wet weather would be utterly useless.

I appreciate the applicant states "one or more car parking attendants will be on hand to assist in the directing of traffic" and that " a notice will be exhibited on the site entrance on Rhinefield Road" but firstly, as far as I am aware, the applicant does not own or control that land, and has no right to display a notice here, and in the secondly that will be of no help whatsoever for the 314 cars who will then have to go elsewhere to park. Indeed by the time a notice is needed there could be numerous cars queuing to use the car park.

This is also presupposing the two adjoining owners, who have an unrestricted right to use the access at any time, and do not want to leave when vehicles are arriving or enter their property when vehicles are leaving the Centre.

In my opinion this could be a disaster waiting to happen. Surely any body with a modicum of common sense will see this is the wrong place for these activities. The applicant can say what he likes but I would suggest the FACTS speak for themselves. The building has been variously described as disused, derelict and acoustically leaky.

I cannot therefore the building can be satisfactorily attenuated, or at least without significant sums of money being spent on the building, and of course planning permission would be required for their alteration.

In 2001 it was stated, at an appeal against the Local Planning Authority's decision to refuse planning permission for the building to be used for Light Industrial purposes, that it was not viable, at that time, to use the building as livery stables and riding tuition, and I find it somewhat strange the applicant should now appear to be saying the exact opposite.

Do not be fooled by the reference in the application to the having the benefit of Planning Permission (part P (a) refers). That has no relevance to this application, which must be determined on its merits, as implied by Mr Girling in the press, this and with that in mind I would submit the applicant has failed to demonstrate the activities being proposed would not give rise to detriment to the area by reason of either public safety or public nuisance and the application should be refused accordingly.

A.K.Glenister Dip TP., MRTPI.



PHOTOGRAPH 1



PHOTOGRAPH 2



THE FRIENDS OF BROCKENHURST

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Lynne Battersby
Democratic Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

11th March 2011

By Post and Email jane.bosworth@nfdc.gov.uk

Dear Ms Battersby,

**Licensing Act 2003 – New Forest Activity Centre, Rhinefield Road,
Brockenhurst – Acoustic Report by Alan Saunders Associates dated 03 March
2011, submitted by the Applicant.**

Further to your letter dated 8th March 2011 enclosing the Acoustic Report prepared for the Applicant by Alan Saunders Associates dated 03 March 2011 The Friends of Brockenhurst would comment as follows:-

1. Although the submission of the Report has been delayed since December 2010, it is very regrettable that it is still very short on detail with no proper basis given as to how the calculations have been developed.
2. The Report, which has been prepared by the Applicants own experts, clearly confirms the fact that the building in its present state is very acoustically leaky and therefore totally unsuitable for being granted a Premises Licence.
3. It is noted that the base figure used for Amplified Music at 80dB(A) only allows for "(similar to wedding band or small orchestra)"; however the Applicant has not included any such restriction in its Application for Live and Recorded Music. No figures have been given for the other uses applied for, such as Jousting and Civil Re-enactments, which are likely to create greater noise levels. It is understood that the noise levels for other venues with live music are considerably greater than the base figure used in the Report - for example a Pub with music approx 95dB (A) and 105dB (A) for a Disco.

4. The Report recommends that extensive works are required to be carried out in order to sound proof the building to achieve the criterion used in the Report, which in any event it is likely to be too low. The Report clearly states that the criterion being used by the authors has not been approved by the New Forest District Council (NFDC) or indeed submitted to them for their comment. There must therefore be grave doubts, even if the proposed works are completed, that the building would achieve the criterion which is likely to be required by the NFDC for a Premises Licence to be granted.
5. The acoustic solution being proposed in the Report, which is in outline only, would appear to allow for the building of a partial box within the existing structure. However there is a lack of detail to demonstrate that the proposed solution would even achieve the low level criterion being suggested in the Report. It should also be noted that no details have been supplied as to how the inner box will be ventilated, including the attainment of a satisfactory level of sound attenuation; or indeed how compliance with the appropriate Statutory Regulations will be achieved.
6. In paragraph 7.3 of the decision in July 2010 to refuse the previous application for a Premises Licence for the site, the Sub-Committee was mindful that any condition that had the practical effect of requiring the Applicant to spend substantial sums of money was unlikely to be proportionate, as required by the section 182 Guidance that accompanies the Licensing Act (at paragraph 10.13). In the case of the current application the Report makes clear that sums in excess of tens of thousands of pounds would have to be spent by the Applicant to sound proof and ventilate the building to an adequate standard; thus the guidance in section 182 is again relevant and gives clear grounds for the refusal of a Premises Licence.
7. Other than referring to specific measures in relation to Black Knoll Cottage, the Report does not adequately address the likely adverse material impact that the proposed activities, which include jousting, would have upon the reasonable comfort and convenience of the other residents in the locality and members of the public generally. Also as the Sub-Committee is aware the NFDC served a Planning Enforcement Notice on the then owners of the site in 1995 (which arguably is still in force), which referred to the use of the land for public entertainment leading "to noise and disturbance to residents and visitors to the area". The Report does not satisfactorily indicate how the position will be improved so as to justify the granting of a Premises Licence.

