

Email response to City of Edinburgh Council Parks & Greenspace Request for Comments on 'Fly Open Air Music Festival'

Hannah Fleming,
(Customer Services and Information Technology - Parks, Greenspace and Cemeteries Service),
Place, Level 3.1,
Waverley Court,
4 East Market Street,
Edinburgh, EH8 8BG

Dear Hannah,

Thank you for this. We had a very full discussion about the proposed Fly Festival event at our New Town and Broughton Community Council meeting on Monday 12th August and I would like to register our unanimous objection to this event receiving consent to go ahead.

1. Effectively it involves a commercial business making use of a public open space for profit at the expense of the convenience of the general public over an unacceptably long period of time. We are deeply concerned at the proliferation of this trend, with the Council seemingly (if understandably) desperate to raise revenue from every possible source. However, they must not forget that West Princes Street Gardens (and other open public space subject to similar pressures, e.g. Calton Hill) are often Common Good Land and that as an elected representative Council they have a responsibility to ensure that these spaces retain a vital and traditional role as parks and are not relentlessly exploited at the expense of the convenience of citizens. In our view the proposed Fly event will create great inconvenience.
2. With rigging, derigging alone the Fly event will form a disturbing physical presence in West Princes Street Gardens spanning a full week, affecting visitors and residents from 17th to 24th September. Since last year's Fly festival the Council has put in place new regulations governing the uses which can be made of public space. These would limit the spread of the Fly event and its attendant facilities; food stalls etc., and would permit less restricted public access to garden ground outside the area of the bandstand. The organisers have objected saying that this would totally undermine the desired scope of the event. We believe that this does not mean that the regulations should be waived in this instance (creating an undesirable precedent) but that the event is unsuitable for the venue and should be denied consent.
3. During the period of the performances, 20th September 1900-2300 hrs and 21st / 22nd 1200-2300 hrs, the Gardens will be closed other than to paying customers and furthermore will be screened by a "curtain" to prevent their being visible to passers-by in Princes Street. The concept of a screen obscuring a view of a public space is undemocratic and unacceptable. The safety grounds cited – i.e. crowds obstructing traffic as they mass for a free glimpse of the various performers are not a reason for accepting the erection of a screen, they are a reason for refusing consent for the event.
4. The actual performances will take over the Edinburgh soundscape for virtually a whole weekend, affecting nearby residents, shops and businesses. The bass beat involved last year was

particularly disturbing and we find it hard to believe that the "*state of the art sound system which will mitigate noise problems*" as promised by organiser Tom Ketley can possibly prove effective. Our view is that as the nature of the "boutique music" proposed is almost inevitably going to involve a high decibel level and a heavy bass beat. It will be bound to have an unwelcome imposition on a significant body of people, greatly outnumbering the customers who have signed up for it. The UK regulations as of February 2019 (published by DMA Working Group) note that the advice relevant to the "surrounding areas of the Old and New Town of Edinburgh" is that the Music Noise Level "should not exceed the background noise level by more than 15db over a 15 minute period". Can this be guaranteed by an independent assessor during the Fly Festival? It seems unlikely. We also believe that a basic human rights issue appears to be at stake here. Article 1 of the First Protocol of the Human Rights Act states that "every person" has a right to "peaceful enjoyment of their property" Consent for the Fly event would imply denial of this right.

5. We accept that the Council has a responsibility towards young people and for providing them with amenities and facilities for enjoying appropriate cultural, entertainment and leisure activities, but this must not be at the expense of the wider population of the city. As noted above the music often preferred by a younger demographic involves a high decibel level and heavy use of bass. Unfortunately by its very nature this is music which has a wide impact, often unwelcome to others. To meet this particular responsibility the Council must accept that at present the city has no suitable venue. The provision of something akin to the SECC in Glasgow needs to be given priority in a future budget. A purpose built or appropriately adapted building outwith the city centre would also help in the current push to diffuse the various Festivals beyond the centre. This may be an unrealistic aim but given the lack of a suitable venue we urge that consent is not given to the Fly Music Festival. The central open air venue of Princes Street West Gardens is not appropriate.

Kind regards,

Secretary, New Town & Broughton Community Council