

AGENDA SUPPLEMENT (1)

Meeting: Western Area Licensing Sub Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Thursday 9 April 2015
Time: 10.00 am

The Agenda for the above meeting was published on 30 March 2015. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to David Parkes (18220), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5h **Appendix 8 - Applicant Submissions** (*Pages 3 - 44*)

DATE OF PUBLICATION: 30 March 2015

Response to representations regarding the Thoulstone Park Premises Licence Application

Introduction

I have prepared this response as the solicitor who drafted and submitted the above application, in the hope that it will address concerns raised by those who have objected to the application and assist the Committee in coming to its determination. I will refer to the bundle of documents that I have prepared and intend to rely on at the hearing.

Objectors

I have prepared a schedule listing all of the objections that have been received with a very brief summary of the issues raised by each – of necessity, this does not repeat each and every point that has been made and the sub-committee will of course have regard to the letters and emails in full (pages 1 and 2).

Before the application was even drafted, a meeting took place involving all members of the Wiltshire Multi Agency Group (“MAG”) on 1st October 2015 and lengthy discussions then took place once a draft application had been prepared. (The MAG consists of representatives from a variety of official agencies including the police, planning, environmental health, licensing, public protection and the fire authority and is charged with providing advice to event organisers and oversight to ensure that events taking place in the locality are safe and properly run).

As a consequence, the only responsible authority that raised any issue was the environmental health department and we have now reached agreement with officers in that department which has led to the withdrawal of their representation. I will be submitting to the sub-committee that they should attach great weight to the fact that none of the Responsible Authorities object to the application as it now stands and give credit to the applicant for its efforts to work with the various officers.

The Applicant

Thoulstone Park was once a prestigious golf course and luxury hotel but has not been in that use for some 15 years and the hotel is now derelict and unsafe. It was bought some three years ago by James Hughes-Hallett who is the finance director of a multi-national company that has interests in airlines, shipping etc. His vision is to rebuild the hotel and bring the land back into a vibrant and sustainable use. He has been granted outline planning permission (see pages 3-15) for the proposed hotel etc but has no direct involvement in the present application nor the applicant company (but see letter from him at pages 15 and 16)

In 2013, one event took place on the land. This was known as Sunrise and was the subject of a Premises Licence granted specifically for that event to one Daniel Hurring. This was a large, commercial event (but small to medium sized in the context of musical festivals such as those that Mr Lepingwell has been involved with – see below) that attracted a number of

complaints but no formal action for breach of any licence condition – these incidentally included noise conditions summarised at pages 17 and 18 of the bundle. There were some 7,000 attendees over a period of 5 days with a maximum occupancy on any day of about 5,000.

The Sunrise event was not repeated in 2014 nor would the present application, if granted, permit such an event – see further below.

During 2014, a number of events took place, which are summarised at page of the bundle. These were ultimately organised by Sustainable Land and Events Limited, trading as Thoulstone Sustainable Event Company (“TSEC”). TSEC was permitted by Mr Hughes-Hallett to use the land for these purposes without payment. TSEC was owned equally by Mr Hurring and Mr Lepingwell, both of whom were directors of the company.

During 2014, Mr Lepingwell’s primary interests were in a stewarding company (Green Stewards) and also providing operational and other support for events run by other people. These included Shambala, Glastonbury, Secret Garden Party, St. Paul’s carnival, Hackney One carnival, Somersault and Wilderness festivals. As a result, he was away from Thoulstone for virtually the entire season and had little involvement with the events that took place (but has vastly more experience in event management than Mr Hurring)

As a direct result of complaints made about certain (but by no means all) of the events that took place at Thoulstone it was decided that Mr Hurring’s interests in Thoulstone should cease. All of his shares in TSEC were transferred to Mr Lepingwell and he has resigned as a director of the company and no longer has any interest in it. (Please note that this may not yet be reflected in Companies House records as they do some take time to be updated). Mr Lepingwell’s focus for 2014 will be almost exclusively on Thoulstone although in the interest of transparency, I can advise that he will again be involved with the Shambala festival for a week in July and The Secret Garden Party for a week at the end of August.

The proposed DPS – Holly Streeter has had no previous involvement with Thoulstone but effectively runs Green Stewards (owned by Mr Lepingwell) on his behalf. Her CV is at pages 32-33

Why make the application at all?

In short – to ensure that all future events at Thoulstone are subject to a proper regulatory regime.

The events that took place in both 2013 and 2014 did not need any specific planning consent for technical reasons that I do not propose to trouble the sub-committee with (although I have included for the sake of completion a planning consent granted to Mr Hurring to use part of the golf course as a Yurt campsite – pages 19-21) . There was no premises licence in force at all. Some of the events did not require an authorisation under the Licensing Act and it is (I am afraid) necessary to go into some detail about why that is the case.

There are (in this context) three licensable activities:-

They are - the sale of alcohol (or the supply of it in a member's club), the provision of "regulated entertainment" and the supply of late night refreshment (i.e. hot food and drink provided between 11 p.m. and 5 a.m.).

Alcohol – it is the sale that is licensable, not the drinking nor the consumption of alcohol. No licence is required if alcohol is supplied free of charge – for example at a free bar at a wedding or corporate event. If people bring their own alcohol to any sort of event, they do not require a licence to drink it.

"Regulated Entertainment" - there is a list of things that might be regulated entertainment, including live and recorded music, showing films and theatrical and dance performances but there are a number of exemptions notably that unamplified live music may be performed to an audience of any size, anywhere in England and Wales between 8 a.m. and 11 p.m. without a licence and from 6th April 2015, amplified live and recorded music may be played in pubs, restaurants and any other premises that have a licence authorising the sale of alcohol for consumption on the premises, again between 8 a.m. and 11 p.m. without the need for a licence, provided the audience does not exceed 500 persons. Another provision effectively exempts the playing of background or incidental music.

However, there is another requirement that must be satisfied before any form of regulated entertainment becomes licensable and that is that either the entertainment is provided to any extent for members of the public for the purpose of entertaining them or "for consideration and with a view to making a profit".

In the context of Thoulstone, what this means in practice is that if a purely private event takes place (for example a wedding, a corporate event such as "team building" or a private function booked by an organisation for its members), any entertainment that might be provided would not be licensable if it is organised or arranged by whoever has "booked" the site for the event and the entertainment for example has not been arranged (and charged for) by Sustainable Land and Events Limited..

"Thanks to" these legislative provisions (which might perhaps be viewed by some as "loopholes"), a number of events that took place at Thoulstone in 2014 did not require any form of licence or authorisation under the Licensing Act.

