

# BURTON BRADSTOCK PARISH COUNCIL

Chairman: Cllr M Evans

Clerk: Mrs M Harding



## Minutes of the Parish Council meeting held on 5<sup>th</sup> July 2017

### At 7.30pm at The Reading Room

**Present:** Cllr M Evans, Cllr G Moody, Cllr A Ross, Cllr A Bailey, Cllr D Venn, Cllr J Russell (WDDC) Mrs. M Harding (Clerk) and 14 members of Public

#### Minute

#### Action

**2017/07-1 To receive apologies for absence-** Cllr D Batten and Cllr D Dixon

**2017/07-2 To receive declarations of Interest and grants of dispensation** –Cllr A Bailey on issues of noise at Bredy farm and Cllr D Venn on a planning application

**2017/07-3 Parishioners' Comments - (15 minutes on agenda items only) -**

Mr Lomax – commented and made his objections known on the planning application for 2 houses at Norburton being in a conservation area and the number of trees to be removed, effects on the AONB and that it would not contribute to the local community, Mr Lomax would be in support of 1 house on the site.

Mr Cox spoke on the recent events at Bredy Farm and the excessive noise and bad language from those on the stage.

Mrs Bailey expressed her upset at the event being on her doorstep with lasers and light in this quiet idyllic setting.

Mr Hickey explained that he moved to the village for a peaceful retirement and had not bargained on these festivals being on a regular basis. He asked if the PC were consulted as it is not a suitable site. It was explained that the PC are not consulted on TEN licences this is for the licensing department. Any complaints on events need to be sent to the Police, environmental health or the licensing department.

Mrs Venn commented that they were disturbed by the noise at Norburton but explained that if anything can be done it would need multiple people to complain.

Mr Tompkins explained that the noise was so loud it was thought to be coming from the Pub. He also felt that the TEN is not an appropriate tool for such an event.

Mr Cox explained that whilst we are concentrating on the noise the issue of planning has still not been addressed and that a retrospective planning application has still not been submitted. Mr Cox explained that he felt the 28 day planning rules have been breached and that the EH officer is incorrect with her comments.

Abi Charlsworth, Mr Harris's partner at Bredy farm addressed the meeting and expressed their concerns with the level of complaints that have been raised, they have met with the EH officer to discuss what they can do to change the sound levels and screening with natural barriers. There is now a sound recorder in the arena. Ms Charlsworth explained to the meeting the decibels allowed and those recorded also the reduction of time from midnight to 11.45pm to close the music down. She explained that the event complies with all the TEN constraints, although the family are aware that the event has still caused concern and issues in the surrounding villages. Mr Harris and Ms Charlsworth invited anyone from

## Burton Bradstock Parish Council

the village to look around the site.

Cllr Moody explained that he and Cllr Meek had been to the site and suggested that the bales of silage could be stacked higher and this may assist as a sound barrier. Cllr Moody asked is there is anything they could do about the language, it was explained that this has already been addressed and an email apology was sent by the performers. It was also explained that this was the first time that lights were used but they were not lasers. Mrs Bailey expressed her concern that the night sky was being ruined by light show. Mr Harris explained that the events were only for 9 nights of the year. The other events held on the farm in the woodland are charity events and not organised by the Mr Harris these have not caused issues as far as the PC are aware. Mr Harris was asked if this was the only location that the events could be held, it was explained that a lot of investment has gone into this site to make it suitable. Mr Harris was asked if the finishing time could be reduced further.

Mrs Venn commented on the previous comments regarding the planning at Norburton and explained that the Conservation Area appraisal was produced in 2008/09 prior to many properties being built in the area and taking into account the feedback from the withdrawn application the houses proposed are smaller.

