

LCC Live in Devon briefing report

Summary

LCC Events will be hosting the first Live in Devon event, with McFly performing on Saturday 3 September 2022, the event will be taking place on the Imperial Recreation Ground, Exmouth. East Devon District Council granted land owners permission on 15 July 2021, subject to:

- Any recommendations from the SAG
- Any input from Environmental Health on the documents provided (EMSP/RA, etc.)
- The required licences
- Public Liability Insurance
- Payment of land hire fees
- Adherence with any Government or local Covid guidance

A SAG (safety advisory group) was convened for Jan 2022. Attendees were happy in principle from a safety perspective, but it was noted the event would require a licence application (now completed).

East Devon District Council commissioned the production of an Events Protocol by Footprint Ecology for events at the Imperial Recreation Ground in Exmouth. This is because the Imperial Recreation Ground is adjacent to the Exe Estuary Special Protection Area (SPA) and Ramsar site. It was then necessary for us to undertake an Appropriate Assessment (AA) for the Live in Devon event, as it could have impacts on the SPA. This has been undertaken by our Beach Safety Officer and District Ecologist.

East Devon District Councils Events Officer, District Ecologist and Beach Safety Officer will be continuing to work with LCC Events, to ensure all requirements in our 'Live in Devon' Habitat Regulations Assessment (HRA) AA are met and recorded. This will be passed onto Natural England for comment. Once Natural England have commented, we will ensure the requirements for the event are met.

The event will be fully managed by LCC Live Event Services, with the Events team attending on the night to provide support to any additional requirements they may have from the landowner.

The event has now been granted a Temporary Premises Licence, from the Licensing Authority. Conditions on the Licence are currently being set, and will be sent to LCC this week. The Events team have scheduled meetings with our Communications team, to send out messaging regarding transport, road closure and slipway closure, as well as messaging in relation to the Habitat Mitigations.

Background

LCC Live Event Services is one of the leading promoters and sources for concert and entertainment related equipment, event services, and staff in Scotland and the UK.

They produce and promote a number of own brand concerts and events including the 'Live in Series' across the UK and 'Big Top' as well as the European Pipe Band Championships. They have over the years specialised in bringing outdoor concerts and events to Greenfield sites including stately homes, large stadiums and castles.

LCC first spoke to East Devon District Council back in July 2019, in regards to holding a concert in East Devon. Contact was made between the Events Consultant at the time, who had previously worked with LCC in another area. In 2019, this did not materialise, however StreetScene were passed the contact details in April 2020. East Devon District Council first approached LCC back in June 2020, in regards to holding an event on our land.

LCC undertook a site visit to Imperial Recreation Ground in September 2020, with a vision to hold the event in 2021. It was decided in January 2021, that the event would now take place in 2022, to ensure no Covid-19 restrictions were in place.

Timeline

In **April 2021** we received a site plan for the event, and confirmed we would undertake another site visit in June 2021. A draft Baseline Assessment was undertaken for all events on Imperial Recreation Ground, Exmouth. This was undertaken by Footprint Ecology, after our Habitat Mitigation team highlighted there may be an impact from winter Events on the Imperial Recreation Ground, on the Migrating Birds. Officers discussed if the date could be moved to avoid September, however this was not the case. It was highlighted by our Beach Safety Officer there were a lot of factors involved in deciding if the event could go ahead, and we needed to consult with our colleagues in the South East Devon Habitat Regulations Partnership [SEDHRP] and our Countryside team.

In **May 2021** our Beach Safety Officer undertook an Appropriate Assessment for The Conservation of Habitats and Species Regulations 2017, Section (63). The Beach Safety Officer advised the Events Team to seek guidance from SEDHRP, and ask LCC for artists and timings before submitting the assessment to Natural England for comment. The Events Team informed LCC we were undertaking the assessment, we asked for information on music/artists and what level of decibels (db) they usually complied with. LCC were used to these assessments, and had undertaken one for Powderham Castle previously; they also advised they would work with Environmental Health in regards to the db, however it was usually between 60 and 70 db at the edge of the site. The portfolio of artists they would be looking at were a mixture of light pop, retro and light rock, they gave the Kaiser Chiefs as an example.

Footprint Ecology (our ecology consultants) were then tasked with undertaking the work on the protocol for all events on Imperial Recreation Ground. Footprint Ecology advised what the protocol outlines that it should be agreed with Natural England and then the Events team can grant permissions for any event that complies with the protocol. For any event that does not comply with the protocol, e.g. because it is in mid-winter, a more detailed assessment (Appropriate Assessment or the next stage of the HRA) would be required and the protocol would set out some guidance as to how that might work and what kind of mitigation might be necessary and any monitoring recommendations. Those individual assessments would be done case by case as required. In the interim, before the protocol is in place, the Events team needed to demonstrate that they've checked each event and no likely significant effects are expected.

