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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Contact Officer:
Janet Kelly 01352 702301
janet.kelly@flintshire.gov.uk

To: Cllr Rosetta Dolphin (Chair)

Councillors: Marion Bateman and Rob Davies

22 February 2023

Dear Sir/Madam

NOTICE OF REMOTE MEETING
LICENSING SUB-COMMITTEE
TUESDAY, 28TH FEBRUARY, 2023 at 10.00 AM

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: Public speakers have been asked if they would like to address the Committee in English or Welsh.

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 LICENSING ACT 2003 – APPLICATION FOR VARIATION OF A PREMISES LICENCE (Pages 5 - 34)

Purpose: For Members to consider and determine an application to vary a premises licence, made under the Licensing Act 2003, in respect of Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting. The Council's Solicitor will also be present.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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LICENSING SUB-COMMITTEE

Date of Meeting	Tuesday, 28 February 2023
Report Subject	Licensing Act 2003 – Application for Variation of a Premises Licence
Report Author	Chief Officer: Planning, Environment & Economy

EXECUTIVE SUMMARY

For Members to consider and determine a variation application made under the Licensing Act 2003, in respect of Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD.

RECOMMENDATIONS

1	That Members consider and determine the application for variation of a premises licence at Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD.
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REPORT DETAILS

1.00	EXPLAINING THE APPLICATION
1.01	The premises concerned is Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD. Its location can be seen in Appendix A.
1.02	The applicant is Herons Lake Retreat Ltd.
1.03	<p>The premises currently hold Premises Licence PA0829 which allows :-</p> <p>The supply of alcohol for consumption off the premises (for an on-site shop).</p> <p>Monday to Thursday 09.00 – 22.30 Friday & Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p>
1.04	<p>The variation application is to change the sale of alcohol to ‘on and off sales’. To add a Tipi to the licensed area, which will have a small bar inside and an external seating area. The variation also includes adding recorded music to the licence.</p> <p>The times applied for are:-</p> <p>Recorded music Monday to Thursday 09.00 – 22.30 Friday & Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p> <p>Sale of Alcohol Monday to Thursday 09.00 – 22.00 Friday & Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p> <p>Christmas Eve and New Year’s Eve until midnight</p> <p>No application is made to amend the current hours of operation or licensable activities nor in relation to the other conditions endorsed upon the Licence.</p>
1.05	If granted, the area will then benefit from the provisions of the Live Music Act and Deregulation of Regulated Entertainment. This will allow Regulated Entertainment within the licensed area from 08.00am until 11.00pm daily without the need for a separate licence.
1.06	A plan to identify the position of the Tipi is shown as Appendix B
1.07	Representations have been received from Flintshire County Council’s Pollution Control Section on 6 th February 2023. These can be seen in Appendix C.
1.08	Letters of objection were received from local residents and these can be seen in Appendix D.

1.09	There were no objections from any further responsible Authorities.
1.10	The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix E.
1.11	The application was advertised in the correct manner.

2.00	RESOURCE IMPLICATIONS
2.01	None in respect of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	A 28 day consultation period was carried out following receipt of the application, as required by the Licensing Act.

4.00	RISK MANAGEMENT
4.01	Risks are addressed in the steps taken to promote the four licensing objectives shown in the Operating Schedule.

5.00	APPENDICES
5.01	Appendix A: Location plan Appendix B: Site plan showing the position of the Tipi Appendix C: Representations from Pollution Control Appendix D: Letters of representations from residents Appendix E: Operating Schedule

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Licensing Act 2003 Section 182 Guidance for Licensing Authorities https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 Flintshire County Council's Statement of Licensing Policy https://www.flintshire.gov.uk/en/PDFFiles/Licensing/Statement-of-Licensing-Policy.pdf Contact Officer: Jacqui Dale, Licensing Officer Telephone: 01352 703377 E-mail: licensing@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p> <p>Licensable activities – these are the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment.</p> <p>Regulated entertainment - is defined as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance</p> <p>Late night refreshment – a person provides late night refreshment if at any time between the hours of 11.00pm and 5.00am., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises.</p> <p>Supply of alcohol – means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.</p> <p>Licensing Objectives - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.</p> <p>Live Music Act – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.</p> <p>Deregulation of Regulated Entertainment – Exemptions for some entertainments to be licensed under the Licensing Act 2003. Including, live music, recorded music, plays, indoor sporting events and performances of dance. Restrictions apply.</p> <p>Responsible Authorities – These are statutory bodies which are able to comment on applications made under the Licensing Act. They can make representations about the grant or variation of a licence. They can also apply for licence reviews in their own right.</p>