### Items for Decision:

#### 2017/07-4

- a. **To approve the minutes of the Parish Council meeting held on 3<sup>rd</sup> July 2017 and sign the same-**

Proposed Cllr S Meek                      Seconded Cllr M Evans

- b. **To approve the minutes of the Closed PC meeting on 3<sup>rd</sup> July 2017**

Proposed Cllr D Venn                      Seconded Cllr S Meek

#### 2017/07-5 Matters arising from the above minutes for information only and ongoing actions

- a. The Drain- a site meeting was due to be held with Tara Hansford and Russell Goff regarding funding for further works to the Drain so ongoing.
- b. The agreement and works across Corncrake were agreed with Dave Dixon and the EA- work has commenced.
- c. Letters have been sent to the Garage and BB Cars regarding the parking in the layby.
- d. The PO thatch has been repaired and payment is on the finance report.
- e. A letter was sent to the Environmental Health from the PC expressing concerns about the level of noise from Bredy Farm.
- f. The approved contractors list will be updated over the summer
- g. Cllr Evans explained that the Play area group have met and will be looking further into the project and are meeting again on 24<sup>th</sup> July.
- h. At the last meeting Peter Tompkins suggested that the Council write to holiday home owners or their agents to see if they would be prepared to contribute by way of a donation to keeping the village clean and tidy. The Clerk will draft a letter and P Tompkins will supply the addresses of the agents.  
Proposed Cllr M Evans                      Seconded Cllr G Moody
- i. It was noted that at the Village of year filming one of the volunteers was injured, an accident form was completed by the filming company and the PC also completed a form the gentleman concerned is doing well now.

Clerk

Clerk/P  
Tompkins

## Burton Bradstock Parish Council

### 2017/07-6 Correspondence- items for decision

#### a. Bredy farm events and noise issues.

The Clerk read out an email received from Jane Williams from WDDC Public Health with an up to date report on the issue detailed below:

- There is no requirement to have a caravan or tent licence for temporary events of this nature, however the standard model conditions for permanent sites has been/will be supplied by my housing colleagues to Mr Harris for reference.
- Planning enforcement is involved with the stage structure and I understand that they are working with Mr Harris for the application or provision of information for an application to be considered. Unfortunately the Officer involved is on annual leave and I was unable to be updated on the situation as it currently stands.
- Noise – the site put a number of temporary event notices (TEN) in to the licensing team last year for this year's events. These are notifications not licences. The Police and Environmental Health (EH) are notified of their receipt and where complaints or concerns arise they, with the applicant, liaise to find middle ground to get any concerns alleviated, this can only be done by changing duration, hours or nature of the TEN, no conditions can be added. History on the site did not indicate any concerns and so the last TENs (currently those that equate to the 2017 TENs) were not questioned, they are therefore in place.

Any concern must be raised and resolved within 3 days of a TENs being received. If no agreement can be met EH or the Police must formally object, it is then scheduled to be heard for a decision by licensing sub-committee, they may agree for the TEN to continue or quash it depending on the evidence submitted. Although a public meeting, members of the public are not allowed to speak.

I have been in liaison with Mr Harris since the first receipt of complaints following the event early in June. We have agreed a number of measures for the coming event on the same site on August Bank Holiday, this includes noise monitoring within certain agreed parameters of the event by Mr Harris's team and the provision of mitigation.

Mr Harris has started to submit next year's TENs which I have seen and following discussion it has been agreed that the following modification will be made:

*Regulated entertainment to be restricted to between the hours of 13.00hrs and 23.45hrs on each day of the TEN, amplification only to be used outside of these times for conveying safety messages.*

This should control the intrusion of noise with regard to time.

Mr Harris has also submitted to EH a written understanding of his commitment to ensure that noise levels are controlled throughout any event on Bredy Farm and in particular when amplified music and speech are being played.

