

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: MRS YVONNE MILLS [REDACTED]				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	MRS YVONNE MILLS [REDACTED]			
Please explain how this person will be able to assist the Licensing Sub-Committee: MY REPRESENTATIVE WILL BE ABLE TO ASK QUESTIONS ON MY BEHALF TO OBTAIN CLARIFICATION AND PROVIDE CLARIFICATION AND COMMENT ON PROXIMITY OF CRICKET CLUB TO RESIDENCE AND THE POTENTIAL IMPACT ON QUALITY OF LIFE ON GRANTING OF AN ENTERTAINMENTS LICENSE FOR HOURS (NOTES).				
I enclose the following documents to support my original representations: EXTRACT FROM ENCYCLOPEDIA BRITANNICA ON PROPAGATION OF NOISE DEFRA NOISE POLICY STATEMENT FOR ENGLAND NOISE EXPOSURE HIERARCHY TABLE MAPS DETAILING PROXIMITY OF CRICKET CLUB TO PROPERTY. PHOTOGRAPH OF CRICKET CLUB HOUSE AS VIEWED FROM PROPERTY. (Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my application , representation or objection I have already made (Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[REDACTED]	Your Address:	[REDACTED]	
Name:	ANDREW MILLS	Tel No & Email:	[REDACTED]	

Note - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
 E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will



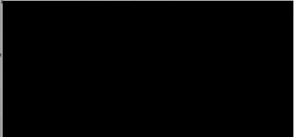
have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Points

Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input checked="" type="checkbox"/>	LATE NIGHT CONSUMPTION OF ALCOHOL NECESSITY OF LICENSE TO INCLUDE SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES WHEN TOWN HAS ESTABLISHMENTS THAT CARE FOR THIS REQUIREMENT. RESTRICTIONS OF LICENSE TO ON PREMISES CONSUMPTION OF ALCOHOL TO REDUCE LIKENHOOD OF DISORDER. PREVENTATIVE MEASURES.
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	LEVELS OF NOISE FROM PEOPLE ARRIVING AND DEPARTING VENUE DATE AT NIGHT NOISE POLLUTION INDUCED FROM PERFORMANCE OF LIVE MUSIC AND / OR PLAYING OF RECORD MUSIC (INDOORS AND OUTDOORS) NO NOISE PREVENTATIVE MEASURES IN PLACE NO NOISE ASSESSMENT OR NOISE MANAGEMENT IN PLACE. PROPAGATION OF NOISE PROXIMITY OF CRICKET CLUBS TO PROPERTY.
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address:
Your name and email	ANDREW MILLS 	

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
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SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of: **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**



