

INFORMATION REQUEST RESPONSE - ENVIRONMENTAL PROTECTION TEAM (EP)

Case Reference: EIR2025/02243

Investigating Officer: Elisabeth Laughland – Principal Environmental Health Officer (EP)

IAT Officer: Sarah Smith

Response Date : 03/12/2025

Please see the below request.

Please see Environmental Protection response to the following FOI request.

Request for further information under Environmental Information Regulations 2004, and Freedom of information act 2000

Under the Environmental Information Regulations 2004, and Freedom of information act 2000, we request you disclose all information gathered during the investigation that led to the service of The Notice ref: U/003876, dated 24 October 2025. This includes monitoring data, officer reports, internal assessments, and correspondence relevant to the conclusion that a statutory nuisance exists.

We would like to specifically request:

1. Complaint History

- a. A record of all noise complaints received by Herefordshire Council concerning OTG in the last five years.

Answer - A total 14 opened noise complaints received regarding noise nuisance from Out to Grass music was recorded on the data base over the 5 years. - See Table 1 Complaints and investigation Information below

- b. For each complaint:
 - i. The date and time it was received
 - ii. Whether it was investigated
 - iii. The outcome of the investigation

Answer - See Table 1 Complaints and investigation Information below and List of correspondence sent to OTG 2021 to 2025 in relation to noise nuisance complaints and Table 4 List of advice correspondence sent to OTG 2021 to 2025 - Regarding noise concerns from music events held at Out To Grass, Woodend Farm, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW – documents attached.

- c. The total number of unique complainants (not complaints) over this period. Noise Monitoring and Evidence

Answer - A total of 8 different neighbouring properties making complaints of noise from Out to Grass activities causing them a disturbance.

- d. A list of all noise monitoring activities undertaken by the Council relating to OTG in the past five years.
- e. For each instance:
 - i. The date and time
 - ii. The location of monitoring
 - iii. The equipment used
 - iv. The readings recorded (e.g. LAeq, LAmax, LA90 etc.)

Answer – See Table 2 Herefordshire Environmental Health Visit Investigation information 2021 to 2025 & Table 3 Herefordshire Environmental Health Sound Monitoring information 2021 to 2025.

- f. Details of any BS 4142 assessments or similar acoustic evaluations carried out, including reports or data collected.

Answer – Environmental Protection Act 1990 Part 3 Section 79(g) Statutory nuisance assessment – see guidance that explains further – this is primarily a subjective assessment made by an authorised officer of the Local Authority. Note- British Standard BS 4142:2014 'Methods for rating and assessing industrial and commercial sound' specifically excludes noise from 'music and other entertainment.

- g. The criteria used by Environmental Health to determine whether a statutory nuisance exists (including thresholds such as dB levels above background noise, frequency, duration, etc.).

Answer - See enclosed Statutory Nuisance leaflet also further information on webpage [Neighbour nuisance or anti-social behaviour issues - Herefordshire Council](#)

- h. A summary of any evidence that directly links noise complaints to activities occurring at OTG, rather than other nearby premises or sources.

Answer – See Table 2 Herefordshire Environmental Health Visit Investigation information 2021 to 2025 & Table 3 Herefordshire Environmental health Sound Monitoring information 2021 to 2025

2. Context and reasonableness

- a. Out to Grass (OTG) is a licensed premises operating under the Licensing Act 2003, and runs a very limited events calendar. In that light, we ask the Council to clarify how OTG's activities are considered to fall outside what is reasonably expected for a licensed venue, and to explain how you have determined this statutory nuisance and the standard of reasonability applied, specifically in terms of:
 - i. Regularity of events
 - ii. Volume of events
 - iii. Sensitivity of complainants

Answer- This is a request for officer analysis information rather than data request. This information forms part of a Court notice appeal process. The first hearing at Court will be a "Directions" hearing where the Court will order disclosure of material. Until the Court process has finished disclosure is strictly controlled and cannot be bypassed by FOI/EIR/DPA requests.