I have listened to the monitoring undertaken at one of the nearest residential

## Burton Bradstock Parish Council

properties and whilst the background levels are low (approx. 26dB(A)) the recordings in the bedroom indicated an average sound level of approximately 40dB(A) with the window open when music is being played. The World Health Organisations advises that sound should not exceed levels for bedrooms of 30 dB(A) averaged over 8hrs with maximum levels no higher than 45 dB(A). The WHO gives night-time as the period between 23.00hrs and 07.00hrs. So from the point of view of sporadic events (as will be in the future) I am unable to state that the current information collated meets statutory nuisance provisions. However I do appreciate that this is post May's events which may have been more intrusive to residents hence my involvement with Bredy Farm.

If these events were (in the future) to be occurring regularly enough to meet statutory nuisance criteria (frequency, duration and severity enough to materially affect the way in which someone lives in their own home), consideration could be given to serving an abatement notice, with conditions attached. Abatement notices are about the control of nuisance and not stopping any event, unless control cannot be achieved. A breach of a notice may lead to prosecution, the fines are unlimited.

Please note that any involvement by EH would not bring about inaudibility or the silence of sound merely that it would no longer be a nuisance, the current levels recorded would constitute 'annoyance'. Please note that this is a subjective assessment by an Officer and that there is no clear definition of 'annoyance' or 'nuisance' against decibel levels.

It is hoped with Mr Harris's continued commitment to control sound that EH will no longer have the need to be involved. However if residents of Burton Bradstock do receive excess noise on August BH, WDDC have an out of hours service, which will be appraised of the situation, and provide a witness service in their homes. Any early call on 01305 251010 to the Out of hours call centre based in Poole would be appreciated, as some officers have to travel some distance in order to respond. Please note transient guests such as those visiting our area for holidays are not able to be considered.

It was explained that the Parish Council do not have the power to do very much other than report issues and act as a forum. The PC is not consulted on a TEN. Cllr Bailey commented that he had sent a list of residents who have complained to Ms Williams. The noise was reported to be heard from Chilcombe, Coast Road, Litton Cheney, Modbury farm shop who explained that the events have had an adverse effect on their business as well as those who have B & B's camping or holiday makers in and around the village. Cllrs A Ross and Moody explained that the festivals have been family events not hooligans as has been depicted by some. Cllr Ross encouraged the events as he felt the village was dying. Cllr Evans explained that this has not been the first issue from Bredy farm with oversized signage and planning enforcement issues. Mr Harris explained about that the planning was submitted but was rejected and new plans to scale have been supplied, the events are only for 3 weekends of the year and many from the village enjoy the event. In response to this it was also noted these weekends are the bank holiday weekends and the busiest of the year when a lot of other businesses also rely upon tourism. Cllrs commented that it would be good if a compromise could be reached and the

## Burton Bradstock Parish Council

noise levels reduced, working with the village as although the TEN has not been breached many of the villagers are still unhappy. It was suggested that perhaps there could be some kind of poll as to how many from the village support the events. Mr Harris agreed to gather this information.

Cllr John Russell commented that the planning has been in the system since February and a change of use would be required. Mr Harris confirmed that this has been submitted with WDDC but is still in validation.

The Council agreed that at this point all that can be done is to monitor and review the situation with the next events due in August.

The discussions once complete will be sent to Jane Williams at EH.

- b. Cllrs Bailey and Cllr Ross are looking into putting in an application for the SSEN resilient communities fund and will speak to the BB Flood group closing date 13<sup>th</sup> August.
- c. Cllr Dixon had commented that there has been siting of Hemlock Water Dropwort in Corncrake which will be cut when the Hay is made.
- d. Request for support for a clearway by Marsh Barn road from Bridport TC- Cllrs supported this subject to no objections from Marsh Barn.  
Proposed Cllr G Moody                      Seconded Cllr M Evans

### 2017/07-7 To consider any planning applications received by the Council

- a. **WD/CA/17/000269**- 5 Grove Orchard- tree works to Purple plum - No objections
- b. **WD/CA/17/00271**- 5 Grove Orchard- tree works to Copper plum and silver Birch- No objections
- c. **WD/CA/17/00263**- 5 Grove Orchard-tree works to Silver Birch- no objections
- d. **WD/D/17/001271**- Norburton Hall Shipton Lane- Erect 2 new dwellings with 2 garages and landscaping-No objections
- e. **WD/D/17/001241**- The Othona Community, Coast Road- Replacement of existing art studio- a site meeting will be arranged before any comments are made.
- f. **WD/D/17/001334**-Sutherland- erect single storey rear extension- no objections

### 2017/07-8 Finance & General Purposes

- a. **To receive the Finance report receipts and payments and F & GP recommendations**

All payments were approved in line with internal controls; Cllr Evans had completed his monthly account checks.

