

**Objection to planning application - 16/01552/F / Variation of condition no. 5
(Noise Management Plan) of Application 14/01762/F / Swalcliffe Park
Equestrian Park Lane Swalcliffe Banbury OX15 5EU.**

I wish to object to this application and ask that it is refused.

Swalcliffe Equestrian Park (SPE) was granted planning permission for its activities in May 2015. That permission was conditional, including of course condition 5, which the applicant seeks to vary.

Since the grant of permission the council have monitored activities at the site on one occasion (5th and 7th August 2016), that has demonstrated that the existing condition and its associated noise limit is achievable. The site was also monitored on one occasion prior to that grant (March 2015)

I quote below part of the content from an email that originated from Jackie Fitzsimons (who is the Shared Public Protection Manager of South Northamptonshire Council and Cherwell District Council):

The equestrian event held over the weekend of the 5th to 7th August was monitored by Cherwell District Council Officers who visited on Friday 5th and Sunday 7th August.

Their overall impression was that the noise from the event was not excessive. The tannoy was audible but the sound from this was faint and in their opinion not a problem. The layout of the site was good with the noisier activities located away from residential properties and there was a buffer zone of around 100m between the event and residential properties. The measured noise levels as a result of activities on the site were within the level of 45dB LAeq(15mins) required by condition 5 on the planning consent.

The current application seeks to increase the noise limit and alter the method of monitoring significantly.

I believe the method of monitoring proposed would give SPE almost an unlimited licence to create noise. It is based upon theoretical methods of noise calculation rather than the current method which is practical and ensures compliance with noise limits at noise sensitive properties.

The levels proposed are similar to the limits set for open air concerts occurring on more than six occasions at a site in one year

There appears no explanation or justification within the application to explain as to why a change is required, the application is silent on that point both in respect of the increase in noise limit and the proposed change in the method of measurement.

Other documents which have been issued since the date of the application have included evidence that demonstrates that Cherwell District Council do not have sufficient resources to effectively respond to noise complaints with regards the site.

I quote below parts of the Local Governments Ombudsman decision (the decision is dated 25th August 2016, and is not due for publication on the LGO website until a further three months have elapsed). The comments relate to the ombudsmans findings in respect to a number of complaints previously made about the SPE activities and the procedure used to gain permission:

17. The planning permission including conditions which restricted use including:
 - Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with a Noise Management Plan (NMP) detailing the measures to be employed to *'achieve compliance with a noise limit of 45 dB LA eq (15 mins) when measured free field at noise sensitive locations adjacent to [the complainant's residential properties]'*.
36. The statutory nuisance must be witnessed by an Environmental Health Officer who will come to an independent judgement taking into account the level of noise, its length, timing and location.
37. If an officer decides a statutory nuisance is happening, or will happen in the future councils must serve an abatement notice requiring the perpetrator of the noise to stop or restrict the noise. It is also open to members of the public to bring their own case to the Magistrates Court and ask it to serve an abatement notice.
38. The Council did visit the site during a large event in March 2015 but did not find the noise level excessive. It will assess noise again at the August 2016 event.
39. **As there is no evidence of the Council finding a statutory nuisance, there is no fault by the Council in not taking further action.**

In summary the council have found on two occasions that the activities are compliant to the noise limits set and are not causing a nuisance.

Therefore the sensible question would be as to why a variation of condition 5 is required?

The original condition was put in place to prevent local residences suffering undue nuisance. It would seem to be a Breach of the Human Rights Act, (article one) for the Council to grant this application without any justification for the changes.

A late submission of any justification would seem unacceptable as it does not allow consideration by the consultees (within the stipulated 21 day period) of any subsequent Justification offered by SPE.

I further draw your attention to the fact that no monitoring has been done on the site that establishes base line figures for the ambient noise at the site, and ambient noise should not be a figure obtained on an event day. It should be indicative of general day to day ambient noise at the site,

Based upon this I ask that the application is refused.

