

EXECUTIVE - 28 MAY 2014

MALLORY PARK - NOISE CONTROL

REPORT OF CHIEF EXECUTIVE

WARDS AFFECTED: NEWBOLD VERDON WITH PECKLETON AND DESFORD



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. **PURPOSE OF REPORT**

To seek approval for the outline content of a new statutory Notice, to be served on the new track operator - Real Motorsport Ltd (RML) - as soon as possible.

2. **RECOMMENDATION**

That the Executive:

- a) endorses the principles of a Statutory Notice, as set out in section 4.4 of the report.
- b) agrees the terms of the Notice for the remainder of 2014 [Appendix B].
- c) agrees the conditions and the timescales to be met if a revised Notice is to be issued for 2015 [Appendix C(i)].
- d) agrees the terms of a Notice for 2015 and after, including the requirement of an annual review before the end of each racing season [Appendix C(ii)].
- e) does not agree to the request for an additional payment to one of the complainants, for sharing with other residents.

3. **BACKGROUND TO THE REPORT**

3.1 At the last meeting of the Executive on 16 April 2014, Members agreed to defer consideration and action on a Statutory Notice for activities at Mallory Park Race Track, to allow further discussion with interested/affected parties in the village of Kirkby Mallory, some of whom had the previous evening approached Council officers/RML with an alternative to what was being presented to the Executive.

3.2 Since that time, further meetings have been held with that group and one meeting with the Mallory Park Support Group (MPSG) - another group, which has submitted a second alternative. All these meetings have been perfectly affable and constructive in their attempts to achieve a position which all parties could accommodate, if not fully agree.

- 3.3 However, it is regrettable that I have to advise the Executive that, despite the constructive nature of these discussions, there has been recorded at least one incident of intimidation by person or persons unknown. There has developed a continuing division between some residents, the healing of which can begin only when a decision is made on both the immediate and longer term arrangements for the operator. A decision, therefore, is more than pressing for tonight's meeting.
- 3.4 In the report to the last meeting, I referred to the Independent Legal Advice commissioned and received by the Council, in response to a recommendation from the Local Government Ombudsman (LGO). The summary of that advice is reproduced at Appendix A, as it was not a matter considered at the meeting, for the reasons stated earlier. The summary has been criticised by some as not properly representing the Advice and has been the subject of a detailed critique by MAS, an organisation commissioned by one group of residents. Members of the Executive have had access to the privileged independent advice and will be able to form their own views as to the accuracy of the summary.
- 3.5 Whilst much in the two proposals from village residents is common ground, there are differences in relation to the number of days' activity which would be acceptable. It must be recorded, nevertheless, that there have been attempts at accommodation from all parties, as a result of which the terms for the draft Notices attached at Appendix B (for 2014) and C(ii) (2015 onwards) have been prepared for adoption by the Executive, informed by those discussions. It is equally important, however, to record that these Notices have not been agreed with any resident group at any point.

4. **POSITIONS AND PRINCIPLES**

- 4.1 It would, of course, be perfectly legitimate for Executive simply to accept the overall conclusions of the independent advice and agree to levels of activity considerably above those allowable under the strict interpretation of the 1985 Notice. The advice is, after all, 'independent' and has taken into account all the aspects required by the Ombudsman. It is the case that there is 'no legal answer'.
- 4.2 However, Members are advised to take a different approach within the Advice, for the following reasons:
- a) Whilst negotiation of a 'balance' is advised as the appropriate way forward, in all the circumstances, and we are advised that the Council is entitled to take into account the wider public interest in motor racing, we are strongly advised also by the LGO that significant priority in any such balance must be given to the rights of the residents of Kirkby Mallory to a quality of life far better than some have experienced in the last three years. The proposed terms of the Notice thereby attempt to strike this balance.
 - b) Moreover, consultation with residents of the village in May 2013 revealed that a significant proportion (by 2:1) strongly rejected a proposal which would have had around 166 days' activity per year. More recently, the consultation prior to the meeting on 16 April received a much lower response (29%, compared to 52%), but a consistent proportion of 2:1

against moving from 92 days - the strict interpretation of the 1985 Notice. Further detail on the consultations is included in Section 9 of this report.