APPENDIX A



HERONS RETREAT, AFONWEN, MOLD, CH7 5AD

Flintshire County Council
County Hall Raikes Lane
Mold Flintshire CH7 6NF

Afon-wen

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Herons Lake Retreat Site Map



HERONS
LAKE RETREAT

01352 721272

www.heronslakere retreat.com

LODGES - Cabanau

- 00 - MOORHEN Iar ddi
- 1 - HERON Crefi
- 2 - KINGFISHER Glas y Darian
- 3 - WOODPECKER Cnabell
- 4 - CUCKOO Gog
- 5 - OWL Tyluan
- 5a - GOLDCREST Dryw Bannau
- 6 - HAWK Gwalch
- 7 - ROBIN Ffain goch
- 8 - BUZZARD Boda
- 9 - KESTREL Cudyll coch
- 10 - FALCON Hebog
- 11 - OSPREY Gwalch y Dysged
- 12 - WREN Dryw
- 14 - NUTHATCH Delor y cnau
- 15 - RED KITE Bercud coch
- 16 - SKYLARK Hedyd
- 17 - FINCH Limes
- 18 - DOVE Calcmen
- 19a - NIGHTINGALE Eoc
- 19b - JAY Sgrach y coed
- 20 - PHEASANT Ffasant
- 21 - GROUSE Grugari
- 22 - TEAL Cechwyd
- 23 - QUAIL Safliar
- 24 - SNIPE Giach
- 25 - LARK Ehedydd
- 26 - EAGLE Eryl
- 27 - SHEARWATER Aderyn aysom
- 28 - RAVEN Cigfran
- 29 - MALLARD Hwyaed wyllt
- 30 - PHEASANT C Ffasant C
- 31 - PARTRIDGE Fetisen
- 32 - SPARROW Aderyn y to
- 33 - MERLIN Myrdain
- 34 - LAPWING Gorchwigen
- 35 - GOLDENEYE Hwyaed iygad aur
- 36 - WAGTAIL Siglen
- 37 - BLACKBIRD Aceryn du
- 38 - BRAMBLING Pinc y mynydd
- 39 - STARLING Druddy
- 40 - REDWING Coch Dan-aden

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Jacqui Dale

From: Neil Shellard
Sent: 06 February 2023 10:45
To: Jacqui Dale
Subject: Variation of a premises licence - Herons Lodge Retreat. FINAL REPRESENTATION (Pollution Control Team)

Hi,

Variation of a premises licence - Herons Lodge Retreat. FINAL REPRESENTATION FOLLOWING SITE VISIT & FURTHER REVIEW OF APPLICATION (Pollution Control Team)
Licensing Act 2003

As below I initially wrote to you on 12th January. However, following new concerns that have come to the fore about the potential for *public nuisance*, if the variation were permitted, I undertook a Site visit on Friday, 3 February 2023. This was useful to see the tipi tent and view where the nearest residential premises are in relation to it i.e the site context.

Following this Site visit and a further review of the application, I now feel I should **Object** to the application.

For the following reasons, grounds and concerns, which would not be easily overcome by recommending conditions.

- I now don't believe that the material i.e the fabric which the tipi tent is made from, is durable enough or has sufficient mass (weight) to have a permanent sound insulating performance, which could reasonably be expected of a facility/structure in which loud amplified music i.e recorded music, would be offered. I think there will be 'noise breakout' issue of amplified sound, which will not be possible to manage through a licence condition, noise management plan or other similar step.
- There are clearly and evidently large *air gaps* around the base of the tipi tent structure, which would allow amplified recorded sound to 'leak out' and for the sound to be potentially heard at a nuisance level, at nearest noise sensitive dwelling/premises. Some of these dwellings have windows with a line of sight to the tipi. Furthermore, I have learnt that the sides of the tipi tent could be lifted in warmer weather, again reducing the structure's mitigation effect for sound transmission.
- There are number of relatively close residential neighbouring premises *not in the applicant's ownership* to the tipi tent structure, for whom I have growing concerns that they could be impacted by amplified music noise/sound transmission/break-out and people noise from the tipi structure.
- I understand the apex of the tipi structure would also be a further potential open *air gap* which could leak noise/amplified recorded sound.