Those that did require an authorisation mainly took place under the "TEN" system. This is a regime that allows events involving less than 500 people to take place if the organiser of the event gives notice to the Council, Police and Environmental Health Officer ("EHO") at least 5 working days' notice (but usually at least 10) of a proposed event. The police and EHO can object but didn't do so on any occasion that TEN's were used in 2014. Local people do not need to be advised of any TEN "application" and have no right to object.

More to the point, if there is no Premises Licence in place for whenever the TEN is given, no conditions can be attached – the TEN is either granted or not and those sought in 2014, either by Mr Hurring or by the organisers of the specific events were all "granted".

However, if there is a Premises Licence in force for the premises covered by the TEN, then it is possible to “grant” the TEN subject to any and all conditions that attach to the underlying Premises Licence.

In summary, it is therefore very much in the interests of local residents that the “loophole” of allowing events to take place under the auspices of TEN’s without conditions attached, be closed.

I would add that on three occasions last year, Noise Abatement notices were served by the Council regarding the premises. Two of those were for specific events and were served before the event took place. These were limited in time and are no longer in effect. A third (copy at pages 24-27) remains in force. No proceedings have been taken or threatened in respect of any alleged breach of these notices.

The Application – some clarifications

The “event site”

Some objectors appear to be under the impression that that application is for the entire golf course. This is not the case – please refer to the plan at page 31.

Hours applied for (and conditions)

It would appear that many of those who have objected have relied solely on the either the site notice (which was worded identically to the newspaper public notice) or the notice published by the Licensing Authority on its web site. Whilst both are accurate, they (of necessity) do not spell out precisely what it is that has been applied for, particularly with regard to the conditions that have been offered up.

For example – some of the residents appear to be under the impression that the licence if granted would authorise music and alcohol sales until 5 a.m. This is not the case. The only licensable activity permitted that late would be the provision of hot food and/or (non-alcoholic) drink and this would only be to people staying on the glamping/camping site.

Community Events

This aspect appears to have caused more concern than any other single issue as many residents have come to the conclusion that the inclusion of such events would allow a repeat of the 2013 Sunrise festival on numerous occasions throughout the year. This is not the case for a number of reasons.

Firstly, “community events” “shall not be run for the private benefit of any individual, company or other organisation.” Sunrise was a commercial event intended to make a profit for its then organisers and would not therefore “qualify” as a community event.

Secondly, “any and all profit from the event shall be applied for charitable purposes or good causes”. Again, this was not the case with Sunrise.

Thirdly, “the event shall be held for the primary benefit of the local community, meaning residents and organisation living or based within a radius of 5 miles from the premises”. Again, this was certainly not the case with Sunrise.

Fourthly, there is a limit on the number of such events to 4 days a year and the event can only be open to the public between 8 a.m. and 11 p.m. Granted that Sunrise was a 4 day event but it was in effect open to the public beyond those hours. Further, the conditions expressly provide that no other licensable activities take place after 10.30 p.m. on the day of the event nor before 8 a.m. the following day – in other words, late night music entertainment could not take place.

It follows that if anyone were to propose another Sunrise type festival on the site, it would be necessary to make an entirely separate licensing application which would have to be considered on its own merits.

Noise controls

It is clear that the principal concern of many residents is noise from music. This aspect has been the subject of lengthy exchanges with the relevant officers from Environmental Health, both before the application was formally submitted and during (and beyond) the consultation period. Quite apart from the fact that there is an extant noise abatement order in place (see above) the application contains a number of conditions designed to ensure that noise levels are controlled and that drumming for example is strictly limited. This simply cannot be done if events are licensed under the TEN regime (see above).

Crime and Disorder

This is a matter principally for the police. I understand that to all intents and purposes, the events that have been held at Thoulstone have not resulted in any concerns on the part of the police about crime and disorder (even though it is accepted that certainly some of the events caused other issues). The sub-committee will be aware of Guidance issued by the Secretary of State to the effect that it should “accept all reasonable and proportionate representations made by the police.....” (paragraph 9.12 March 2015 Guidance). It follows that when the police have made no representations, significant weight should be attached to that.

Traffic Management

The application requires that there be a formulated traffic management plan for all licensed events – again something that cannot be achieved with a TEN.

Duration of the Licence

The application limits the licence to events taking place between 1st April and 30th September each year. It is however an application for a permanent licence. That is not to say that the licence would last for eternity because the Licensing Act gives not only responsible authorities such as the Council and the Police the power to call for a review of a licence, it gives the same right to “any other person”. The right to call for a review of a licence is

exercisable at any time (and no fee is payable on the making of the application); once an application has been made, there has to be a hearing and at that hearing, the licensing sub-committee can decide to do nothing, amend or add conditions, remove licensable activities, restrict hours, suspend the licence, remove the designated premises supervisor and even revoke the licence. If an offence has been committed, the licensing authority can prosecute and the penalty for breaching licence conditions is now an unlimited maximum fine and/or up to 6 months in prison.

Planned 2015 events

The licence conditions will require that the Council, Police and residents living within an area defined by Environmental Health are given advance notice of any and all planned licensable events and any changes to the proposals. To date the events planned are as follows:

24th May – Thoulstone Big Picnic. This would be the first event of the year and would be a daytime community event aimed squarely at families living in the locality involving games, food, possibly a cider bar and a small amplified stage in a new 40 foot yurt. It is anticipated that the site would be clear of all visitors by 10 p.m. at the latest.

19 - 21 June – Private wedding booking for between 120 and 150 guests.

17 – 19 July – Private wedding booking for between 200 and 260 guests.

20 – 23 August – Private wedding booking for between 120 and 150 guests.

The first event could not involve any music entertainment unless the premises licence is granted but otherwise could take place without a licence because any cider bar could be covered by a TEN.

The other events do not strictly require a licence but if the licence were to be granted, then any licensable activity (including for example a pay bar) would be subject to the constraints of the licence, even if a TEN were given.

Conclusion

I entirely understand why it is that so many of the local residents have concerns and are deeply sceptical about this application. The sub-committee will however be aware that the Licensing Act is essentially a permissive piece of legislation – it is effectively presumed that a licence will be granted as applied for by the applicant unless it is shown to be appropriate to restrict it in order to promote one or more of the licensing objectives and full reasons must be given for any decision.

The balance that the Act provides are serious sanctions for breaches of licensing conditions, an assortment of enforcement powers given to the police and environmental health officers in particular and the right of any person to seek a review that might result in the revocation of the licence.