In **June 2021** the Events Officer commissioned the protocol and appropriate assessment template/review of forthcoming events. We asked our ecology consultants for some guidance on the event due to take place Sept 2022 They advised that whilst close to the dates for acceptable events, this event should have a Habitats Regulations Assessment (HRA).

The Events Officer and Events Support Officer met LCC on site to check arrangements and discuss an HRA. LCC wished to proceed with the event, understanding they would need to work with us to mitigate issues picked up in the HRA.

Following on from this meeting, a briefing email was sent to Cllr Geoff Jung and Cllr Nick Hookway, as the Events Teams Portfolio Holders to advise them of the event. Our Communications Team were also involved.

At this point the event did not have land owner permissions and was subject to undertaking a Habitat Regulation Assessment. Introductions were made to the LCC PR and Safety team.

Following on from the above The Events Officer contacted Footprint to give them some more information on the event, such as dates, attendance numbers, stage sizing and location, and if fireworks and lighting would be used. The Events Officer went back to Footprint, informing them that the organiser is well versed in HRA's and is very clued up on sound levels and how they travel. The Events Officer also responded to Footprints questions. The outcome was a HRA would need to be undertaken for this events.

LCC's formal application was received on 23 June 2021 and a consultation sent to the following members of the Exmouth Events consultation group:

EDDC:

StreetScene Operations
StreetScene Parks and Gardens
StreetScene Management
Tree team
Environmental Health

Principal Environmental Health Officer
Car Parks
Anti-Social Behaviour & Community Safety Co-Ordinator
Licencing
Property
Beach Safety Officer

Councillors:

Cllr Andrew Colman, Exmouth Brixington Ward
Cllr Megan Armstrong, Exmouth Halsdon Ward
Cllr Brenda Taylor, Exmouth Withycombe Raleigh Ward
Cllr Bruce De Saram, Exmouth Littleham Ward
Cllr Chris Wright, Exmouth Littleham Ward
Cllr Eileen Wragg, Exmouth Town Ward
Cllr Eleanor Rylance, as Assistant Portfolio Holder Coast, Country and Environment
Cllr Fred Caygill, Exmouth Brixington Ward
Cllr Geoff Jung, as Portfolio Holder Coast, Country and Environment
Cllr Joe Whibley, Exmouth Town Ward
Cllr Maddy Chapman, Exmouth Brixington Ward
Cllr Nick Hooway, as Portfolio Holder Tourism, Sport, Leisure and Culture and
Exmouth Littleham Ward
Cllr Olly Davey, Exmouth Town Ward
Cllr Paul Millar, Exmouth Halsdon Ward
Cllr Steven Gazzard, Exmouth Withycombe Raleigh Ward
Cllr Tony Woodward, Exmouth Halsdon Ward

Exmouth Town Council:

Clerk
Deputy Clerk
Reception

Police:

Exmouth local Policing team
Contingency, Operations and Events Planning Officers

South West Ambulance Service Trust (SWAST)

The outcome of the consultation was that the event would need to attend a Safety Advisory Group meeting, produce a Noise Management Plan (for our Environmental Health team) and apply for their Licences, which would be a Time Limited Premises Licence. No objections were received to the consultation.

Our consultants advised that the date of the event does reduce the likely impact, due to low bird numbers in early September, but we can't rule out likely significant effects. Therefore an HRA was required which would need to be submitted to Natural England (NE).

We asked our consultants to discuss the possible HRA and application with NE to see what level of mitigation would be needed given the event was so close to the date range where events could be held without significant impact.

In **July 2021 our consultants** updated The Events Officer and the Habitat Regulation Delivery Manager, that they had spoken to Natural England, and advised:

- The protocol, while still in early stages of drafting, would identify likely significant effects for events from early September through to March, potentially coinciding with the mid Sept date that people are asked to keep out of the Voluntary Exclusion Zone (or potentially the first week of Sept on a precautionary basis). This would mean events during this time would require a more detailed assessment and tailored mitigation, if allowed to take place at all (we will elaborate).
- That would mean that you are ok to give permission for the concert as we would suggest likely significant effects can be ruled out, and we could produce a short document for each as a record of no likely significant effect.
- Given the protocol would be up and running by the Autumn 2022, it would be useful to use the concert as a check, such that the protocol sets out an approach that can be reviewed and updated (if necessary) using monitoring data from the concert. In particular it would be useful to have noise monitoring if possible out onto the estuary as a check as to how far such an event might have an effect.