- I also have concerns that 'people noise' and shouting/raised voices would potentially be audible from within the tipi late into the evenings and for this sound to be audible beyond the premises boundary. There are a number of local dwellings adjacent and just a short distance from the tipi that are not in the applicant's ownership.
- I don't consider that the tipi structure is suitable for a permanent provision of regulated entertainment as requested, at this position and location.

I hope this is clear. I have no further comment.

Kind regards,

Neil T. Shellard MCIEH

Pollution Control Officer | Swyddog Rheoli Llygredd
Public Protection | Diogelu'r Cyhoedd
Environment | Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint



DEAR SIR / MADAM.

REPRESENTATION REGARDING THE APPLICATION
OF A PREMISES LICENCE AT HERONS LAKE
RETREAT, CAERWYS. FLINTSHIRE C17 5AD.

I strongly object to the siting of a
Tipl within such close proximity to many
houses in this village, which is proposed
to be serving alcohol and playing music
until late at night every day of the week.

Presently there are notices around the
Herons Lake site, stating there should be
no noise after 9.30 pm. Local residents
regularly phone to complain when this
is not complied with. This is already
a noisy & often unruly site, with Scout
Security. There are no barriers and
anyone can enter the site by day or
night.

The Tipl has no sound proofing and
will be a magnet to large groups of
people, with B&O Page 15 in the vicinity.

2

Finally, I think it would be unfair to grant this application which will inflict an even greater level of noise and disruption in this village, when residents have chosen to live in a peaceful, rural environment so close to the A.O.N.B.

Regards,
J.E. Swindale

Inc. No PA 0820
App. No 050340.

Jule Harris
8 Mill Terrace
Afonwen
Flintshire
CH 7 5UF

Re Variation of Premises Licence
Herons Lake Retreat
Afonwen

Dear Sir / Madam, I wish to place an objection to the above proposal, on the grounds that, in a small village community, it is not suitable to have music blaring out from a tent on a car park - there are no solid walls to hold the noise in, and neighbours will be affected by the unwanted noise it will generate for prolonged periods of up to 14 hours daily.

Yours
J Harris



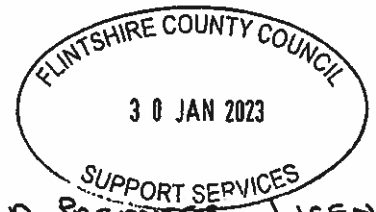
1 JOCELYN TERRACE
AFONWEN
MOLD CH7 5UH

RE APPLICATION No :- PA 0820
050340

20th JANUARY 2023

FOR THE ATTENTION OF :-

CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)
FLINTSHIRE COUNTY COUNCIL
COUNTY HALL
MOLD CH7 6NF



RE: APPLICATION FOR VARIATION OF A PREMISES LICENCE

APPLICANT: HERONS LAKE RETREAT LTD

PREMISES: HERONS LAKE RETREAT, CAERWYS HILL,
CAERWYS, FLINTSHIRE, CH7 5AD

NATURE OF APPLICATION: TO VARY THE EXISTING LICENCE
TO INCLUDE A TIPI, AND ALLOW THE SALE OF
ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES
& THE PROVISION OF RECORDED MUSIC

I wish to object to this variation to the premises
licence on the grounds that the Tipi (essentially a
large, tall, tent pitched on an open air car park at
Herons Lake Retreat) is completely unsuitable for this
purpose. Its siting and construction will generate unwanted
community noise disturbance for prolonged periods of up
to 14 hours daily, 7 days ^{a week} ~~from~~ ^{the} playing of recorded

music and the consumption of alcohol.

It will be a continuous and unwanted source of public nuisance, noise disturbance and light pollution to the detriment of the health and well being of the local village community and visitors to this area.

Please do not allow the variation to go ahead.

Yours faithfully

C. Wynne

Afonwen resident



Godre'r Foel
2 Jocelyn Terrace
Afonwen
CH7 5UH
29th January 2023

Licensing Board Application PA 0820

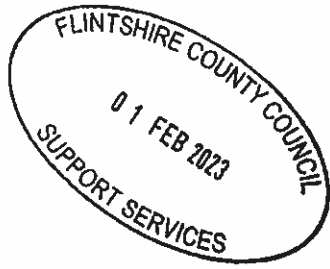
REFERENCE NUMBER 050340 HERONS LAKE RETRTEAT, AFONWEN, CH7 5AB

WITH REFERENCE TO THE ABOVE LICENCE APPLICATION, WE WOULD LIKE TO MAKE AN OBJECTION TO THIS PROPOSAL – REASONS LISTED BELOW.