Put another way, the sub-committee will be invited by me to give Mr Lepingwell the opportunity to show that he is capable of running events at Thoulstone in a responsible manner that respects the concerns of local residents, safe in the knowledge that if he does not, he puts himself at risk of prosecution and the licence at risk of revocation.

Philip Day, Solicitor
Horsey Lightly Fynn
3 Poole Road
Bournemouth BH2 5QJ
01202 444545
pday@hlf-law.co.uk
30th March 2015

This page is intentionally left blank

Thoulstone Park Premises Licence Application

Bundle of documents

Item	Pages
Summary of Objections	1-2
Outline planning consent for the hotel	3-14
Letter from James Hughes-Hallett <i>To follow</i>	15-16
Sunrise noise limit conditions	17-18
Planning consent for Yurt campsite	19-21
Summary of 2014 events	22-23
Noise Abatement Notice	24-27
Site Notice	28
Wiltshire Council webpage notice	29-30
Plan attached to Licence application	31
Holly Streeter CV <i>To follow</i>	32-33
Please also refer to	
The Licensing Act 2003 – see http://www.legislation.gov.uk/ukpga/2003/17/contents but please note that the very latest amendments have yet to be uploaded (but are of no relevance to the issues in this case)	
The Live Music Act 2012 – see http://www.legislation.gov.uk/ukpga/2012/2/contents and https://www.gov.uk/entertainment-licensing-changes-under-the-live-music-act	
The Secretary of State’s Guidance – see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf	

This page is intentionally left blank

Thoulstone Park Licensing Application - Summary of Objections

Date	Name	Address	General
1 04/03/2015	Jane Brake (see also 7)	Dilton Court Farm	All through the week and weekends 8.am. To 2 a.m. music
2 05/03/2015	N J Medhurst	Rosebank House, Corsley BA12 7QD	Noise and traffic problems for last few years MP's letter
3 09/03/2015	Venessa Emery	157 Short Street, Chapmanslade BA13 4AA	Anti-social noise for 2 years - electronic music, whooping and cheering
4 09/03/2015	Julie Harridge	Next door to entrance to Thoulstone Park.	Noise, public nuisance, crime and disorder, protecting her children from harm and privacy
5 11/03/2015	Chris da Costa	Manor Farm, Corsley BA12 7QE	Noise - licensed to 2 a.m. and 5 a.m. for LNR. Issue re community events ceasing at 22:30 but music and alcohol for 500 to 2 a.m.
6 11/03/2015	Mr C Elliott and Miss M Sutton	Melon Grove, Dilton Court Farm, Hisomely, Westbury BA13 4DE	People trespassing; blighted by events for three springs and summers
7 11/03/2015	Michael Brake	B & B, Dilton Court Farm, Hisomely, Westbury BA13 4DE	Arena next to boundary line, noise litter trespass, fences broken people sleeping in crops and barn
8 11/03/2015	D P Holmyard	No address given	2 - 3 years, unsuitable events. Sunrise the 1st. Noise, trespass, graffiti and drugs
9 11/03/2015	Chris Oakham	Trend Tracker Limited, 116 High Street, Chapmanslade, Westbury BA13 4AW	Noise and increase in traffic - refers to hotel guests being disturbed (in future)
10 12/03/2015	David Thomas	6 Hillview, Hisomely, Westbury, BA13 4DB	Nuisance from noise and alcohol until late - if granted, end at 11 p.m.
11 13/03/2015	Robin Thwaites	Well Cottage, Short Street, Chapmanslade BA13 4AA	12 months of frequent noise and traffic problems - unable to manage events
12 13/03/2015	Bella Mayo	Buckley Barracks, Stanton St Quintin, Chippenham SN14 6BT	Quiet rural area - large numbers - public safety, crime and disorder on such a large rural site. Police stretched.
13 15/03/2015	Chris Coles	Chalcot Coach House, Short Street, Chapmanslade BA13 4AA	Same people as Sunrise - non-compliance with TEN's and original Sunrise licence. Noise - refers to independent reports
14 15/03/2015	Pat Bailey	158 Short Street, Chapmanslade, BA13 4AA	Says 8 a.m. to 5 a.m. 7 days for all activities - same person - Groundhog Day
15 15/03/2015	Mr R Maynard	32 Huntenhull Green, Corsley, Warminster BA12 7QB	Noise complaints last year - concern about drinking
16 15/03/2015	James Bruce	Chalcot House, Westbury BA13 4DF	Same people as Sunrise - Lepingwell and Hurring. Breached noise limits. Specific complaint 19th July 14
17 15/03/2015	Julian Bower	Skills House, Short Street, Chapmanslade BA13 4AA	Record of failing to comply with undertakings re noise disturbance and risk to public safety
18 12/03/2015	Upton Scudamore Parish Council	Clerk: 5 The Teasels, Warminster, BA12 8NU	Previous events caused discomfort and nuisance - if granted, should be restricted to 10 a.m. to 11 p.m. - less on Sundays
19 13/03/2015	Maxine Crook	17 Upton Scudamore BA12 0AE	Impossible/dangerous to ride horses around perimeter - noise, vehicles, flags banners, trespassers on crops, rubbish, balloons and bottles. Suggests licence is for alcohol 20 hours a day



Thoulistone Park Licensing Application - Summary of Objections

20	13/03/2015	Neville and Ruth Giddings	Camping site nr Chalcot Park Farm.	"All day and night drinking" Sunrise. Risk of undesirables - theft and damage.
21	16/03/2015	Fraser Mills	Black Dog Farm, Chapmanslade BA13 45AE	Historically failed to comply with undertakings. Danger to pedestrians on A36.
22	16/03/2015	Mrs Jo Collier	155 Short Street, Chapmanslade BA13 4AA	2 years unacceptable noise levels - abysmal past record. Noise continues after main noise system switched off
23	13/03/2015	Kate Jackson	Short Street (no number given)	Enormous amount of extra traffic - safety. Noise and other disturbance until 5 a.m. Illegal drug use.
24	16/03/2015	Phil Smith	Dye House Farm, Corsley BA12 7QD	Sound levels over 50dB after 22:30; Community events would mean large festivals every weekend. Track record on noise - suggests noise level condition, pay for continuous independent noise monitoring; max duration 2 months
25	no date	Phil Jefferson	Chapmanslade Parish Council	Noise - late hours. 2 years of not controlling noise levels - Sunrise then throughout 2014. No confidence in AL.
26	16/03/2015	Neil Lucas	Turnpike Cottage, Chalcot Lane, Chapmanslade BA13 4AB	Failure to comply with noise levels. Increased crime and disorder - graffiti at Row Farm Nursery. Public safety with events until 5 a.m.
27	16/03/2015	Melanie Lucas	Turnpike Cottage, Chalcot Lane, Chapmanslade BA13 4AB	Failure to comply with noise levels. Increased crime and disorder - graffiti at Row Farm Nursery. Public safety with events until 5 a.m. (As per 26)
28	16/03/2015	Mr Robin Bailey	158 Short Street, Chapmanslade, BA13 4AA	Music will be an unacceptable source of great annoyance
29	16/03/2015	Susan Pinckney	8 Southcroft, Chapmanslade BA13 4AU	"An abomination that will cause serious noise pollution." Not the right area for raves on a regular basis
30	16/03/2015	David Pinckney	8 Southcroft, Chapmanslade BA13 4AU	Alcohol and music will lead to disorder and possibly crime - children could be at risk on such a large site. Litter and (soiled) debris. Suggest limit to 2 or 3 events a year and only until midnight
31	17/03/2015	Mary Medhurst	Probably Rosebank Cottage - see 2 above	Noise from previous events. Virtual non-stop music and drinking
32	17/03/2015	Andrew Murrison	Member of Parliament	RE-run of Sunrise by essentially the same undertaking. Sunrise non-compliant. Wrong to allow unlimited number of events
33	17/03/2015	Richard Francis	SEHO	Representations resolved