- c) Whatever position is adopted, it could be sustained only if there were reduced activity on Saturdays and Sundays; certainly in summer months. Constant activity at weekends, with no 'respite', was at the core of the many complaints received in 2012/13. I have commented already in July 2013 that this concern was entirely justified. Any overall allowance must:
- * be distributed to provide a more acceptable level of weekend activity.
 - * seek to reduce noise levels.
 - * be at lower frequency of activity during the week than actually experienced in recent years.
 - * allow more frequent 'respite' to residents at weekends, particularly after 'full weekend' (Saturday and Sunday or Saturday to Monday) activities.
 - * enable 'normal business activity' to take place.
 - * enable a 'viable' (see 4.3) and sustainable operation to be undertaken by RML, to allow the company to fund the alterations needed to ensure reduced noise for residents in the longer term and, potentially, enable greater use which does not affect residents' quality of life.

- 4.3 a) It is necessary to address the issue of 'viability', as this was one criticism levelled by complainants and reinforced by the report of the Ombudsman. Whilst it is acknowledged by the Council that priority must be given in any consideration of the operation of the track to the quality of life of residents, the independent legal advice provides for the public interests in motor racing to be also considered. This is reflected by the weight of support now generated within the village for the operation of the track at a level higher than the strict interpretation of the 1985 Notice would allow.
- b) It is the case that RML have taken on a lease from the landowner which is onerous in the longer term and which, to some extent, is driving the activity requirements. That, however, is a matter between RML and Titan Properties, the Landlord. The Council has no locus in that arrangement, other than to ensure that the use of the land does not result in unreasonable levels of nuisance experienced by residents in the village.
- c) We have been requested to investigate, nevertheless, the position of the lease and, having done so, are satisfied (without revealing details of commercial sensitivity) as to the existence of that lease arrangement.

4.4 The fundamental principles on which any long-term Notice should be based are set out below. They take into account the consultations in both May/June 2013 and April 2014, the conclusions reached by the Executive in July 2013, the proposals submitted and discussed with two resident groups in April/May 2014,

the findings of the Local Government Ombudsman and the Independent Legal Advice, commissioned by the Council in response to the recommendation in the LGO report.

- * No more than three 'noisy' days in any one week (defined as Monday to Sunday), with 20 of those days in a year being at a lower than 'full noise' level, but distributed across the year.
- * A maximum of four two-day weekends in a year.
- * A maximum of two three-day weekends (Friday to Sunday or Saturday to Bank Holiday Monday) in a year.
- * A minimum of one fully quiet weekend per calendar month, with each 'noisy' weekend being followed by a fully quiet weekend, to provide 'respite' to residents.
- * Non-noisy activity can be undertaken at any point, provided that it does not create significant disturbance to residents.

4.5 It must be made clear that Mallory Park is a race track and has always produced noise. The intent of the 1985 Notice was to control the frequency and level of the Nuisance; it was not to prevent noise. Until the last few years, the Notice achieved its objective. The purpose and intent of the Notice for the remainder of 2014, and the provisional Notice for 2015, is based on the principles used in that introduced in 1985.

5. **PROPOSED NOTICES**

5.1 There are two terms for Notices attached to this report, which the Executive is asked to adopt.

Appendix B - A Notice which would confirm the events already booked and in the calendar for the rest of 2014. The 'gaps' in the Notice would be completed, once the precise date of issue is known, in accordance with the programme. The principles set out in 4.4 above were discussed with RML early in 2014 (before the start of the season) and, with the exception of one instance of two consecutive two-day weekends, is compliant with those principles for the rest of 2014. Members will note (and are asked to accept) that there may be variations, due to event cancellations and/or reallocations of events.

Appendix C(ii) - A Notice for 2015 onwards, which complies fully with the principles in 4.4 and allows 92 'high noise' and 20 'medium noise' days (total 112 days) in a year (with their distribution controlled). The definitions are contained at the start of the Notice. This Notice would be issued only when certain conditions are met. These are set out at Appendix C(i). It will be in the interests of RML to discharge these conditions as soon as possible, to allow early service of the Notice and confidence for bookings for 2015 onwards.