1. WE LIVE WITHIN 75 METERS OF THE TEEPEE AND PRIOR TO ANY EXTENSION OF THE LICENCE THE LEVELS OF NOISE, BAD LANGUAGE/ANTISOCIAL BEHAVIOUR ARE NOT ACCEPTABLE, WITH AN EXTENDED LICENCE THIS CAN ONLY GET WORSE. WE CAN ASSURE YOU THAT THIS CONTINUES WELL AFTER THE PERMITTED TIMES ON THE TERMS AND CONDITIONS
2. WE ARE LED TO BELIEVE THAT HERON'S LAKE IS CURRENTLY TRADING WITHOUT ITS FULL LINCENCE?
3. THE MAIN LICENCE HOLDER / SUPERVISOR AS STATED ON THE TERMS AND CONDITIONS IS SUPPOSED TO BE PRESENT – WE CAN ASSURE YOU THAT THIS IS NOT THE CASE, THEY ARE NEVER ON THE PREMISES DURING THE EVENING.
4. THE ACCESS TO THE REAR OF OUR COTTAGES IS BEING USED BY RESIDENTS FROM HERON'S LAKE – THIS IS A PRIVATE ACCESS ROAD WITH NO DIRECT ACCESS (EXCEPT BY CLIMBING THE GATE AT THE REAR OF THE BUNGALOW) TO THE SITE. THIS GATEWAY SHOULD BE CLOSED OFF. THERE IS DISABLED ACCESS TO THIS PROPERTY WITHIN HERON'S LAKE.
5. WE HAVE HAD PEOPLE ENTERING OUR REAR GARDEN – TRYING TO FIND ACCESS TO THE SITE – WE NOW HAVE TO KEEP OUR GARDEN FULLY LOCKED AT ALL TIMES.

AFONWEN IS A SMALL VILLAGE WHICH DOES NOT REQUIRE A FULL DRINKING ESTABLISHMENT WITHIN ITS CONFINES. THERE IS A PERFECTLY GOOD PUB ALONG THE MAIN ROAD – PWLL GWYM THAT IF REDEVELOPED WOULD SERVE THE COMMUNITY MUCH BETTER THAN THE CURRENT ABOVE PROPOSAL.

YOURS FAITHFULLY
MARY C FEAR & KARL J FEAR



5 JOCELYN COTTAGE
JOCELYN TERRACE
AFONWEN
MOLD
FLINTSHIRE CH7 5UH
29.1.23

Dear Sir/Madam

I am writing with concern about the Tipi that's been put up on Herons Lake retreat. It has been placed on the main car park which is about 100yds from my house. Having it open for alcohol and music is not acceptable. The Tipi is not soundproof and there will be unnecessary noise surrounding this small village. We already get alot of problems with noise from the place. Police are often here. All kinds of people will turn up here as the place will not be properly supervised.

Thank you for your time

H. J. Aldred

31.01.2023

OBJECTION TO HERON LAKE RETREAT

Mrs J Bryan

Huntsmans Lodge

Brynsion Hill

Afanwen

FLINTSHIRE

CH7 5UL

Dear Sir / Madam

I Write to object to the tipi Licence request to Serve alcohol for Consumption on the premises and for the provision of recorded music at Heron Lake retreat Caerwys Hill Caerwys CH7 5AD.

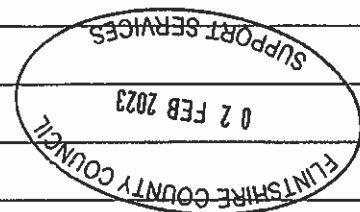
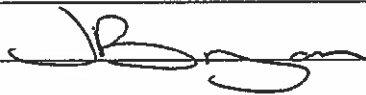
At the present time Herons have a 9.30pm cut off time for noise; on many occasions this is not adhered to and we villagers are woken by shouting, singing and music into the early hours.

The tipi is worryingly close to the houses of the village and the site is not secure, ~~and~~ they do not have night security.

The residents of Afanwen choose to live here for the peace and quiet of this sleepy little village.

I feel that allowing the above to happen would have a huge impact on the mental health of some of the residents.