2

Town & Country Planning Act 1990

Notification of Outline Planning

Application Reference Number: 14/09146/OUT

<p>Agent Jeremy Smalley Consulting Ltd 18 Yeomans Lodge Frome Somerset BA11 4SA</p>	<p>Applicant Mr James Hughes Hallett Hunters Lodge Farm Studley Lane Wanstrow Somerset BA4 4TG</p>
<p>Parish: CHAPMANSLADE</p>	
<p>Particulars of Development: Proposed hotel with associated public areas, bar, restaurant, spa, pool, gym treatment room and function suite. (Outline application to determine access)</p>	
<p>At: Thoulstone Park Golf Club, Thoulstone, Chapmanslade, Westbury, Wiltshire, BA13 4AQ</p>	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;

3

- (b) The layout of the development;
- (c) The external appearance of the development; and
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure that the development harmonises with its setting.

- 4 The hotel hereby permitted shall comprise a maximum of 54 bedrooms and any ancillary function room shall have a maximum capacity of 200 guests.

REASON:

In order to define the terms of this permission and in accordance with the justifications within the supporting documentation submitted with the application.

- 5 The ridge height at the highest point to the roof of the proposed building shall not exceed 14.7m above the immediately adjacent ground level.

REASON:

In order to protect the appearance of the countryside.

- 6 No development shall commence until a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provisions for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON

To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

- 7 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences.

REASON:

To prevent pollution of the water environment.

- 8 Prior to any site preparation, clearance, demolition and/or commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall

(4)

then only be carried out in accordance with the approved details.

REASON:

In the interests of natural species which have statutory protection.

- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure the appearance of the development is satisfactory.

- 10 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 11 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 12 Car and cycle parking and servicing areas together with the means of access thereto shall be completed and made available for use before the premises are occupied in accordance with details to be submitted and approved in writing by the Local Planning Authority, and shall be maintained as such thereafter.

REASON:

To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

5

- 13 No development shall commence on site until visibility splays have been provided at the entrance to the site between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the west and 43m metres to the east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height 900 above the level of the adjacent carriageway.

REASON:

In the interests of highway safety and pedestrian safety on the public right of way adjacent to the site.

- 14 No development shall commence on site until details of verge and shrub/tree clearance to be carried out on "Thoulstone Road", the access to the A36 to the west of the site, has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be first brought into use until the clearance work has been carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

- 15 Prior to the bringing in to use of the proposed development the applicant shall provide a full Travel Plan for the site. The plan should include details on the following issues:

- * The identification of targets for trip reduction and modal shift;
- * The methods to be employed to meet these targets;
- * The mechanisms for monitoring and review;
- * The penalties to be applied in the event that targets are not met;
- * The mechanisms for mitigation;
- * Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;
- * Mechanisms to secure variations to the Travel Plan following monitoring and review.

A review of the targets shall be undertaken within 3 months of the first occupation of the development and on an annual basis thereafter.

REASON:

To ensure the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.

- 16 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON:

In the interests of public health and safety.

- 17 No development shall take place until details of the refurbishment of the golf course all associated golf related development at the site have been submitted to and approved by the Local Planning Authority. Refurbishment shall take place in accordance with a time frame that shall be included in the details.

REASON:

To ensure that the refurbishment of the golf course takes place and will harmonise with the proposed building on the site.

6

- 18 The refurbished golf course shall be brought into use prior to the first occupation of the hotel hereby permitted or simultaneously with such first occupation.

REASON:

In the interests of ensuring that the golf course is returned to functional use.

- 19 All licenced venues within the development hereby permitted shall remain closed between 00h00 and 08h00. Nothing in this condition will prevent the sale of alcohol to resident guests in their rooms.

REASON:

To preserve the amenity of existing nearby residential properties.

- 20 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from amplified music. The approved scheme shall be implemented in full before use commences and maintained at all times thereafter.

REASON:

To preserve the amenity of existing nearby residential properties.

- 21 The development hereby permitted shall be used for hotel and ancillary purposes (which may include public areas, bar, restaurant, spa pool, gym, treatment room and functions suites) only, and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON:

The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 22 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

POLICY-[number & purpose]

- 23 The development hereby permitted shall be carried out in accordance with the following approved plan:

p578/001 registered on 10 October 2014;

p578/002 registered on 10 October 2014;

p578/101 registered on 10 October 2014 (for indicative purposes only).

read together with all Reserved Matters plans that are subsequently approved.

7

REASON:

For the avoidance of doubt and in the interests of proper planning.

24 INFORMATIVES

The Environment Agency advises that, In the course of discharging condition 6, the detail design of the surface water drainage scheme for the proposed development must meet the following criteria:

- a. Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
- b. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
- c. Exceedence flow occurs during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion would flow downslope possibly onto land under other ownership. For surcharge / flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained within the site and must not reach unsafe depths on site.
- d. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- e. The adoption and maintenance of the drainage system for the lifetime of the system must be addressed and clearly stated.
- f. The tarmac surfacing to the existing carpark would need to be broken up and removed.
- g. Consideration of further use of soakaways, grass swales and infiltrations trenches which could work well in contributing to reducing the surface water off rate from the proposed buildings.
- h. A comprehensive drainage strategy should be submitted, which explains what methods will be used to reduce the surface water runoff rate.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines on its website.