Should the above actions not be undertaken, the Council will issue a notice prior to 31 December 2014 reflecting the controls under the former Control of Pollution Act 1974 notice dated 18 December 1985.

5.2 **OUTSTANDING PLANNING ISSUES**

The outstanding planning matters are as follows:

- * The non-determination of application 13/00031/FUL for proposed regularisation of groundworks carried out at the site.
- * The non-determination of application 12/01133/FUL for regularisation of groundworks carried out at Mallory Park circuit, including extension to run-off area, hardcore track, earth bank pond and re-profiling of bank.
- * The non-compliance with condition 10 (completion of approved landscaping) of planning permission 06/01361/FUL.
- * The non-compliance with condition 4 (completion of approved landscaping) of planning permission 08/00374/FUL.

The Borough Council is working with the new operators of the site to ascertain whether the groundworks the subject of applications 13/00031/FUL and 12/01133/FUL have any adverse impact on noise levels outside of the circuit. If the applicant is able to demonstrate with evidence that the earthworks have not resulted in any significant adverse impact, it is likely that the application will be approved. Should it be demonstrated that the earthworks do have a significant adverse impact, further mitigation for amendment to the scheme will need to be considered. The Borough Council will only seek to support a positive outcome in respect of noise.

The Borough Council has asked that the noise assessment be submitted by the end of May 2014. Should it not be received, the Borough Council is likely to instruct its noise consultants to carry out the noise assessment to demonstrate the implications of the groundworks, which in turn will be material in the determination of the applications.

The Borough Council is firmly of the opinion that the planning applications cannot be refused without first understanding the noise implications associated with the development. The refusal for the applications without a clear understanding of the arising implications will not resolve the matter.

The matter of the non-compliance with the conditions of permission 06/01361/FUL and 08/00374/FUL related in part to the application sites subject of the two undetermined applications 13/00031/FUL and 12/01133/FUL. Should these applications be approved, they will in part supersede the requirements of the conditional obligations. Should they be refused, the conditional obligations remain in breach. Accordingly, it is the Borough Council's intention to determine the current applications, which will then determine the scope of the enforcement action in respect of the breach of conditions. The site operator is aware of the conditional obligations and is committed to completing the landscaping schemes for the benefit of the circuit, the village and the landscape.

5.3 **MATTER OF ADDITIONAL PAYMENT**

Members will recall, at the meeting on 16 April, being asked to consider an additional payment to be made to residents, as a contribution to receipted expenses. This would be in addition to the £5,000 payment already made and would be in the region of another £2,500.

The rationale for the request is to assist covering the cost of securing independent expert advice, to 'save HBBC potentially more significant internal and external costs in the future' and to reflect the view that the group 'has significantly assisted HBBC with balancing their duty and responsibilities in this difficult issue.'

At the April meeting, Members agreed to defer consideration until a final set of proposals could be brought before you; hence the repeat request to this meeting. It has been made clear that the payment would be shared, not retained by one household.

Whilst it has been acknowledged already that both groups of residents with whom meetings have been held in the last few weeks had sought to adopt a constructive approach, there is little evidence that any research has been applied to the process of discussion beyond that evidenced already by the Ombudsman. The Ombudsman has made a recommendation, adopted by the Executive, and there is no reason to agree to any additional payment being made.

6. **FINANCIAL IMPLICATIONS [KP]**

- 6.1 During 2013/14, the Council incurred costs of £16,666 on the legal proceedings and, whilst awarded £23,400 in costs by the Court, none has been received to date from the liquidated company. In addition to this, the Council has expended £7,500 on legal costs to date for this new case and further action could result in significant additional costs.
- 6.2 The results of the above report will inevitably result in additional legal costs for the Council, which will be reported when known and approved for funding through an 'enforcement reserve' (subject to Council approval).

7. **LEGAL IMPLICATIONS [ST]**

The original abatement notice was dated 18 December 1985 and served following negotiations with then operators of the Mallory Park circuit. Case law has decided that it was valid, notwithstanding the coming into force of the current legislation, namely the Environmental Protection Act 1990 (EPA 1990).

