

## APPENDIX D

### **Timeline and reasons for objection to TEN Application - 22/TEN 16110 - Os Parcel 5987 Adj River Cherwell And, Hampton Gay And Poyle, Oxfordshire**

Neil Whitton – Environmental Health Officer, Environmental Protection Team, Cherwell District Council

10<sup>th</sup> June 2022

This site first came to our attention at New Year in 2020/21 when the Police attended an event at the site with 150 to 200 people attending in breach of the lockdown rules at the time. The event was stopped and a man from Hackney was later given an FPN for £10000 for organising the event. No TEN application was received for this event, however as the police had dealt with the matter at the time it was considered that there was no further action for us to take.

Between the 31<sup>st</sup> July 2021 and 2<sup>nd</sup> August 2021 the department received 4 service request from separate local residents regarding loud music coming from the site on a repeated basis and lasting either all night or late into the night and causing them a nuisance by preventing sleep. I was given these service request to investigate and also contacted by the local TVP neighbourhood supervisor – PC Scott – stating that they had received complaints about events at the site as well.

One of the complainants replied and sent me the following information regarding complaints had made up to this point to TVP:

12/9/20	URN number: 632	GON-47717-20-4343-C	Online Submission: 101-0261444
23/5/21	Incident number: INC-20210523-0264		Online Submission: 101:0493178
25/7/21			Online Submission: 101:0437675
1/8/21	Incident number: INC-20210731-2574		Online Submission: 101:0179150

On the 4<sup>th</sup> August 2021 I visited the site but was unable to gain entry but could see that there was a marquee to the rear of the site. Having obtained a land registry search (copy attached) the owner was stated to be a Stephen Saunders of [REDACTED]. I drove to Wytham to try to find Mr Saunders so I could discuss the matter with him, but I found that the address was the village Tea Room/Shop and they had owned it for 17 years and Mt Saunders did not live there.

I then contacted PC Scott who is the Kidlington Neighbourhood Supervisor for Thames Valley Police and he advised that they had also received complaints and that he had some addresses for Mr Saunders we could visit together. We arranged to visit together on the 18<sup>th</sup> August 2021.

Over the weekend of the 13<sup>th</sup>/14<sup>th</sup> August we received further contact that another “rave/party” had been held at the site, including recordings of bass music at approx. 11pm on the 13<sup>th</sup> August and at approx. 09.20am on the 14<sup>th</sup> August which stated that the music hadn’t stopped all night.

On the 18<sup>th</sup> August 2021 I carried out a joint visit with PC Scott to the site and gained access. We found the landowner – Stephen Saunders – on the site in the back of van. We had a discussion with Mr Saunders who said that he hosted parties for friends and didn't charge for entry. We explained that we had both received a number of noise complaints and that I was minded to serve an abatement notice that if breached meant that we could prosecute and seize equipment. Mr Saunders

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said that he didn't want to cause a nuisance for anybody and that he had one "end of season" party left in three weeks time. I advised that in my opinion this was the wrong place for such parties with sound systems and both PC Scott and I stated that we felt they should stop.

Mr Saunders told me his address was [REDACTED]. PC Scott wasn't sure of this so when we left, we visited that address and the man there told us that Mr Saunders sometimes stayed there but that his main address was on the other side of Kidlington. PC Scott said this tied in with intel he had that Mr Saunders lived at [REDACTED].

I also handed Mr Saunders a warning letter regarding the matter (copy attached).

Due to Mr Saunders stating that he was hosting an end of season party I discussed the matter with my line manager and decided that it was likely that further events would cause a statutory nuisance and therefore on the 20<sup>th</sup> August 2021 I served an abatement notice under the Environmental Protection Act on Mr Saunders for the likely occurrence of a nuisance (copy attached) with a covering letter giving my reasons why. This was hand delivered by myself to the site and both addresses Mr Saunders above.

Across the weekend of the 9<sup>th</sup>/10<sup>th</sup> April 2022 we received contact from 4 residents regarding further complaints about music from the site causing a nuisance (including recordings received via the noise app). On receipt of these I sent a letter to Mr Saunders advising of the complaints and reminding him of the abatement notice (copy attached).

On the 4<sup>th</sup> May 2022 my colleague Jim Guest received an application for a TEN (22/TEN 15910) from Mr Nelson for an event on 3<sup>rd</sup> June to 5<sup>th</sup> June 2022. On the 11<sup>th</sup> May Jim had a conversation about the event the notes of which are below:

*"Spoke with JAMES NELSON, event organiser. He advised that the party is a joint 40th birthday plus they are incorporating the jubilee. They will have a band in the daytime and a sound system with a DJ at night. There is a 10 ft bund on the site which they will put everything behind and orientate everything to face the A34. The band will not play into the evening and the DJ will have a reasonably small soundsystem, but will be under instruction to knock the volume down at 23:00. They will have someone on the gate with a decibel meter the entire night to monitor the noise and, after 23:00 will walk down to the nearest sensitive receptor 158 m away and check that the noise is inaudible.*

*I advised that a failure to observe these processes, or a string of complaints, would be likely to cause problems if they wanted to have any future events on this site. He advised that the owner of the site is his friend and wants to have future events, so they will follow everything outlined above"*

Despite the above assurances I received 6 contacts from local residents via email complaining that the noise from the event went on until 4am (when it was licensed until 3am) and prevented sleep in their properties. On receipt of these complaints, I wrote to Mr Saunders again and with a copy sent to Mr Nelson (copy attached) advising that based on these complaints I would be objecting to any future TEN applications at the site.

However, Mr Nelson had already applied for this TEN and therefore I raised the objecting on Public Nuisance grounds based on the history of noise issues from site and it's impact on the local community. In his response to my email informing him of this (copies of both attached) Mr Nelson said that "I'm confident you had no complaints from last Friday".

I feel that despite Mr Nelson doing all he believed that he could to prevent noise disturbance from the event on the 3<sup>rd</sup> June, the fact that we received a number of complaints only re-enforces that

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this site in my opinion is not a suitable location for events such as these, hence my objection to this TEN application.

It should also be noted that should the event be granted and take place, if an officer witnesses a breach of the abatement notice then a prosecution could be taken forwards for that breach as well as equipment being used to cause the nuisance being seized to abate the nuisance.