The applicant is advised that this permission relates to the hotel and ancillary facilities on site and in no way implies any acceptability of other potential development as is referenced in some of the supporting documentation.

Signed

8



Director for Economic Development & Planning

Dated: 01 December 2014

9

Town and Country Planning Act 1990
PERMISSION FOR DEVELOPMENT

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk

11

This page is intentionally left blank

Maximum edge height approx. 4.6m
 Maximum above height approx. 11.3m
 Minimum edge height approx. 2.0m
 Minimum above height approx. 2.7m

Massing Section AA

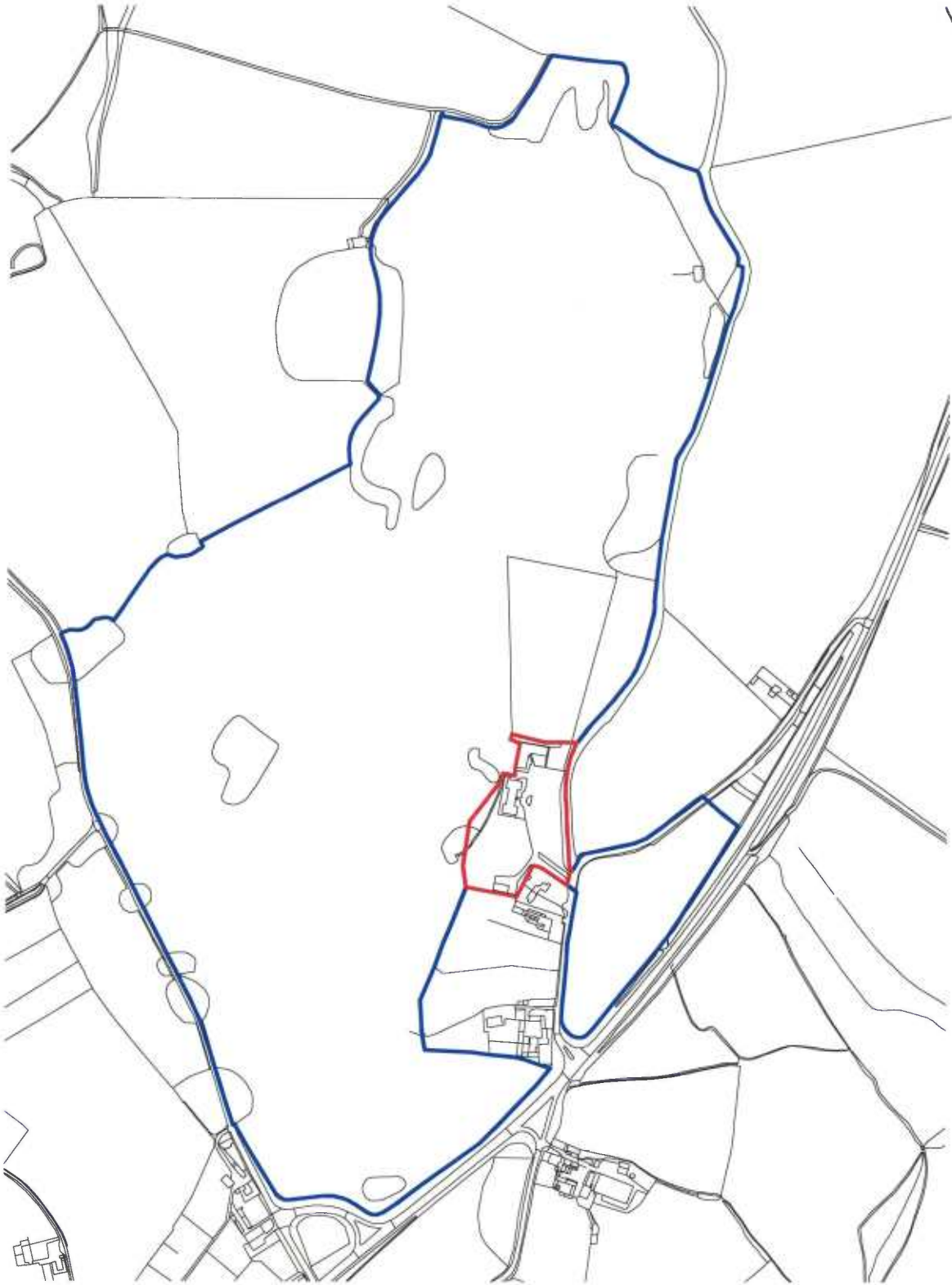
Key

- Proposed building
- Existing buildings to remain
- Proposed building
- Proposed building
- Proposed building
- Proposed building
- Proposed building



revision # revision date





Key



ANNEX 2B – OPERATING SCHEDULE

- Event to be managed in compliance with the Event Management Plan as approved by the Licensing Authority in consultation with Wiltshire Police.
- A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.
- There is a no glass policy and all alcoholic drinks must be served in plastic or toughened glasses

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

1. The licence holder shall at all times comply with the detailed arrangements for the event set out in the final agreed version of the Event Management Plan.
2. The event will not take place until the Crime and Disorder and Public Safety elements of the Event Management Plan, (in particular the Drugs Policy, policing levels, security/stewarding levels, hours of alcohol sale, age verification, traffic management) have been submitted and approved by the Licensing Authority in consultation with Wiltshire Police. The final version of the Event Management Plan will be submitted not later than 30 days prior to the event. No changes likely to have an adverse impact on Crime and Disorder or Public Safety may be made after the Event Management Plan has been approved by the Licensing Authority in consultation with Wiltshire Police without the written consent of both those parties.
3. The maximum noise levels to apply shall be as follows:-
 - a. 50dB between 17.00 and 23.00 – Thursday
40dB between 23.00 and 01:00 – Thursday to Friday morning
60dB between 12.00 and 23.00 – Friday, Saturday and Sunday
50dB between 23.00 and 00.00 – Friday, Saturday and Sunday
45dB between 00.00 and 02:00 – Saturday and Sunday morning

Music to be inaudible outside residential receptors after these times

Applied to Thoulstone Park House, Thoulstone Cottages and Spinney Farmhouse only.

- b. 47dB between 17:00 and 23:00 – Thursday
37dB between 23:00 and 01:00 – Thursday to Friday morning
57dB between 12.00 and 23:00 - Friday, Saturday and Sunday
47dB between 23:00 and 00:00 - Friday, Saturday and Sunday
42dB between 00:00 and 02:00 - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

Applied to Chalcot house only.