The Notice was enforced in the present case in 2013 with the result that the operator, Mallory Park (Motor Sports) Limited, went into liquidation. As a result, it now stands lapsed.

Under s. 80 of the EPA 1990, the Council is obliged to serve an abatement notice on the operator if satisfied that a statutory nuisance exists or is likely to occur or recur. It is accepted that the circuit is a racing circuit which will generate noise. The proposed Notice is intended to restrict the nuisance.

The owners of the circuit have leased it to Real Motorsport Limited (RML) as operators. Negotiations and discussions have taken place between all relevant/interested parties, including village residents. Independent legal advice has been received, in line with the recommendation of the local Government Ombudsman. A summary of this is attached hereto, as previously referred, at Appendix A. Consideration has been given to this Advice, as well as to the above matters, at the time of drafting the new Notices.

The terms of any Notice would require compliance. The proposals contained in the 2 new Notices as previously discussed are annexed hereto as Appendix A and Appendix C(ii).

8. **CORPORATE PLAN IMPLICATIONS**

The considerations and conclusions/recommendations in this report have particular relevance to the elements in the Council's Corporate Plan relating to Cleaner and Greener Neighbourhoods (minimising environmental nuisance).

9. **CONSULTATION**

In all the cases below, only those people resident in the Parish have been included. There have been two formal consultations:

May/June 2013 - 166 noisy days' operation a year.

- * 84 households responded (52.5%)
 - 25 supported the proposal
 - 51 rejected the proposal
 - 8 expressed views/comments, but not an outright conclusion
- * In terms of individuals, (158 in total), the responses were:
 - 44 supported the proposal
 - 99 rejected the proposal
 - 15 provided comments only

April 2014 - 105 noisy days' operation a year.

- * All residents' responses were considered, even if they had a commercial/business interest as well as residential interest.
 - 48 households responded (20.8%)
 - 31 premises rejected the proposal
 - 14 supported the proposal
 - 3 expressed views/comments, but not an outright conclusion
 - In terms of individuals, 81 responses in all
 - 56 people rejected the proposal
 - 19 supported the proposal
 - 6 expressed views/comments, but not an outright conclusion

In addition, the Mallory Park Support Group (MPSG) has gained the following support for a proposal of 115 days' operation a year. This was undertaken during late April/early May 2014. Two households that signed were outside the electoral boundaries for the village and therefore excluded from below.

- Support 127 people - 70 premises (44%)

We have not been made aware of the level of support for the group which proposed 92 days (i.e. a modified 1985 Notice). However, at the last meeting with them, they were flexible in agreeing to consider additional 'lower noise' days. This is very close to the proposal for the 2015 Notice set out in Appendix C(ii).

The total eligible population of the village is approximately 322 people (sourced from Electoral Register). There are 160 premises.

10. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives as well as carry out its statutory duties.

It is not possible to eliminate or manage all risks all of the time and no doubt risks will remain which have not been identified. However, it is the officer's opinion, based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report/decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk Description	Mitigating Actions	Owner
That the local community remains dissatisfied with the Council's actions.	a) Work undertaken to work with the the community and the operator to explain the actions.	Chief Executive
	b) That any Notice is subject to enforcement, in accordance with the Enforcement Policy.	Chief Officer (Environmental Health)
	c) That the Council responds to any further complaints/action (including Judicial Review) as necessary, (see Financial Implication 6.2)	Chief Executive
That the operator is dissatisfied and enters an appeal	Respond to the appeal, as appropriate, using funds set aside in the enforcement reserve.	Chief Executive

11. **KNOWING YOUR COMMUNITY - EQUALITY AND RURAL IMPLICATIONS**

This report has attempted to ensure that the primary responsibility of the Council towards affected residents is met, whilst taking into account the views of other residents in the village of Kirkby Mallory and the legitimate minimum commercial needs of the operator.

12. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following implications into account:

- Community Safety
- Environmental
- ICT
- Asset Management
- Human Resources
- Planning
- Voluntary Sector

Background papers:	Reports to Executive	- 10 July, 2013
		- 16 April 2014
	Report of Local Government Ombudsman	
Contact officer:	Steve Atkinson, Chief Executive, ext 5606	
Executive Member:	Cllr David Gould	

Without prejudiceINDEPENDENT LEGAL ADVICE

One important recommendation in the LGO report states:

"Any new negotiations [with the operator] must be informed by independent legal advice about an acceptable level of nuisance causing activity in the location as most of the village is within 500 metres of the racetrack."

This advice was commissioned from a Counsel familiar with this area of work. As it is 'privileged' information for the Council, it is not reproduced with this report. However, a confidential copy has been submitted to the Ombudsman, as evidence that the Council has implemented this recommendation and as background to the recommendations in this report. A further confidential copy is available from the Chief Officer (Environmental Health).

- 5.3 It is necessary and legitimate, nevertheless, to summarise the main points in the Independent Advice, prior to making comments and recommendations, so that Members have the necessary context.
- a) The basic principle is that, as there were few complaints prior to July 2011, activity prior to that point was 'an acceptable level of nuisance' (LGO).
 - b) From the most reasonable calculations, the level of annual activity (exclusive of the non-noisy days permitted by Clause 11 of the 1985 Notice) was less than the 166 proposed by MPML in May/June 2013, but significantly greater than the 92 days in the strict interpretation of the 1985 Notice
 - c) Limits to Saturday use had been established by the judgement in the August 2013 case against MPML.
 - d) Comparisons with activity/noise at other events around the country is inconclusive.
 - e) The 'Fen Tigers' judgement of the Supreme Court seems to have the "possibly unintended consequence that councils who are required to issue abatement notices must take into account public interest in motor racing" (paragraph 12 of the Advice).
 - f) "There is no legal answer to the question, 'What is an acceptable level of nuisance?' " Ultimately, it is for the Courts to decide on the specific facts of each case.

Without Prejudice

The following limitations will form the terms of a notice served under Section 80 Environmental Protection Act 1990 to apply from ? June 2014 to 31 December 2014 only. The number of days remaining (XX) will be calculated from the date of service based on the Calendar supplied to HBBC on 11 April 2014

DEFINITIONS:

NOISY DAY A Race Day, High Noise Day, or Medium Noise Day as defined below.

RACE DAY R1 A day when vehicles are raced in competition or paraded for the purposes of demonstration or entertainment.

HIGH NOISE DAY N1: A day where noise from vehicles on the track is greater than 45dB LAeq10min and is less than 68dBLAeq30min measured in any continuous 30 minute period at a measurement position.

MEDIUM NOISE DAY N2 A day where the noise from vehicles on the track does not exceed 55dBLAeq30 min measured in any continuous 30 minute period at a measuring point.

NON-NOISE EVENT DAY:N3 A day where the Noise level from vehicles on the track does not exceed 45dB LAeq,10min and 55dB LAmax over the same period measured in any 10 minute period at a measuring position.

QUIET DAY: N4 A day where Noise level from vehicles on the track does not exceed 38dB LAeq,10min measured in any continuous 30 minute period at a measuring position.

NOISE MEASURING POSITION: Stapleton Lane Pumping Station or the façade of houses whichever is greater. Where facade levels are to be measured, levels shall be increased by 3dBA.

RACING/RACED Where vehicles compete against other vehicles by position, time or judgement of others.

A: WEEKEND DAYS:

1. XX Noisy days (R1, N1,) until 31 December 2014. Boxing Day Race Meeting included irrespective of the day 26 December falls on.
2. No more than XX weekends (including Bank Holiday Mondays) with two consecutive Noisy days (R1,N1)
3. A maximum of one (1), Two Day Noisy weekend per calendar month (Two days at R1,N1, N2).
4. One weekend per calendar month shall be 2 Quiet Days (N4)
5. Hours of track operation 9.30am - 18.00pm, with a 1 hour continuous lunch break to be taken between 12.00 and 14.00.