Our consultants asked further questions to gauge next steps:

- Had event permission yet been granted? (it had not at this point)
- Could we provide information on what has been agreed or signed off at this point in time.
- Whether it was a ticketed event.
- What the Habitat Regulation Delivery Manager's thoughts on the event were.
- Any recent Wetland Bird Survey Data [WeBS] for the estuary or any other reports with data. One of the main aims of WeBS is to provide data to facilitate Wetland Birds Conservation.

6 July 2021

The Events team advised all involved that we wanted to provide permission for this event very soon. It would be subject to an event and noise management plan, advice from the Safety Advisory Group and any mitigation required in respect of the habitat regulation,, the event will be ticketed, the music will be mainstream and the noise controlled and zoned using latest technology.

The Events Team informed LCC the Event had passed the consultation, and the habitat regulations controls were sounding positive. They confirmed the next steps would be to produce an Event (and Noise) Management Plan, and get a SAG date.

The Habitat Regulation Delivery Manager raised concerns that the adoption of 15th Sept – 31st Dec for the Exmouth refuge was a response to the extreme level of opposition to the proposal for habitat regulation. His view was that over wintering bird numbers begin to build before the 15th Sept. Therefore, he suggested it would be worth agreeing with Natural England when Appropriate Assessments would be required and/or when more stringent mitigation measures would be required.

14 July 2021

Event management plan, site map and Noise Management Plan received from LCC.

Consultants advise that despite concerns raised by Habitat Regulation Delivery they thought the concert should be ok too, and we can grant permission on the basis of no likely significant effects and therefore no need for mitigation. That decision would be based on the fact that is a temporary and short term event, bird numbers are very low and it will be a one-off given the protocol will be established for future events. If mitigation is required then the event would have to go to the next stage in the assessment process (appropriate assessment) and we would need that all in place before granting permission.

15 July 2021

The Events Officer then granted land owner permission to LCC, subject to:

- any recommendations from the SAG
- any input from Environmental Health on the documents they provided (EMSP/RA, etc)
- the required licences (our Licensing team will be in touch, if you haven't made contact)
- a copy of their Public Liability Insurance
- payment of land hire fees
- adherence with any Government or local Covid guidance
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LCC were reminded that they only had land owners permission and further EH safety checks and habitat regs. Mitigations may be required. They would be expected to work with us on Appropriate Assessment info and actions.

LCC wished to wait for artist bookings before attending SAG and finalising management plans.

The Events Officer highlighted that the protocol for Imperial Rec events stated that an Appropriate Assessment should be carried out for events taking place from 1 September until 31 March, but does also refer to the permission we have granted for LCC Events. The protocol states:

“A concert has been granted permission by the Council at the end of August/early September 2022. This event is a one-off and was agreed before the protocol was in place. Given it already has permission, and is at the point at which impacts are unlikely (but close to the period when birds will be arriving), this provides an ideal opportunity to test the protocol and in-particular to check the noise levels and way

the events work. Following that event, the protocol should be revised and further criteria added (or restrictions removed) as relevant. We recommend that noise monitoring should be established on the intertidal at regular intervals from the event and the data used to model how sound travels from the Imperial Recreation Ground out onto the estuary. In any event, the Protocol should be subject to regular review and, certainly not more than five years from the date of publication.”

In August 2021, there was a staffing change to the Events Officer role. The temporary Events Officer had a catch up with LCC via phone, just to discuss how the event was progressing. LCC confirmed they were hoping to have artists booked by October/November 2021.

In October 2021, LCC reintroduced their PR team to the Events team. LCC were going to have their first announcement within the next two weeks, so they asked the PR team to keep the Events Officer, as well as our Communications team, up to date. The Events Officer informed the Service Lead for StreetScene, Operations Manager and Deputy Operations Manager, that a press release was due to go out in regards to this event, the Events Officer also sent over a copy of the embargoed press release. The Service Lead for StreetScene then sent this onto our Portfolio Holders, Cllr Nick Hookway and Cllr Geoff Jung, and the SMT+ group.

On **12 October** a press release was sent out, detailing that a 3 day concert will be taking place on Imperial Recreation Ground, the full press release can be viewed here - [11 October 2021 - Exmouth to host three-evening live music event next summer - East Devon](#). Communications manager

On **25 October** the LCC PR team informed the Communications manager, Communications Officer and the Events Officer, of the announced artist for the Saturday night (McFly). This information was embargoed until 26 October. All Members were informed of the artist announcement, via the Communications manager, before the artist was announced.