- c. 40dB between 17:00 and 23:00 – Thursday
30dB between 23:00 and 01:00 – Thursday to Friday morning
50dB between 12.00 and 23:00 hrs - Friday, Saturday, Sunday
40dB between 23:00 hrs and 00:00 - Friday, Saturday, Sunday
35dB between 00:00 and 02:00hrs - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

Applied to Dilton Court Farm and Clearwood View only.

15

4. The maximum levels of low frequency noise shall not exceed the following on all days:-

- | | |
|-------------------------|--|
| Between 12:00 and 23:00 | - 75dB at 63 and 125 Hz (based on 60dB MNL) |
| Between 23:00 and 00:00 | - 70dB at 63 and 125 Hz (based on 50dB MNL) |
| Between 00:00 and 02:00 | - 65dB at 63 and 125 Hz (based on 45dB MNL) |

and to be inaudible outside residential receptors after these times

ANNEX 4 – PLANS

Attached Separately

16

This page is intentionally left blank

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 14/04854/FUL

<p>Agent Mr Daniel Hurring Thoulstone Sustainable Event Company Alexandra House Church Street Upton Noble Shepton Mallet Somerset BA4 8AS</p>	<p>Applicant Mr Daniel Hurring Thoulstone Sustainable Event Company Alexandra House Church Street Upton Noble Shepton Mallet Somerset BA4 8AS</p>
<p>Parish: CHAPMANSLADE</p>	
<p>Particulars of Development: Change of use of part of former golf course to Yurt campsite</p>	
<p>At: Thoulstone Park Golf Club, Thoulstone, Chapmanslade, Wiltshire BA13 4AQ</p>	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

- 1 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the use and stationing of yurts and tent pitches hereby permitted shall be for holiday accommodation only and for no other purpose and the caretaker accommodation shall be permitted for a temporary period only so as to coincide with the operating period of the camp site as contained in condition 2.

REASON:

This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent accommodation.

- 2 The campsite use hereby permitted shall be open to guests only between 1st April and 30th September in any year of operation and all temporary accommodation and structures shall not be brought on to site before 15th March and shall be removed

from the site by 15th October in that year.

REASON:

In accordance with the application proposals and to ensure that the site is vacant outside of the permitted annual period of operation.

- 3 The use hereby permitted including the caretaker accommodation shall be discontinued and the land restored to its former condition on or before 15th October 2019, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON:

In accordance with the application proposals and to ensure that the site is restored at the end of the temporary permission.

- 4 No more than 40 pitches for tents, 4 yurts to a maximum diameter of 7m, 3 ancillary tents/temporary structures in accordance with the submitted details (kitchen, "ceremonial space" and reception), the shower and toilet facilities in accordance with the submitted details and temporary caretaker accommodation, which may take the form of a caravan, may be on site and in use on the land at any time. For the avoidance of doubt the caretaker accommodation shall be removed from site together with all other temporary structures in accordance with the time limits contained in Condition 2.

REASON:

In order to define the terms of this permission, highway safety and protect the rural scene.

- 5 No sound reproduction or amplification equipment (including public address systems, in-vehicle sound systems or loudspeakers) shall be installed or operated on the site unless in association with an event being held under a Temporary Events Notice (TEN) and/or licensed where required under the Licensing Act 2003 (or any legislation revoking or re-enacting or amending that Act with or without modification).

REASON:

In order to safeguard the amenities of the area in which the camp site is located.

- 6 Guest vehicular access to and egress from the parking area shall be restricted to the hours between 07:00 and 23:00 unless during an event being held under a Temporary Events Notice (TEN) and/or licensed where required under the Licensing Act 2003 (or any legislation revoking or re-enacting or amending that Act with or without modification).

REASON:

In order to safeguard the amenities of the area in which the access, camp site and parking area are located.

- 7 The parking of all motor vehicles, barring that of the site manager, which may be parked in the vicinity of the manager's temporary accommodation, shall be confined to the existing parking area serving the old golf course and club house.

REASON:

In order to safeguard the amenities of the area in which the camp site is located.

- 8 Within two months of the date of this permission an Ecological Landscape Scheme and Management Plan shall be submitted to the local planning authority for written approval. The landscape scheme and management plan shall provide full details of habitat creation, planting/seeding methodologies, aftercare and management. Habitat

creation and management shall be carried out in full accordance with the plan.

REASON:

In the interests of promoting biodiversity and to avoid harm to the local ecology.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan (Revised) received on 1 August 2014;
 - Site Plan (Revised) received on 9 August 2014;
 - Access Plan received on 12 May 2014;
 - Ceremonial Temple Design received on 12 May 2014;
 - Typical Yurt and canvas structure image received on 12 May 2014;
 - Compost Lavatory design received on 12 May 2014; and
 - Shower cubicle design received on 12 May 2014.

REASON:

For the avoidance of doubt and in the interests of proper planning.

- 10 **INFORMATIVE:** The Rights of Way Officer invites the applicant's attention to the presence of Right Of Way USCU5 in the vicinity of the site and advises that at no time may the legal line of any public footpath be obstructed.

Signed



Director for Economic Development & Planning

Dated: 11 August 2014

Thoulstone Park – summary of events held in 2014

Beltain Unity Event

This was a 4 day event in May that attracted about 400 people organised by Dan Hurring and Sun Bird. Online publicity caused Environmental health to serve an abatement notice in advance of the event. Despite complaints, no action was taken regarding the abatement notices.

Cinema Sleepover

This took place on 13 June 2014 and was covered by a TEN given by Mr Hurring. Approximately 100 attendees and no known complaints

Hootsuite Summer Camp

This was a private corporate event between 4th and 6th July 2014 with about 80 persons camping on site. There were complaints about noise from car horns etc at the end of the event.

BBC Party

This was a private event organised by the BBC in Bristol and attracting about 300 guests from 12th July for 3 days in all. The organisers brought their own sound equipment and ignored all requests to turn down the music volume. As a result, TSEC staff disconnected the power generator only to then find that one of the many engineers on site reconnected the same. Described by Mr Lepingwell (who was not on site for the event) as a “catastrophic disaster” the organisers of the event will never again be permitted on the site and this event led to further enforcement action.

Wowcher

Another corporate event – this time for 1 day on 18th July for about 150 persons, all of whom were bussed into and then away from the site with few issues.

Whispering Wood Folk

This was a one day event on 19th July for about 120 attended and was a children focussed theatrical event held in the woodlands part of the site which did not end late. Curiously, there appear to have been complaints about this evening which we have been unable to verify.

Sound Healing Retreat

A 4 day private event starting on 31st July involving about 40 people staying on site and a lot of “chanting and meditation”. No known complaints.