6. Hours of operation for non race Noisy Days (N1) 9:00 - 17.00
Minimum of 1 hour lunch break to be taken between 12.00 and 14.00.
7. All other weekend days to not exceed 45dB LAeq/10mins (Non-noise event Day) (N3)
8. There must be at least 2 'Quiet' or 'Non-noise event' Days between Noisy weekend days (R1,N1,N2) and Noisy weekdays (N1,N2)
9. No consecutive three noisy days (R1, N1, N2)

B: WEEKDAYS:

10. XX High Noise days (N1) at a maximum of two per week to 31.12.14
11. Hours of operation 09.00am - 17.00 with a 1 hour continuous lunch break to be taken between 12.00 and 14.00. 16.30 finish if 30 minute lunch break taken.
12. At least two (2) 'Quiet' weekdays per week (N4)
13. All other weekdays to not exceed 45dB LAeq, 10min (Non-noise event' Day)(N3)
14. No consecutive three noisy weekdays (N1-N2)
15. The operator may use 4 or 5 consecutive non noise producing days (N3) in one week replacing any N1 or N2 days in the same week.

General

16. All vehicles to be effectively silenced according to the levels set by the Auto Cycle Union or Motor Sport Association. Where no levels are set, the appropriate standard shall be agreed with HBBC in writing.
17. No unsilenced vehicles permitted except for the non- racing of vehicles on two (2) days per year when classic vehicles may parade in their original exhaust configuration on a Race Day (R1)
18. A calendar of activities to be produced 8 weeks in advance and available on a publicly accessible location. Any changes to be notified to the Council at least 7 days before the changed date and the calendar updated.
19. In any 7 days from Monday to Sunday inclusive there shall not be more than three (3) Noisy Days (R1,N1,N2)
20. No drifting or motorcross at any time.
21. Any day which is not a Race Day where the noise from vehicles on the track is above 68dBLAeq 30 min measured at a measuring position is prohibited.
22. The controls shall not apply to use of the Circuit by Motor Vehicles for the purposes of access or egress to the Circuit buildings or land, or for the maintenance or repair of the track, land or facilities.

Proposal for Notice following 31 December 2014

The HBBC will serve a new notice prior to 31 December 2014 to cover the period from the service of the new notice based on the following controls in Annex A below subject to:

1. The operator shall install and maintain a drive- by noise monitoring system calibrated to identify individual vehicles exceeding the vehicle equivalent static test or other agreed noise limit. This shall be used to identify those vehicles exceeding the required noise level and action shall be taken by the operator to immediately remove the vehicle from the track. The details of the system and action levels shall be submitted to and approved by HBBC within two months of the service of the first notice. The data from this system shall be provided to the HBBC on request and direct access allowed.
2. The operator shall install a trackside monitoring system to measure noise arising from track activities. The details of the system shall be submitted to and approved by HBBC within two months of the service of the first Notice. Once installed the system shall be calibrated and levels agreed with HBBC as to reflect the noise limits given in the definitions of days of use. Once agreed these levels will form the levels for control over days in a future notice. Data from the system shall be provided on request to HBBC and direct access allowed.
3. Within two months of the service of the first Notice, a noise report is produced by the operator identifying suitable and cost effective measures for the attenuation of noise from the track affecting the village to be agreed by the Council. A planning application if required to be submitted within a further month for the identified works. The agreed measures identified shall be installed prior to 1. March 2015 or other such date or dates as agreed with the Council.

Should the above actions not be undertaken, the Council will issue a notice prior to 31 December 2014 reflecting the controls under the former Control of Pollution Act 1974 notice dated 18 December 1985.

Without prejudice**Annex A Proposal for Notice****DEFINITIONS:****NOISY DAY**

A Race Day, High Noise Day, or Medium Noise Day as defined below.

RACE DAY R1

A day when vehicles are raced in competition or paraded for the purposes of demonstration or entertainment.