Yours Sincerely



22 Park View
Afonwen
Ch7 5UE

Dear Sir/ Madam

Regarding the application of the premises licence at Herons
Lake retreat, Caerwys, Flintshire CH7 5AD

I strongly object to the placing of the Tipi on the car park of this
site. Which is very close to many houses within this small, quiet
community. The application states that they are going to be
serving alcohol and playing music from 9am in the morning
until late at night everyday! Local residents are already having
to put up with noise and unruly behaviour on this site on a
regular basis and we regularly have to phone to complain when
this is occurring. There is poor security on the site, no barrier at
the entrance and very little CCTV, this allowing anyone to enter
the site, day or night.

The Tipi has no sound proofing, has a real fire inside, with little
ventilation.

There are no other pubs in the area, so this Tipi will draw in
large numbers of people.

I object to this licence being granted because it will create an
even greater level of noise, pollution and disruption in this
village.

Regards
Hannah Jones



4 Ffoulkes Terrace

Afonwen

Nr Mold

Flintshire

CH7 5UQ

02.02.2023



To whom it may concern. I am writing to state my objection to the following application;

Licence no PA0820 Application no 050340

Which is an application for a Tipi for the sale of alcohol consumption on and off the premises and the provision of recorded music seven days a week.

First of all why have the council not sent out any communication of this application to the surrounding residents. This seems very underhanded. We are not able to approach our local councillor as she works for the owner of Herons Retreat so there is a conflict of interest.

The tipi is already in place and I do not believe it is a suitable structure for music and alcohol as I do not believe it would be as sound proof as a solid structure would be. The summer months are already quite noisy at night so I hate to think what adding alcohol and music seven days a week all year round would bring.

Herons Retreat pride themselves on using the conservation of the area as a marketing tool which is very true so why spoil it by adding what is only going to cause discord with loud music and alcohol. Also having already added a shop and now wanting to add a license for alcohol they are no longer adding to the community by taking custom away from the local shops.


I would please ask that you seriously consider all the above before giving Herons Retreat the above license.

Yours sincerely

Maxine Davies

A handwritten signature in cursive script that reads 'Maxine Davies'.

Flintshire C.C
County Hall
Mold
CH7 6NF

G G Gallagher.
22 Lon yr. Ysgol
Caerwys
Ch7 5PZ


Ref: To variation of premises licence at Herons Lake Retreat Ltd, Caerwys Hill, Caerwys, Flintshire, CH75AD I would like make representations regarding the application.

Dear Sir/ Madam.

The application to have alcohol sold on the site in a 'tent' a Tipi, until late hours with loud music is an intrusion on the well being of the residents living in this area.

The noise that already comes from the site has caused residents to complain to the management, with no avail. One couple left months ago because of the rising noise level then. This would be a life changing blow to the locals.

Will this end up like a 'Pub' with people coming from other camps. It is not even a proper building with the correct safety rules, it's a canvas tent.

This is not in a built-up area but in beautiful country setting and the residents of many retired people.

Please give this your consideration

Received 06/02/23

From: Marilyn Forster [REDACTED]
Sent: 07 February 2023 13:43
To: Jacqui Dale [REDACTED]
Subject: Fwd: Planning proposal (Case Ref: HB4235)

Begin forwarded message:

From: Marilyn Forster
Sent: 29 January 2023 15:17

[REDACTED]
Subject: Planning proposal

[REDACTED]
The residents of Afonwen are appalled by a Planning Proposal by Heron's Lake Retreat (offering lodges for rent). They have put this proposal to Flintshire County Council - objections by 7th February. The site is at the bottom of Caerwys Hill in Afonwen and is very, very close to residential properties. Due to lack of facilities for tourists, never mind residents, they have sited a Tipi in the grounds. They have put in a proposal to FCC for a music and alcohol licence for their guests to use. Apparently, at the moment, there are notices on the site stating that there should be no noise after 9.30pm. The proposed licence states music and alcohol from 9 am until 10.30 - 11 pm daily. Would you or your family be happy living in a house with a Tipi just outside the end of your garden offering music and alcohol possibly during those hours every single day? A Tipi is a fragile structure and does not absorb noise - the potential for a devastating future for the residents of Afonwen is unthinkable. Please, please can you put in your objections on our behalf?

To add insult to injury, we had a fabulous popular community grade 2 listed pub The Pwll Gwyn in Afonwen a few years ago however, FCC in their wisdom destroyed the heart of our community by granting inappropriate planning permission to two owners. The current owner, who lives in Nottingham, bought the pub with a view to using it as a party house with outside hot tub - also on the doorstep of local residents. Again FCC granted permission! In 3 years the pub has stood derelict whilst the community have suffered from isolation and, in some cases, depression! Why? Apparently work is supposed to start on the party house this spring but what will it bring to the community - nothing but possible noise problems?