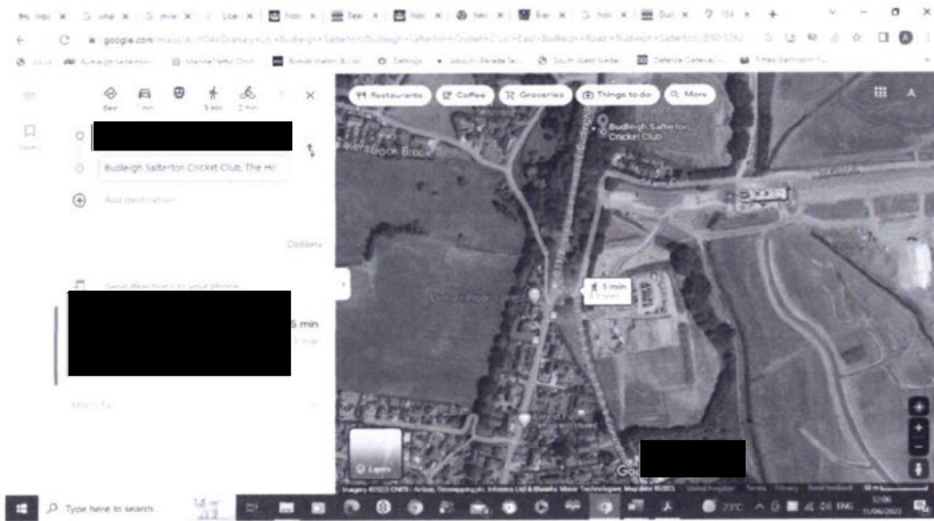
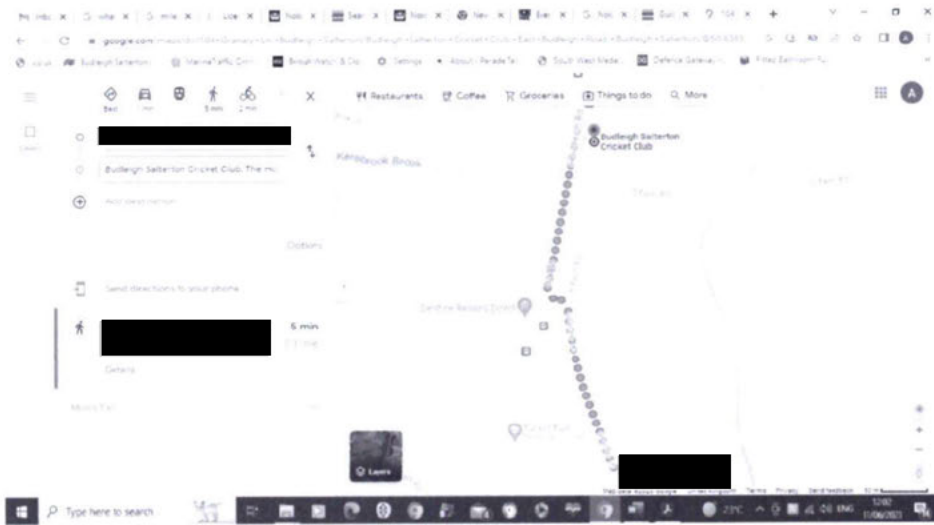
CLUB
HOUSE.

Street map identifying my property in relation to Cricket Club.

In relation to proximity and impact of noise.

Cricket Club resides approx. 0.3 of a mile (482meters), shorter as the crow flies from my property.

Due to topography, the club house is in direct line of site from my patio at rear of property.



Extract from GOV.UK Guidance Noise.

Noise exposure hierarchy table

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			

Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

Extract taken from Encyclopaedia Britannica on propagation of noise at night and during windy days.

At night or during periods of dense cloud cover, a [temperature inversion](#) occurs; the temperature of the air increases with elevation, and sound waves are refracted back down to the ground. Temperature inversion is the reason why sounds can be heard much more clearly over longer distances at night than during the day—an effect often incorrectly attributed to the psychological result of night time quiet. The effect is [enhanced](#) if the sound is [propagated](#) over [water](#), allowing sound to be heard remarkably clearly over great distances.

Refraction is also observable on [windy](#) days. Wind, moving faster at greater heights, causes a change in the effective speed of sound with distance above ground. When one speaks with the [wind](#), the sound wave is refracted back down to the ground, and one's voice is able to "carry" farther than on a still day. When one speaks into the wind, however, the sound wave is refracted upward, away from the ground, and the voice is "lost."

www.defra.gov.uk

Noise Policy Statement for England (NPSE)

March 2010

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

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This document is available on the Defra website:
<http://www.defra.gov.uk/environment/quality/noise/>

Published by the Department for Environment, Food and Rural Affairs

Noise Policy Statement for England

- 1.1 The Government is committed to sustainable development and Defra plays an important role in this by working to secure a healthy environment in which we and future generations can prosper. One aspect of meeting these objectives is the need to manage noise for which Defra has the overall responsibility in England.
- 1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society.
- 1.3 The aim of this document is to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.
- 1.4 The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It has been developed following discussions with stakeholders regarding the effects on the noise environment of current policies and practices.
- 1.5 This Noise Policy Statement for England (NPSE) should apply to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The NPSE does not apply to noise in the workplace (occupational noise).
- 1.6 This Noise Policy Statement for England (NPSE) sets out the long term vision of Government noise policy:

Noise Policy Vision

Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

1.7 This long term vision is supported by the following aims:

Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

1.8 The vision and aims of NPSE should be interpreted by having regard to the set of shared UK principles that underpin the Government's sustainable development strategy.