Tables 1,2, 3 & 4 below:-

Table 1 Complaints and Investigation information from 2021 to 2025 - Regarding regarding Music events held at Out To Grass, Woodend Farm, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW

Date received	Time received	Noise complaint	Complaint details	Investigation
12-Jul-21	11.17	Noise-Music	Music has started back up again at the weekend. started midday Saturday all the way through to around midnight, Sunday from lunchtime through to the evening. Drum and bass music which penetrates both garden and house.	2021 EH actions - Notifying OTG of complaints, issue and advised - Ian Johnson on 22 July 2021. Advising of complaint and requesting review of noise management. No Out of Hours monitoring that year due to COVID
13-Sep-21	09:18	Noise-Music	This business has events such as festivals and parties from May to October most weekends, involving loud music for at least twelve hours during a 24hour period. Keeps family awake and noisy through the weekends.	
03-May-22	10:09	Noise-Music	Experienced many years of noise disturbance from this premises. Noise heard in garden and house through weekends when music events on.	2022 EH Investigation - Notifying OTG of complaints, issue and advised. Second advice letter sent. Advised on TENs application which was later withdrawn. Out of Hours team carried out monitoring of area. Two noise warning letters sent to OTG.
14-May-22	00:50	Noise-Music	Out to Grass is holding a festival that we can hear the bass and shouts of people very clearly in our property up the road. The bass can be clearly heard over the TVs in our homes and through earplugs when trying to sleep	
02-Jul-22	22:29	Noise-Music	Music venue events run over weekends. intrusive as we can't sit outside our property in the summertime when the music is playing and in the evening you can still hear it inside our property which you are constantly aware of the sound and it affects our sleep.	

02-Sep-22	21:13	Noise-Music	Noise from premises - Out to Grass Music and musical beat and rowdy voices heard from outside and within my house. This has been a noise issue for 12 years.	
03-Oct-22	00:03	Noise-Music	Noise from music at Out to Grass Friday night 30th September until 2am, Saturday night all night and throughout Sunday at time of emailing music still playing. Impact on ability to sleep	
30-May-23	08:22	Noise-Music	Noise from music emanating from Out to Grass campsite every time they play music we are disturbed by it. They were playing music last weekend (20th/21st May) late into the night and then this weekend there was music on Thursday 25th May at night until approximately midnight, Friday 26th May until 1.30am, Saturday 27th May from approximately 4pm, possibly earlier until at least 1.30 am and again Sunday 28th May from approximately 4pm until 1.55am. Out of the 10 nights between 20th May and 28th May 6 of those have been impacted by the noise.	2023 EH Investigation - Notifying OTG of complaints, issue and advised two letters sent. Out of Hours visit to area warning letter sent and Statutory Nuisance guidance sent. Requested visit to discuss Licence activities and noise nuisance. No visit confirmed as end of season and Mr Johnson abroad so not available.
28-Jun-23	14:49	Noise-Music	Ongoing noise from premises - Out to Grass	
03-Jul-23	08:16	Noise-Music	The music coming from the site starts at 4pm, & doesn't cease until after midnight. This has happened from Friday (just gone), till yesterday (Sunday the 2nd July). Same last weekend - you can hear noise from music in particular, shouting etc....Disturbs sleep and going outside	

24-Sep-23	15:17	Noise-Music	Over this weekend we are being keep awake until 2am on Friday and Sat continued Sun extremely loud with heavy bass pounding out nonstop, this affects us while we are indoors with all windows shut.	
2024				2024 EH Investigation - No noise complaints received and no Out of hours visits made to area. Not aware of any events taking place at the premises that year.
10-Jul-25	16:08	Noise-Music	Noise from premises - Out to Grass on going noise from out to grass premises on weekends over summer causing noise nuisance inside and outside house	2025 EH Investigation - Notifying OTG of complaints, issue and advised. Out of Hours visit to area warning letter sent and noise management and statutory nuisance information sent. Carried out an advice meeting and visited site. Advice given and requested noise management information with regards Licence activities and noise nuisance. Further officer witness of noise issue from event site served EPA 1990 abatement notice.
27-Jul-25	17:36	Noise-Music	Ongoing Noise complaint from Out To Grass Quiet last 12 months now back. We have endured five full weekends of music out of six consecutive weekends. usually starting mid-day on Fridays and continuing up to Sunday midday, and finishing in the early hours of the morning. We live in a well insulated house with full double glazing, with all doors and windows closed we can clearly hear the sound from out to grass.	
27-Jul-25	00:36	Noise-Music	Loud music from outdoor festival Loud music being played for the last 7 hours at Out to Grass festival. Loud enough to hear through closed windows. Has been disturbed since middle of July - On Saturdays music starts 5pm and goes through to 01:30am and on Sundays 5pm to 01:30am. Their baby is also being disturbed.	