Having regard to the matters set out above the Friends of Brockenhurst are strongly of the opinion that the Application should be **refused** on the grounds that the Report submitted by the Applicant does not propose suitable and adequate measures to prevent likely public nuisance to the vicinity and neighbouring areas of Brockenhurst and the forest. However in the unlikely event that the Sub-Committee was minded to grant a Premises Licence, the Friends of Brockenhurst request that Conditions should be imposed on the Applicant such that any Premises Licence which might be granted, would not come into effect until the NFDC had:-

- (i) formulated a set of strict acoustic criteria with the objective of preventing any likely public nuisance being caused to the vicinity; and
- (ii) carried out a full inspection of the work to be completed to meet the acoustic criteria in (i), so as to determine that the required work had been fully completed to the correct standard.

It would be appreciated if this letter could be brought to the attention of the Sub-Committee prior to the Hearing being held.

Thanking you for your assistance in this matter.

Yours sincerely
For and on behalf of
The Committee of the Friends of Brockenhurst

T G Angel
Hon Treasurer

CC Councillor Maureen Holding

PARIS SMITH
DX 38534
SOUTHAMPTON 3

Our Ref: EPCST/10/07918
Your Ref:

14 March 2011

Dear Sir/Madam

The New Forest Activity Centre, Rhinefield Road, Brockenhurst, SO42 7QE
Application for Premises License: 25/10/10

Thank you for your letter with attached memo from Alan Saunders Associates, dated 4th and 3rd March respectively, received on 7th March 2011, following my letter to you of 11th November 2010.

The memo outlines some principles and recommendations towards mitigating sound breakout from the current building at the application site, in support of the current licensing application. In addition, there is some discussion as to an appropriate criteria for a noise level limit at nearby noise sensitive property, and a proposed level of 32 dB LAeq.

While the memo is a starting point, and in order to establish that public noise nuisance shall not be caused from the activities applied for, I can advise the following:-

1. It is not clear that the acoustic description of the noise source within the building, '80dB(A) [similar to wedding band or small orchestra]', is a suitable and sufficient description, given the range of activities applied for. By way of illustration, noise levels within a pub music venue will attain 95 dB(A) and on a dance floor levels of 105 dB(A).
2. The suggested mitigation treatments are described in broad detail. However there is insufficient detail of construction and acoustic performance to determine the effectiveness of both the suggested works, and any ancillary works which would consequently be required to ensure that the venue is adequately ventilated, cooled and heated.
3. A fuller assessment of background noise levels may be required. Given the low background levels in the vicinity, further consideration of tonal (including low frequency) noise is likely to be required.

The foregoing issues have significant implications as to the design and practicality of the mitigation measures needed to control noise outbreak from the current structure.

Finally, given the location of the premises in this application, it is possible that noise from late night use of the customer and staff parking may be a relevant consideration. No information has been provided by the applicant. Such noise might be a cumulative element,

to noise impact to nearby residential property, from the principle noise source within the exiting structure on site.

Pending further information, it is not yet possible from the submitted information to establish whether public nuisance, specifically noise nuisance to dwellings and other public areas, will be prevented.

Yours faithfully

Edward Vandyck
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Environmental Protection

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cc. Licensing Officer, NFDC

4.6 Breakdown by land use category

Further analysis was carried out with reference to the land use categories based on those from BS4142: 1975 (now withdrawn). These descriptions were recorded by the site engineers during their visit to each site.

Table 6 presents the mean levels calculated for the four most common categories in the sample (accounting for 99% of sites in the sample).

16-hour day time (0700-2300)			
Land Use Category	L_{Aeq} (dB)	L_{A10} (dB)	L_{A90} (dB)
1 - Rural (residential)	54.8	53.5	39.5
2 - Suburban, little road traffic	54.3	53.8	42.1
3 - Urban (residential)	60.6	61.6	47.8
4 - Predominantly residential but with some light industry or main roads	61.5	63.2	48.7

8-hour night time (2300-0700)			
Land Use Category	L_{Aeq} (dB)	L_{A10} (dB)	L_{A90} (dB)
1 - Rural (residential)	46.5	42.4	31.5
2 - Suburban, little road traffic	46.0	43.8	34.5
3 - Urban (residential)	51.8	49.2	37.3
4 - Predominantly residential but with some light industry or main roads	53.8	51.3	37.1

L_{den}	
Land Use Category	L_{den} (dB)
1 - Rural (residential)	56.5
2 - Suburban, little road traffic	56.0
3 - Urban (residential)	61.9
4 - Predominantly residential but with some light industry or main roads	63.3

Table 6 Mean levels for land use categories

These results indicate differences of up to about 10 dB(A) between the mean levels for different site types.

Similarly, it is also possible to compare both spectra and time-histories for various indices across the different site types. These are presented in Annex E, and show the differences to be fairly uniform across the spectra and time-periods.

7.14 Figure 14 – Cumulative distribution for 12hr L_{Aeq} (0700 – 1900)