Proposed Cllr G Moody                      Seconded Cllr M Evans

- b. **To consider report on village repairs and maintenance**

John Lewis has declined to continue as the PC repairs and maintenance contractor. John was thanked for all he has done over the last 4 years in that role. For the interim Cllrs Evans and Dixon will carry out the play area inspections and the role will be advertised in the BVN

## Burton Bradstock Parish Council

### c. Report from the Allotment Association meeting-

Cllr Evans had circulated a report from the meeting setting out the agreed rental increase for the coming year and increase on the following year to assist with the costs of the repairs to the paths. This was agreed by the PC.

Proposed Cllr M Evans

Seconded Cllr A Bailey

### 2017/07-9 Items for report in the BVN/website

Cllr Moody had circulated a piece for the BVN regarding the PO/Village Shop and the issues over its future so a Use it or Lose campaign has been launched. A further submission will go into the September copy of the BVN by Cllr Moody also the advert for a contractor/handy person to carry out weekly play inspections and small repairs as and when necessary.

### Items for information:

#### 2017/07-10 Correspondence items received for information - None

The PC have received interest in a vacancy on the Parish Council to be confirmed.

#### 2017/07-11 Parishioners' open comments (15 minutes maximum allowed)

Mr Fry from Swyre and Puncknowle Parish commented that the track created across the field at Bredy Farm requires planning permission and change of use; this had been confirmed earlier in the meeting. Mr Fry also commented on the noise issue as a hearing aid wearer the noise levels are heightened.

Mr Tompkins commented that no other business in the parish makes that much noise and why should the rights of 499 people be more than those who live in the village. There seems to be no effort by the applicant and a compromise needs to be reached.

Ms Abi Charlsworth explained that a TEN allows for a movable structure for 28 days but the structure now in place does need planning permission and this is ongoing. Abi confirmed that the noise levels will be reduced and they will look into who from the village enjoyed the festivals.

Martin Cox also commented that he would like to see how many of the villagers enjoyed the event. Mr Cox also mentioned that WHO suggest 11pm is the start of night time and yet the music is not going to stop until 11.45pm. Mr Cox commented on that the village is not a dying village but a vibrant place with lots going on but wouldn't want it known for being a festival village.

Cllr Meek commented that the festivals are for families and there are lots of people of our age but would it not be possible to change the angle of the stage as when the wind turns the sound is directed over the village.

Cllr John Russell asked if the TEN required for 2018 has been applied for, it was explained that yes the event for May 2018 has been submitted. John also commented that most of the money that the festival goers will spend will be on site.

Mr Cox commented that his site at Larkfield does not have a retail on site therefore customers use the village or drive to larger shops.

## **Burton Bradstock Parish Council**

Mr Harris explained that he would encourage their visitors to use the village shops and services.

P Tompkins commented on the use of the PO and Village shop and reminded people that The Mayo's are happy to stock many items for villagers etc if they are aware and can order these in. Mr Tompkins queried if the Council are doing anything to support the Mayo's, it was explained that there are actions going on behind the scenes.

**2017/07-12 Items for the Parish Council meeting on 6<sup>th</sup> September** –Parish Plan projects, Outcome of the August events at Bredy Farm, Dorset bets Village Competition and Village of the Year

**Meeting closed at 9.42pm**

Chairman Cllr M Evans

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6<sup>th</sup> September 2017