Off-Grid

22

This was a comparatively large event with about 700 persons attending between 14 and 17th August. A TEN was given by Mr Hurring but only for part of the site (which did not accommodate more than 500 persons). An abatement notice was again served specifically in respect of this event and before it occurred.

Private 40th Birthday party

A two day private event for 100 persons. There were some issues over parking and music running on late but this was not a licensable event.

Sarah L B wedding

The first (and so far only) wedding at Thoulstone Park 2 days at the end of August with about 250 guests in all and no issues arising.

Sharper Sounds

2 day event on 12 and 13 September for which Mr Hurring gave a TEN. The set up of sound systems and the nature of music played caused issues at Thoulstone Cottages. Approximately 350 attendees.

23

25 July 2014

Mr Daniel Hurring
Alexandra House
Church St
Upton Noble
Somerset
BA4 6AS

Public Protection Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our Ref: 201419548

Dear Mr Hurring

**Environmental Protection Act 1990
Complaint of Alleged Noise Nuisance from Loud Music at Thoulstone Park,
Thoulstone, Chapmanslade**

I regret to inform you that I have received a number of complaints with regard to noise from events that have occurred at Thoulstone Park, notably, the weekends of 12th and 13th July and 19th and 20th July.

I have, therefore, enclosed two legal Notices served under the Environmental Protection Act 1990, which require you to ensure the activities on the site which involve any form of music do not cause a statutory noise nuisance.

We have served two separate notices; one with respect to the Off Grid Festival and one with respect to parties and other events held at the premises.

Abatement Notice Ref: 201419556

This notice applies solely to the Off Grid Festival that is to run from 14th to 17th August 2014 and places various restrictions on the site, including the hours during which amplified music, recorded music and or musical instruments may be played and also sets maximum music noise levels.

You will note that the times match the times you submitted with your application for a Temporary Event Notice and the MNLs moreorless match the ones submitted with your draft Noise Management Plan.

You should be able to demonstrate and provide evidence that the notice and specified Music Noise Levels have been complied with.

To clarify section 7 of the schedule of the notice (and which forms part of the notice) refers to drumming workshops. This type of activity caused significant disturbance to those living in the locality during the Beltain Gathering event organised by "Sun Bird".

.....continued overleaf

24

Abatement Notice Ref: 201419548

This notice applies to the whole site on all dates apart from 14th to 17th August 2014 and requires you to take such measures as may be necessary to prevent statutory noise nuisance from being caused.

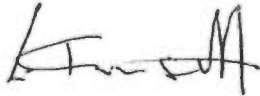
We will be monitoring the site including the Off-Grid Festival and would advise that if breaches are witnessed legal action may be taking having regard to our enforcement policy. Fines, on summary conviction in a Magistrates' Court, are up to £20,000 each time a notice is breached.

As stated previously, you are advised to review your proposals for the site and your Noise Management Plan. We would also suggest you apply for a premises licence for the site as this has the potential to bring clarity for all. We would propose a debrief meeting for September to review this year's activities, the impact on the community and future events.

Please note you will, of course, need to ensure that you have planning permission that covers you to carry out the activities/events you run/hold on site prior to running them.

Please do not hesitate to contact me should you seek further clarification or wish to discuss this matter.

Yours sincerely



PP Mrs Annabel Wilkinson
Environmental Health Officer

tel no 01225 770219

email: annabel.wilkinson@wiltshire.gov.uk

25

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Noise Nuisance

Ref: 201419548

To: Mr Daniel Hurring
Alexandra House
Church St
Upton Noble
Somerset
BA4 6AS

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **WILTSHIRE COUNCIL** being satisfied of the ~~(existence)~~ likely occurrence ~~(recurrence)~~ of noise from music amounting to a statutory nuisance under Section 79(1)(g) of that Act at:

1. 1 and 2 Thoulstone Cottages, Chapmanslade BA13 4AQ
2. Thoulstone Park House, 1 Thoulstone, Chapmanslade BA13 4AQ
3. Dilton Court, Hisomley , Dilton Marsh, BA13 4DE
4. Chalcot House, Chalcot Lane, Dilton Marsh BA13 4DF

(within the district of the said Council) arising from noise from the playing of amplified, recorded and musical instruments at Thoulstone Park former golf course, Thoulstone, Chapmanslade Wiltshire.

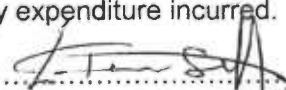
HEREBY REQUIRE YOU as the person responsible for the said nuisance and occupier of the premises from which the noise is or would be emitted forthwith from the service of this Notice, to take such measures as may be necessary to prevent statutory noise nuisance from being caused

This notice shall not apply between the 14th August 2014 and the 17th August 2014

IF without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED 25 July 2014

Signed: 
Environmental Health Officer

Address for all communications:-
Public Protection
Wiltshire Council
County Hall Bythesea Road
Trowbridge BA14 8JN

NB: The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

**Currently £5,000 subject to alteration by Order

Linda Waugh
NO022

Version 1.1

15.06.09

26

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

- 2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
- (a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect, or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
- (i) is a nuisance falling within Section 79(1)(a),(d),(e)(f) or (g) of the 1980 Act and arises on industrial, trade, or business premises; or
- (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
- (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
- (f) that, in the case of a nuisance under Section 79(1)(g) of (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
- (i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises); or
- (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone); or
- (iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
- (i) the person responsible for the nuisance; or
- (ii) the persons responsible for the vehicle, machinery or equipment; or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises; or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- (i) a person also responsible for the nuisance; or
- (ii) a person who is also owner of the premises; or
- (iii) a person who is also an occupier of the premises; or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates; or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit; or
- (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit.
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work; or
- (b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required; and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

- 3 (1) Where -
- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act; and
- (b) either -
- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal; or
- (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant; and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) The paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
- (i) is injurious to health; or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect; or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court; and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

27

LICENSING ACT 2003
Notice of Application for a Premises Licence

NOTICE is hereby given that Sustainable Land and Events Limited has applied to Wiltshire Council for the grant of a premises licence for part only of the former **Thoulstone Park Golf Club, Thoulstone, Chapmanslade BA14 4AQ.**

The application is permit the performance of plays and dance (08:00 - 23:00 hours), films, live and recorded music (12:00 - 02:00 hours), late night refreshment (23:00 - 05:00 hours) and the supply of alcohol (08:00 - 02:00 hours).

The application is subject to a series of conditions including a capacity restriction of 500 for all events other than "Community Events." A maximum of 4 one day Community Events will be permitted and the hours restricted to a latest time for licensable activities of 22:30 hours.