Guiding principles of sustainable development

Ensuring a Strong Healthy and Just Society – Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

Using Sound Science Responsibly – Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

Living Within Environmental Limits – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

Achieving a Sustainable Economy – Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

Promoting Good Governance – Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.

Source: Securing the future – delivering UK sustainable development strategy, HM Government, March 2005.

Noise Policy Statement for England Explanatory Note

Why do we need a Noise Policy Statement for England (NPSE)?

- 2.1 Noise is an inevitable consequence of a mature and vibrant society. For some the noise of city life provides a desirable sense of excitement and exhilaration, but for others noise is an unwanted intrusion that adversely impacts on their quality of life, affecting their health and well being.
- 2.2 The management of noise has developed over many years as the types and character of noise sources have altered and as people's attitude to noise has changed. The Noise Abatement Act came into law in 1960 and the Report from the Committee on the Problem of Noise was published in 1963 (the Wilson report). Since then, examples of noise management can be found in many areas including reducing noise at source; the use of the land use and transport planning systems, compensation measures, the statutory nuisance and licensing regimes and other related legislation.
- 2.3 Furthermore, the broad aim of noise management has been to separate noise sources from sensitive noise receivers and to 'minimise' noise. Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise 'as far as reasonably practical'. This concept can be found in the Environmental Protection Act 1990, where, in some circumstances, there is a defence of 'best practicable means' in summary statutory nuisance proceedings.
- 2.4 By describing clear policy vision and aims the NPSE provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society.

What types of noise are addressed by the Noise Policy Statement for England?

- 2.5 The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, "noise" includes:
 - "environmental noise" which includes noise from transportation sources;
 - "neighbour noise" which includes noise from inside and outside people's homes; and
 - "neighbourhood noise" which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

What will the Noise Policy Statement for England achieve?

- 2.6 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 2.7 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

- 2.8 In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.

How should the Noise Policy Statement for England be used?

- 2.9 Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as 'unwanted sound') when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSE provides a clear description of desired outcome from the noise management of a particular situation.
- 2.10 The guiding principles of Government policy on sustainable development, (paragraph 1.8), should be used to assist in its implementation. The development of further principles specifically to underpin implementation of noise management policy will be kept under review as experience is gained from the application of the NPSE.

What does the vision of the Noise Policy Statement for England mean?

- 2.11 There are several key phrases within the NPSE vision and these are discussed below.

"Health and quality of life"

- 2.12 The World Health Organisation defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, and recognises the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being.
- 2.13 It can be argued that quality of life contributes to our standard of health. However, in the NPSE it has been decided to make a distinction between 'quality of life' which is a subjective measure that refers to people's emotional, social and physical well being and 'health' which refers to physical and mental well being.
- 2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.

"Promote good health and good quality of life"

- 2.15 This statement expresses the long term desired policy outcome, but in the use of "promote" and "good" recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations.

"Effective management of noise"

- 2.16 This concept confirms that the policy applies to all types of "noise" (environmental, neighbour and neighbourhood) and that the solution could be more than simply minimising the noise.

"Within the context of Government policy on sustainable development"

- 2.17 Sustainable development is a core principle underpinning all government policy. For the UK Government the goal of sustainable development is being pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal wellbeing. The goal is pursued in ways that protect and enhance the physical and natural environment, and that use resources and energy as efficiently as possible.
- 2.18 There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

What do the aims of the Noise Policy Statement for England mean?

- 2.19 There are several key phrases within the NPSE aims and these are discussed below.

"Significant adverse" and "adverse"

- 2.20 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

- 2.21 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

- 2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

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