In November 2021, meeting with LCC who more acts should be announced in early January, and would potentially be ready for a SAG in January.

LCC were reminded of the Habitat Regulations, and they again confirmed their acceptance of working with the required mitigations.

Cllr Hookway contacted the Service Lead for StreetScene, to ask some questions regarding this event and if a report to Cabinet needed to be produced (this briefing paper). The Events Officer rang Cllr Hookway, to explain the Events and Safety Advisory Group process

Other Exmouth Cllrs also emailed with questions about the event, which were answered.

Further reassurance was sought from our ecology consultants regarding the LCC event.

A Conservation of Species and Habitats Regulations 2017 Appropriate Assessment had been undertaken in-house, but not shared with NE. We asked the consultants if we should do this.

They responded that the former Events Officer asked about the concert, with the problem that the timing was such that permission needed to be granted protocol was finished. As such the LCC event sat 'outside' the protocol. The consultants suggested we could grant permission and use the event as a test. The protocol would effectively deal with the in-combination effects of other events at the Duck Pond. The concert is a one-off event that is time limited (and therefore different – for example to an increase in local housing that would have an effect in-perpetuity). Given that the concert was not covered by the protocol, it would provide the opportunity to test some of the provisions in the protocol, so should be closely monitored (in particular to record noise levels on the intertidal/open estuary).

The time of year at which the concert is planned is a difficult one. As you will be aware the refuge at Exmouth is operational from mid-September and the wildfowl (brents, wigeon, pintail etc) that can occur in high numbers aren't really present until early August. The main concern from disturbance in August and early September will relate to passage waders and building numbers of Curlew and Oystercatcher. These occur in relatively low numbers directly around the Duck Pond area and the main roost is on the other side of the estuary. That's not to say there's no possibility of birds being disturbed, but the risks are much lower than if the concert were to take place in late October.

In December 2021 the Events Officer has scheduled catch ups with the Communications manager, LCC and Licensing before the Christmas period break, to further discuss the event.

In January 2022 our District Ecologist started at EDDC. They were asked to review all of the documentation so far. The new District Ecologist reviewed our documentation and advised further and more detailed work on the Appropriate Assessment should be undertaken. This was advised as the District Ecologist had previously worked with Natural England and understood their requirements more than the Events team. This then led to the Beach Safety Officer revised the Appropriate Assessment, this was sent to our District Ecologist along with the Event Management Plans. The event also attended a Safety Advisory Group. It was suggested during the SAG, that the organisers come back when they submit their Licensing application. All agencies were provisionally happy, but would comment further once they receive a Licensing application.

In March 2022, the District Ecologist produced the 'Live in Devon HRA AA Requirements for Street Scene'.

28 March 2022 – Meeting with LCC to discuss event and HRA - During this meeting, it was announced that the Live in Devon event will reduce to just the one day only. This was due to difficulties securing artists following the pandemic. It was confirmed the artists would be McFly (pop) with Megan McKenna (country/pop) and Callum Beattie (indie/pop).

The HRA AA Requirements for the event was communicated to LCC. The District Ecologist confirmed that whilst reducing the event to one day would help, however the requirements in the Appropriate Assessment still need to be met.

In May 2022, the HRA AA Requirements for the event were returned from LCC with confirmation they would undertake the actions which included; reducing capacity, Limelight monitoring the sound and lightening and the Noise Management Plan to be updated.

Work is ongoing between our Events Team and the District Ecologist with LCC to ensure all mitigations for the Appropriate Assessment are carried out.

A road closure was also requested for the road EDDC own around the Imperial Recreation Ground, which includes the slipway. This was agreed by Parking Services, the Beach Safety Officer and the Harbour Master. Communications will be sent out regarding this, directing users to Mamhead Slipway. The Harbour Master confirmed he would notify users from Exeter's side.

In June, the meeting between the Events Officer and District Ecologist took place. The District Ecologist then emailed the Live in Devon Event Director, and requested a meeting.

The Temporary Premises Licence was granted for the event.

Next Steps

The next steps are for the Events Officer to continue to work with LCC, alongside our District Ecologist to complete the Appropriate Assessment and submit to NE by mid-July at the latest, if this step is not completed the event may not go ahead.

A meeting with the Communications team has been booked for 9 August, to arrange appropriate messaging for Slipway closure, road closure and Habitat Mitigation messaging as well as wider event disruption and travel arrangements for the town.

The Events Officer, Beach Safety Officer, District Ecologist and LCC will work together to ensure the testing and requirements are met.