Table 2 : Herefordshire Environmental Health Visit Investigation information 2021 to 2025 - Regarding Music events held at Out To Grass, Woodend Farm, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW

Date	Visit	Monitoring notes.
9/ 7/2022	Out of hours visit made	22.15 - 22:42 Calm, dry night with breeze in trees. Local Area visits at gate and residential premises in area. Intermittent traffic noise. Bass of music heard from OTG event. Sound measurement taken.
30/07/22	Out of hours visit made	23:31 Damp, slight breeze OTG. Bass music heard from OTG site. Sound measurement taken
27/08/2022	Out of hours visit made	21:30 Sat . visit to local area. Music audible and bass from OTG site. Sound measurement taken
02/09/2022	Out of hours visit made	22:20. Fri. Music audible and bass from OTG site. Lots of bass – voices. Sound measurement taken.
07/07/2023	Out of hours visit made	23:00 - 23:40 Music audible and bass from OTG site. Very loud thumping music very noticeable beat and quiet in gaps. Talking and children screaming noise in the background. No tune audible just heavy beat. Sound measurement taken
16/7/23	Out of hours visit made	00:06 to 00:20 OTG Gate and area. Music audible and bass from OTG site. Breeze in leaves but bass beat dominant sound with some heavier beat to others - bass drop. Sound measurement taken
21/ 7/2023	Out of hours visit made	22:51 OTG Gate and Area No event - very quiet
9/9/23	Out of hours visit made	22:40 OTG gate. Distant traffic noise some cars passed on road but otherwise very quiet rural location and sounds. Background Sound measurement taken
25/5/25	Out of hours visit made	00:10. Outside OTG. Weather breezy but mild. No noise or music audible from OTG site. Very quiet residential area. OTG did not appear to be active.

20/ 7/2025	Out of hours visit made	00:40 Weather - Slight breeze, little to nil drizzle – Music audible and bass from OTG site - outside properties in area - loud music, screaming, shouting, crowd heard, lyrics clearly heard. Sound measurement taken
26/ 7/2025	Out of hours visit made	23:11 Weather - warm, dry, cloudy, light breeze Music audible and bass from OTG site. Parked at OTG reception. Could hear loud music and bass around 200 - 300m away from the event. Area assessment outside local properties music and bass audible. Sound measurement taken
30/ 7/2025	OTG meeting	Met Mr Johnson, Claire Kelly site manager and Andrew Baylass noise consultant (sound engineer). Discussed concerns regarding noise levels, bass levels, number of events and duration of events. Mr Johnson just hired noise consultant to advise on noise issues. Discussed Statutory Buisance and Licensing objective concerns with regards to event noise nuisance impact on surrounding area and residents in locality.
2/ 8/2025	Out of hours visit made	23:20 Weather - Clear skies, gentle breeze, dry weather 16 degrees All quiet, no activities heard from OTG site.
30/08/25	Out of hours visit made	23:14 Officers. Weather: Dark skies, rainy night (overcast), gentle breeze. Notes: Music audible and bass from OTG site . Audible music from outside neighbouring property. Not loud mainly Bass audible. Music becomes more audible when breeze dies down, people noise just audible. Sound measurement taken.
05/09/25	Out of hours visit made	23:50 Mild, some cloud cover, dry. Notes: Monitoring outside OTG gate and Area visits outside local residents property. Event taking place. Bass beat is dominant noise and could feel it, people noise just audible in background. Sound measurements taken.
07/09/25	Out of hours visit made	00:27 Mild, some cloud cover, dry. OTG - monitoring outside gate to premises. Music audible and bass from OTG site Bass is loud and dominant noise source. Lyrics of music just audible, not as prominent. Can feel bass. Officers were approached by Peter (independent noise consultant for OTG). Discussed some of findings, said he has been monitoring every hour. Noise better than yesterday. Peter sated they have carried out some adjustments and put bales around speakers. Local resident came out confirmed better than yesterday but at 16:00 today it was very bad, India type drum music which was excessively loud. Sound measurement taken.