Same with Heron's Retreat! Afonwen is a relatively small community but the pub, as with most communities, was the hub of Afonwen, with various clubs and teams and much passing tourist trade. Do Wales still have a Unitary Development Plan? As I remember it, this was supposed to offer more facilities to communities but our facilities are being eroded and taken over by private ventures with no concern for the effects of noise etc on the residents. I despair!!

We would be grateful for your support in this matter.

Kind regards

Marilyn Forster
Resident of Afonwen

My address is

Old Post Office, Denbigh Road, Afonwen, Mold CH7 5UB

Sent from my iPad



Ty Cwtch

South Street

Caerwys

Mold

Flintshire CH7 5AF

5th FEBRUARY 2023

Dear Sir/Madam

Re Herons lake Retreat Caerwys Flintshire CH7 5AD

I feel I must object to the application for a licence to sell alcohol and play music at Herons retreat!

This is an Area of outstanding natural beauty and is also has lots of wildlife and history in this area.

I am concerned about alcohol being served from a tent (not a permanent structure) the possibility of antisocial behaviour and the certainty of loud music being played late into the evening.

The access to the site is onto a very narrow steep road, with heavy traffic day and night and has no footpath or street lighting.

Kind regards

Jane Gallagher

Received 07/02/23

Representations on behalf of:

Mr Simon Besford

Miss Sue Morris

5 SportsmanTerrace,

Afonwen,

Flintshire,

CH7 5UJ

1st February 2023

For the attention of Chief Office (Planning, Environment & Economy)

In respect of, Application for Variations of a Premises Licence.

Premises Location: Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD

In respect of the above application, my partner and myself would like the following points to be given consideration, with the supporting information.

Planning: The proposed Tipi is already in situ and has been there since October 2022. It has an electrical supply installed, lights, illuminated floor boarding, bar structure, fire, tables, seating, all of which are all already installed.

The site already sells alcohol for consumption and has done so for some time at the on-site shop. There is no signage visible, as identification to who has a licence to sell alcohol.

The immediate area surrounding the Tipi has been cordoned off with small wooden borders, gravel/bark chippings placed within and several tables and benches placed here. There is no mention from a Health and Safety consideration, of how many patron numbers this construction intends to cater for, as the designated seating area surrounding the Tipi is much bigger than the Tipi itself.

From a Health and Safety perspective, no consideration has been given to the actual location of the Tipi site. The Tipi and surrounding seating area itself is located directly at the bottom of the steep 200m ramp entrance and exit road to the site, meaning potentially in the event of a vehicle malfunction or driver error for a vehicle entering the site, they would directly be in the path of the Tipi and the immediate seating area. It must be considered here, that not all vehicles entering the site are cars or vans, there are regularly large vehicles, lorries and HGV's. If music is playing then it is unlikely guests would hear the warning sound of a vehicle horn in the potential occurrence of vehicle malfunction or driver error.

The area surrounding the Tipi and its immediate vicinity must also be considered. Directly to the side of the Tipi is a 30-40ft drop in the form of a surrounding steep embankment, which then leads another 20ft down to the site lake. There is a very

thin old fence, partially above the embankment in areas. Anybody under the influence of alcohol in the dark has the potential to fall down this embankment Likewise as previously mentioned, regarding the location of the road heading towards the Tipi, anybody under the influence of alcohol could potentially stray into the path of a vehicle at night.

There has been no consideration as to the storage of alcohol overnight. This is a security issue as the tent obviously has only canvas walls. If the intent is to use the on-site shop to sell the alcohol for the Tipi, this has not been stated,

There have been multiple infringements on previously approved planning applications for the site, which is of concern to the present application and its stated intentions. The site was previously limited to the number of cabins allowed, this number has been surpassed. Areas at the top of the camp, adjacent to Bryn Sion Hill road, that were identified in previous applications as sites for children's play area's now have cabins with accompanying hot tubs and parking areas located, without further applications submitted. We would advise site inspection to substantiate this.

The fact that the Tipi is already in situ and virtually fully operational makes a mockery of any planning application process and undermines the role of Planning Officers, as it is already assumed by the site that any application is already approved and a foregone conclusion.