Anyone who wishes to make representations concerning this application must do so in writing to The Licensing Team, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 8JN no later than 17th March 2015.

The full application may be inspected during normal office hours at the offices of Wiltshire Council at the above address (or www.wiltshire.gov.uk). It is an offence to knowingly or recklessly make a false statement in connection with this application, the maximum fine for which a person is liable on summary conviction is £5,000.

Horseley Lightly Fynn

3 Poole Road, Bournemouth BH2 5QJ

Solicitors for the Applicant

Ref PJD/Thoulstone

Tel 01202 444545

Email pday@hlf-law.co.uk

From whom copies of the full application may also be obtained

Wiltshire Council

Where everybody matters

APPLICATION SUBMITTED UNDER THE LICENSING ACT 2003	
Application Reference	WK/201504448
Type of Application	New Premises Licence
Applicant's Name	Sustainable land and Events Limited
Address of Premises to be Licensed	Part of the former Thoulstone Park Golf Club Thoulstone Chapmanslade BA13 4AQ
Details of Application including licensable activities and hours requested	<p>Licensable activities will take place on the premises between 1st April and 30th September each year.</p> <p>Plays Mon – Sun 08.00-23.00 Films Mon - Sun 12.00 – 02.00 Live Music Mon – Sun 08.00 – 02.00 Recorded Music Mon – Sun 08.00 – 02.00 Performance of Dance Mon-Sun 08.00 – 23.00 Late Night Refreshment Mon – Sun 23.00 – 05.00 Supply of Alcohol Mon – Sun 08.00 – 02.00</p> <p>Except for "Community Events" which licensable activities will take place between 08.00 – 22.30. Apart from films which will be shown between 10.00 – 22.30</p> <p>A "community event" is defined as: An event involving licensable activities taking place on the licensed premises at which all the following apply:</p> <ol style="list-style-type: none"> 1)The event shall not be run for the private benefit of any individual, company or other organization 2)Any and all profit from the event shall be applied for charitable purposes or good causes 3)The event shall be held for the primary benefit of the local community, meaning residents and organizations living or based within a 5 mile radius from the premises. <p>Attendance at any event involving licensable activities taking place at the premises, other than Community Events shall be limited to 500 persons at any one time. Community Events shall be restricted to 5000.</p>
Date Representations must be received by the Council	17 th March 2015

29

The full application can be viewed at the address given below during normal working hours and an appointment will need to be made by calling 01249 706555.

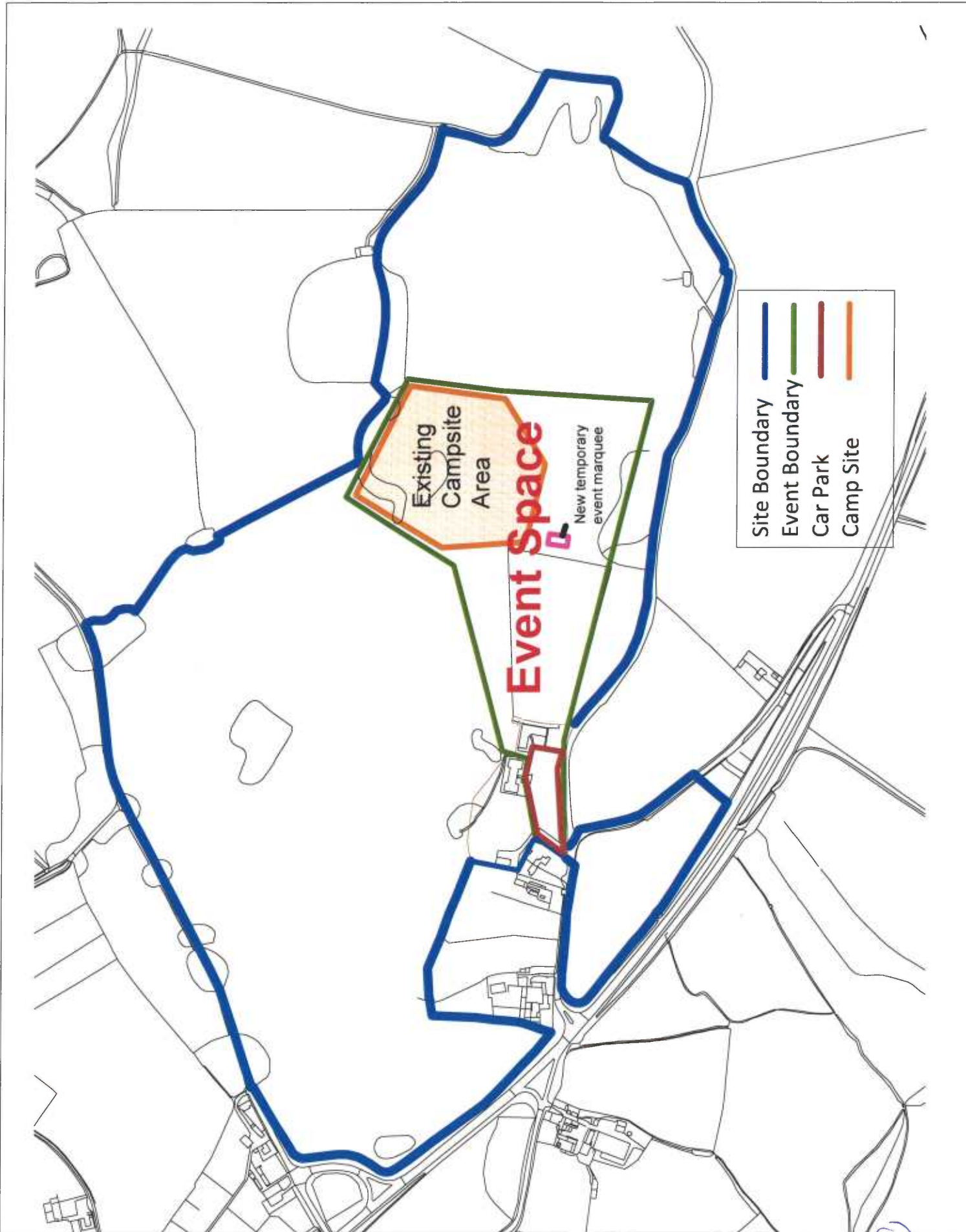
Representations must be made in writing and sent to the following address or via email:

**The Licensing Officer
Wiltshire Council
Licensing Department
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN**

Email: publicprotectionnorth@wiltshire.gov.uk

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to £5000.





31

This page is intentionally left blank