

[REDACTED]

From: [REDACTED]
Sent: 11 April 2022, 12:30
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Darley Dance Festival Temporary Event License

Warning External

Dear [REDACTED]

Thank you for contacting the Edlaston and Wyaston Parish Council with regard to the Temporary Event Notice received by the DDDC and the invitation to provide a statement or letter concerning the TEN. Having considered the four points, you have raised we wish to respond as follows:

The Edlaston and Wyaston Parish Council does agree with the DDDC objection and that the members issue a counter notice.

The applicant for this TEN has at no time contacted the Edlaston and Wyaston Parish Council concerning this TEN and at no time has he contacted or consulted us regarding any other previous applications regarding any event where the Licensing Act 2003 is applicable. We have made enquiries within our Parish and as far as we can ascertain the applicant has not contacted any of our residents. In addition, two of our residents represented [REDACTED] at the previous Licensing application submitted by the applicant [REDACTED]. [REDACTED] live at the residential property that is in the closest proximity to the application site. We have been in touch with [REDACTED] and he has confirmed that the applicant has not been in contact with him regarding this TEN.

With regard to our concerns about noise generally from the site and whether this should be taken into account as a cumulative effect on the Parish, we would wish to respond as follows.

We have read the Objection from the Environmental Health Department and we support the objection on the grounds of Preventing a Public Nuisance and also Public Safety.

The site already generates a significant amount of disturbance to our community. The Darley Moor Road Racing Club are permitted to hold up to 14 days per year of motorcycle racing. The site is also used for motorcycle track days where racing motorcycles are used. The site is also used for Auto Cycle Union Race Licence testing where race motorcycles are used. The site is also used for race kart days. In addition the site is used for the flying of motorised model aircraft. The activities at the venue generate a significant amount of complaints to the Environmental Health department each and every year.

The cumulative effect of the noise produced by the use of the application site is considerable. The noise levels emanating from the site are measured and recorded each year and this has been the case since 2013. The noise measuring results are forwarded to Environmental Health on an ongoing basis.

The TEN concerning this application is subject to the guidelines of the Code of Practice on Environmental Noise Control at Concerts. The historical noise measuring results for this site show that the existing noise levels at noise sensitive properties exceed the permitted levels under the Code of Practice applicable for this TEN by a considerable margin.

The Code of Practice makes reference to other venues in the proximity of the application site. The site sits adjacent to the Airways Airports venue. Our community is subject to the noise of the activities of this

venue which include the flying of microlight aircraft and motorised paragliding. The use is not restricted to any number of days per year.

The additional cumulative effect of these activities on our community is considerable.

As a Parish Council we understand that the TEN procedures under the Licensing Act 2003 would generally expect to be treated with a 'light touch' to benefit communities and applicants. The Parish of Edlaston and Wyaston together with our surrounding Parish areas are the subject of significant noise from existing sites and venues. The noise levels are measured and recorded as existing documents. The location is the only community in Derbyshire with a motorcycle race track, motor car grass tracking site and microlight venue in close proximity to existing residential properties. In the whole of Derbyshire, the application site must surely be the last place which could be considered to be suitable for a TEN for a dance festival. With regard to your invitation for our comments regarding the location and direction of the stage we would say the following.

We have examined the site plan provided to us on the Licensing portal. The site plan appears to be the same or similar to the previous plan submitted with the previous application by the applicant. The only difference is that Stage Two has been removed. We understand from the Objection from Environmental Health that the sound level is to be the same as the previous Noise Management document.

As a Parish Council we would expect technical examination of the predicted noise levels to be carried out by Environmental Health, possibly with the assistance of an Acoustic Consultant for the DDDC if required. We do note that the original NMP for the applicant shows [REDACTED] to be 426 meters from the stage with a predicted noise level of 73 dB LAeq. We would ask you to note that submissions made to the Licensing Dept by residents prior to the TEN and held as historical documents at the DDDC question the claims in the NMP as to the barrier attenuation reduction. Historical documents and photographs show that the building in front of [REDACTED] property has little or no attenuation properties since the single storey building has no glass in the windows or doors and you can see through the building. In addition, there is a clear line of sight from [REDACTED] house to the stage area. Previously submitted documents also show that the orientation reduction is unlikely to be achieved since the angle to [REDACTED] house is approximately half that to the Edlaston location previously shown on the NMP.

The Parish of Edlaston and Wyaston extends to the area of the A515 shown on the NMP and there are residential properties along this lane. The properties of Edlaston Hall and the surrounding properties are approximately 900 meters from the stage and the angle to the stage is again approximately half that to the one shown on the NMP. Historical documents show that the sound level at this location would be 70 dB LAeq.

Since there are already many occasions where the noise level, as measured in accordance with the Code of Practice for festivals, show the 65dB level is exceeded at residential properties then the removal of stage two will be of no consequence.

We wish to add that historical documents held on the DDDC database show the background level in our community. The background level at Church Farm Edlaston is 30.5 dB LA90 as measured by Environmental Health in 2012. Independent Acoustic Consultants measured the background level at The Old Chapel, Wyaston as 30.8 dB LA90 in 2012.

We are very much in agreement with the view of the Environmental Health Department and in particular the closing statement being: Taking into account the noise from other activities on the site, the Environmental Health Department feel this situation will be a noisy event, and Members should decide whether the public should be exposed to another Noisy Event from this venue.

Yours sincerely

[REDACTED]
Parish Clerk
[REDACTED]

From: [REDACTED]
Sent: 08 April 2022 16:56
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Darley Dance Festival Temporary Event License

Dear [REDACTED],

I have just been speaking with [REDACTED], Environmental Health would like to know, and whether as Eldaston & Wyaston Parish Council would like to provide a statement or letter for consideration.

The statement cannot introduce anything new not included within our objection, but it would be useful if the statement could confirm:

- Whether the Parish Meeting agrees with our objection, and that members issue a counter notice
- Whether the applicant has consulted with you or the local population around the site
- Your concerns about noise generally from the site, and whether this should be taken into account as a cumulative effect
- The location and direction of the stage.

I have attached a copy of the Objection from Environmental Health, TEN application form, plan provided by the site. As confirmed the introduction of new evidence may not be admissible within the hearing. Also it would be useful if someone was available should elected members want to ask any person present at the hearing a relevant question.

If you could provide this information by Monday morning, this would be useful, but Tuesday morning would be our deadline for committees.

The committee hearing is on Thursday **14 April 2022**, at **2pm** within the Council Chamber, at the Town Hall.

Also could you pass this email onto a representative of Rodsley & Yeaaveley Parish Council.

If you require further clarifications please do not hesitate to contact me,

Kind regards

[REDACTED]
Principal Environmental Health Officer (Commercial)



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DE4 3NN

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