Environment

Furthermore, it would seem no consideration has been given to actual location of the Tipi and its surroundings, as it is on an elevated area of the campsite, with no surrounding structures, trees or buildings to act as natural barriers to the noise generated. This coupled with the fact that the Tipi walls are material, not solid means the noise will travel. Considering this, along with the with occurrence of people sat outside the Tipi, with potentially speakers outside playing music and coupled with, the stated intention that although the site proposes to stop serving alcohol at 23:00, people will still be sat outside finishing drinks or potentially staying longer, as they do not have to make their way home and a will have a holiday attitude. This is not acceptable at the expense of the local community. The Tipi in its current position is located height wise above the surrounding neighbourhood, so any noise will travel a great distance. There are other areas on the campsite this could have been better placed. It would appear no consideration has been given to this impact on the local community, rather what would best serve the campsite.

Furthermore, from a visual and natural consideration of the surrounding area, the Tipi structure itself is not aesthetically compatible with the surrounding, as it does not blend in with its surroundings. Because of its elevated and exposed position, the Tipi dominates the skyline and can be seen from many vantage points throughout the area. Also because of its position, it will be possible to hear any generated noise from many different locations in the local vicinity, as the entire site is situated in a valley, that acts as a natural bowl, to amplify sound and so that sound carries. To state the fact once again, there are better areas the Tipi could have been better

situated on the campsite, where it would have been shielded by surrounding trees. This would have helped to disguise its form and muffle any noise generated, thereby dissipating any sound, so there was not such an impact visually, aesthetically and sound wise on the surrounding area. It would appear that the consideration in identifying location has been what is best for the campsite, not the surrounding area. The Tipi site itself and its surrounding seating area has taken over a large area of the car park for the site, but rather than placing it elsewhere on the campsite, which could then have an impact on the number of accommodation units the site has, the outcome is the site does not lose any income financially, but by sacrificing an area of car park, seeks to increase its income at the expense of the surrounding area, visually, environmentally and economically.

The suggested operational times for this application are totally unacceptable in such an area. The proposed starting time of 09:00am is unjustifiable and potentially brings many issues and problems, not to mention local resident's mental health. The site is currently operating a "no noise after 9pm" policy. Even though this is not adhered to, it is a more reasonable and acceptable time.

The excessive lighting and party lights on the campsite at night exceeds reasonable expectations, to such a degree that the site generates its own "glow" which can be seen off site. The lighting is not timed and stays on all night. This is not in keeping with the Dark Sky's Clwydian range approach. This can only be made worse by the new Tipi, which is covered and surrounded by lights on its elevated and exposed location on the site. There is no mention of this lighting within the application.

There are no toilet facilities located at the Tipi, which potentially leads to concern when guests would have to walk back to their cabins to use facilities.

This along with the fact that the site has an area earmarked for rubbish dumping and refuse skips, located directly next to and in view of local residents houses and out of view of the site guests, shows total disregard and lack of consideration for the local community. This will now most likely become also an area for the Tipi's generated waste. The stream on site can often be seen flowing with soap bubbles, when hot tubs have emptied into the stream. This demonstrates the disregard for the local ecology.

The site around the Tipi has been poorly constructed, there are steel anchors stuck out of the ground where they have been unable to be driven in further, these pose a potential hazard. It would be beneficial to visit the camp to see the poor general construction status. There are exposed electrical cables visible all over the site, with no protection or warnings, a threat to guests and animals alike. There are broken fences everywhere, uneven surfaces and poorly maintained paths. Several incidents, incurring injuries sustained by guests on site as a result of this disregard for Health and Safety have been witnessed. These injuries put further stress on an already overstretched Health Care system, when these individuals require medical intervention or treatment. It would make more practical sense to develop the safety aspect of the site for its guests, than to seek ways of further expanding income

In previous approved planning applications, it was stipulated that any plants, trees or bushes must be coherent to the local habitat and be of the same nature. The Tipi has had large palm trees placed around it. Large potted palm trees can be spotted all over the site, not native to the local habitat.

In respect of the abundant wildlife within the area, it should be noted, that approx. 100 foot from the Tipi site are the old high dilapidated brickwork buildings that were the ovens for the old brick work site. These form the outer boundary for the site, are approximately over 100 foot high, consisting of brick alcoves. These are the nesting sites for bats which can be seen at dusk. There is the potential that the noise and light generated by the application could disturb these animals.

The area is classed an area of outstanding natural beauty, therefore visitors should be able to experience the tranquillity and peacefulness of the area, as the site itself advertises and visitors expect, not be exposed to potential noise and going on this sites previous record, raucous uncontrolled behaviour and abuse and bad language. This is what visitors, families with children and pets expect.