Table 3 Herefordshire Environmental health Sound Monitoring information 2021 to 2025 - Regarding Music events held at Out To Grass, Woodend Farm, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW

Start Date & Time	Duration	Name	LAeq	LZeq
09/07/2022 22:24	00:02:03	M4-P01 OTG village	39.8	78.2
30/07/2022 23:38	00:02:05	M4-P027 OTG Gate	38.4	64.5
27/08/2022 21:27	00:02:25	M4-P001 OTG Gate	49.2	75.6
02/09/2022 22:12	00:06:04	M4-P002 OTG Gate	43.9	76.3
07/07/2023 22:56	00:02:33	M4-P010 OTG Hook Lane	43.5	61.3
07/07/2023 23:40	00:03:05	M4-P012 OTG village	36.2	75.1
16/07/2023 00:11	00:05:04	M4-P022 OTG Hook Lane	45.6	68.6
20/07/2025 00:50	00:05:10	M4-P011 OTG Hook Lane	43.3	75.6
26/07/2025 23:09	00:03:45	M4-P012 OTG Gate	57.1	75.9
26/07/2025 23:18	00:06:45	M4-P013 OTG village	33	60
30/08/2025 23:19	00:05:02	M4-P010 OTG Hook Lane	42.2	71.4
05/09/2025 23:44	00:02:04	M4-P002 OTG Gate	48.9	75.5
05/09/2025 23:50	00:02:01	M4-P003 OTG Hook Lane	42.2	70.3
06/09/2025 00:21	00:02:03	M4-P007 OTG Hook Lane	40.3	69.7
07/09/2025 00:29	00:01:59	M4-P017 OTG OTG Gate	45.1	76.2
07/09/2025 00:34	00:00:21	M4-P018 OTG Hook Lane	43	66.4
07/09/2025 01:01	00:04:50	M4-P023 OTG Hook Lane	47.3	75.3
09/09/2023 22:40	00:05:10	M4-P09 OTG Gate BG	29	60
		M4-P09 OTG Gate BG L90 25.3 dB		

Table 4 List of advice correspondence sent to OTG 2021 to 2025 - Regarding noise concerns from music events held at Out To Grass, Woodend Farm, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW

-  2021 complaint letter to OTG 22 Jul 21
-  2022 2nd complaint letter to OTG 8 Jul 22
-  2022 Complaint letter to OTG 26 May 22
-  2022 OTG Warning letter 30 Jul 22
-  2022 OTG Noise Warning letter 14 Jul 22
-  2022 TEN event noise advice letter 1 Apr 21
-  2023 Complaint letter to OTG 23 Jun 23
-  2023 Letter to OTG 21 Jul 23
-  2023 OTG Noise warning letter & visit request 26 Oct 23
-  2023 Stat Nuisance Leaflet
-  2025 12 Nov email FW Out To Grass Noise consultant engagement
-  2025 12 Nov email Managing Entertainment Noise & Plan Guidance
-  2025 12 Nov email Statutory nuisance leaflet
-  2025 12 Nov email U3875 Mr Ian Johnson Home S80 Oct 2025
-  2025 12 Nov email U3876 Mr Johnson OUT Ltd S80 24 Oct 2025
-  2025 14 Aug email FW Out to Grass Noise complaints and visit to premises Ref 419474
-  2025 24 Jul email FW OTG Noise complaints and visit 30 July Ref 419474
-  2025 24 Jul email Managing Entertainment Noise & Plan Guidance
-  2025 24 Jul email Noise Complaint - warning letter & visit appointment
-  2025 24 Jul email Statutory nuisance leaflet
-  2025 OTG Noise Warning letter 24 Jul 25