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Economy

The proposed application will bring nothing of benefit to the local economy, it is entirely based on generating self-profit for the site at the expense of the local community. There are pubs nearby in the local community that would far greater benefit from the financial input that this application would potentially derive them of. In support of this, I would submit the fact that one pub has closed recently in Caerwys, This decline will undoubtedly continue and also effect the local shops as alcohol is sold on site. The application will deprive local communities of much needed financial input and potentially further breed resentment. If the tourism sector is to be successful, it is about integration, not just individual profit and disregard for the consequence and effect of individual self-profit.

The site has a history of anti-social behaviour, with frequent police visits, drug paraphernalia often regularly found around the campsite, nitrous oxide cylinders, and the accompanying smell of cannabis can be smelt coming down from the campsite regularly during the day but more so at night. Visiting numbers are often exceeded at night, other than the paying guests, as cars as seen turning up during the night with groups of people. The noise from the site can very regularly be heard throughout the night, sometimes until dawn, with loud music playing and shouting abuse. Local residents, who have gone up to the campsite to request visitors to turn down the noise, are often met with drunken abuse. Unfortunately there have also been murders committed on the site. None of the antisocial behaviour on the site is policed by the site itself, as there is no permanent on site security at night. There is supposed to be an off-site Manager to contact at night, but this information is not readily available to local residents, only to site guests. This is of great concern if the site cannot run safely and peacefully under present conditions and integrate with the local community and environment, how does it possibly think that this application will improve matters? How if the site is not manned 24hrs and policed effectively in its

current operational mode, is it expected that guests on the site would just leave at the proposed closure time of 23:00. The dramatic potential for even more problems arising on site that would affect the local community and potentially put strain on local police and health services cannot be understated. The potential for conflict with the local community and resentment towards the site, visitors and site guests could unfortunately increase because of this application.

The area is classed an area of outstanding natural beauty, therefore visitors should be able to experience the tranquillity and peacefulness of the area, as the site itself advertises and visitors expect, not be exposed to potential noise and going on this sites previous record, raucous uncontrolled behaviour and abuse and bad language. This is not what visitors, families with children and pets expect. The proposed application will have the opposite effect of attracting visitors, rather deterring them, or potentially attracting them for the wrong reasons. Visitors come here to experience the peace and tranquillity of the area, this is totally at odds with what is proposed by the application.

I would strongly request that any contemplation on approving the above application be given deep consideration, as the highly potentially negative consequences of that decision could prove detrimental to guests, staff, local residents and the reputation of the area and North Wales. Several residents within the adjoining area have moved home because of the site, the noise and anti-social behaviour and others are considering the same. The local community should not be placed second and have to suffer, in consideration of the sites own financial aspirations to increase income. Please do not hesitate to contact us if you require photographic evidence we have taken, of the above points raised in the planning section. We would strongly recommend that in view of this application and the site in general, that the site is visited and also a Health and Safety inspectorate review take place.

We do not make any suggestions or recommendations regarding Health and Safety lightly, but from the experience of both our professional backgrounds. Myself and my partner have over 50 years experience between us, of working within some of the countries busiest Accident and Emergency Departments. I am now responsible for Clinical Supervision and Practice Development of the Minor Injury Service across North Wales units. My partner is the Manager of a Minor Injuries Unit. Our commitment is to people of North Wales and the delivery and development of that service. It would be neglect on our behalf personally, not to advise on the observations we have made and concluded from our vast experience.

Thank you for your time and consideration in respect of these points.

Simon Besford. RN, NP, ANP, ACP, ENP, NMP, MSc, BSc, Dip

Sue Morris. RN, ANP, ENP, NMP, BSc

APPENDIX E

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

We already have conditions on our exiting licence which promote the licensing objectives

b) The prevention of crime and disorder

Using our trained staff who will have the skills and knowledge of the local area. The use of CCTV is active on site. We have plenty of car parking spaces available and rubbish bins & lighting already present around the site

c) Public safety

To ensure the sale is within our site only to reduce noise, litter, and community safety within the local villages. Ensuring safety on the public roads where no lighting is available. To keep all rubbish on site, using our own car park when required

d) The prevention of public nuisance

Ensuring that all sales are governed by the age 25 rule, ensuring limited sales are made to individuals and intoxicated people are not provided further alcohol, with the presence of our Duty Manager on site.

notices will be displayed asking people to leave the area quietly

e) The protection of children from harm

N/A

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