HIGH NOISE DAY N1:

A day where noise from vehicles on the track measured at an agreed trackside monitoring position is equivalent to greater than 45dB LAeq10min and is less than 68dBLAeq30min measured in any continuous 30 minute period at the Stapleton Lane monitoring position or façade of residential property. (These will be determined and inserted in this paragraph)

MEDIUM NOISE DAY N2

A day where the noise from vehicles on the track measured at an agreed trackside monitoring position is equivalent to the level not exceeding 55dBLAeq30 min measured in any continuous 30 minute period as measured at the Stapleton Lane monitoring position or façade of residential property. (These will be determined and inserted in this paragraph)

NON-NOISE EVENT DAY:N3

A day where the Noise level from vehicles on the track measured at an agreed trackside monitoring position is equivalent to the level not exceeding 45dB LAeq,10min and 55dB LAm_{ax} over the same period measured in any 10 minute period at the Stapleton Lane monitoring position or façade of residential property. (These will be determined and inserted in this paragraph)

QUIET DAY: N4

A day where Noise level from vehicles on the track measured at an agreed trackside monitoring position is equivalent to the level not exceeding 38dB LAeq,30min measured in any continuous 30 minute period at the Stapleton Lane monitoring position or façade of residential property. (These will be determined and inserted in this paragraph)

NOISE MEASURING POSITION: Agreed trackside monitoring position or positions (this will be defined within the notice). Any level relating to façade measurements at residential property shall be plus 3 dB for reflective sound.

RACING/RACED

Where vehicles compete against other vehicles by position, time or judgement of others.

A: WEEKEND DAYS:

1. Forty (40) Noisy days (R1, N1,) per year maximum including multiple day weekends. Boxing Day Race Meeting included irrespective of the day 26 December falls on. Not more than a total of 22 days to be for use by motorcycles.
2. No more than six (6) weekends (including Bank Holiday Mondays) with two consecutive Noisy days (R1,N1,). of which up to two (2) weekends which may be three consecutive noisy days. (R1,N1,) i.e. a maximum of four two day weekends and two three day weekends
3. When a 2 or 3-day Noisy weekend is held, the following weekend are both quiet days.(N4) and a maximum of two noisy weekdays (N1 and N2) in the following week, subject to paragraph 12.
4. A maximum of one (1), 2 or 3-day Noisy weekend per calendar month (R1,N1).
5. One weekend per calendar month shall be 2 Quiet Days (N4)
6. No more than two (2) Noisy Bank Holiday Days per year (R1, N1).
7. Hours of track operation 9.30am – 18.00pm, with a 1 hour continuous lunch break to be taken between 12.00 and 14.00.
8. Hours of operation for non race Noisy Days (N1) 9:00 – 17.00. Minimum of 1 hour lunch break between 12.00 and 14.00. 16.30 finish where 30 minute lunch break is taken.
9. All other weekend days to not exceed the noise levels for a Non-noise event Day) (N3)
10. There must be at least 2 'Quiet' or 'Non-noise event' Days between Noisy weekend days (R1,N1,N2) and Noisy weekdays (N1,N2)
11. No consecutive three noisy days except as per paragraph 1.

B: WEEKDAYS:

12. One High Noise day (N1) per week maximum.
13. Between 1 March and 31 October each year there shall be a maximum of fifteen (15) Medium Noise Days (N2) at no more than one per week. Between 1 November and 28 February each year there shall be a maximum of five (5) Medium Noise Days (N2) at no more than one per week.
14. Hours of operation 09.00am – 17.00 with a 1 hour continuous lunch break to be taken between 12.00 and 14.00. 16.30 finish where 30 minute lunch break is taken.
15. At least two (2) 'Quiet' weekdays per week (N4)
16. All other weekdays to not exceed the noise levels for a Non-noise event' Day(N3)
17. No consecutive three noisy weekdays (N1-N2)
18. The operator may use 4 or 5 consecutive non noise producing days (N3) in one week replacing any N1 or N2 days in the same week.

General

19. All vehicles to be effectively silenced according to the levels set by the Auto Cycle Union or Motor Sport Association. Where no levels are set, the appropriate standard shall be agreed with HBBC in writing.
20. No unsilenced vehicles permitted except for the non- racing of vehicles on two (2) days per year when classic vehicles may parade in their original exhaust configuration on a Race Day (R1)).

21. A calendar of activities to be produced 8 weeks in advance and available on a publicly accessible location.
22. In any 7 days from Monday to Sunday inclusive there shall not be more than three (3) noisy days (R1,N1,N2)
23. No drifting or motorcross at any time.
24. Any day which is not a Race Day where the noise from vehicles on the track measured at an agreed trackside monitoring position is equivalent to above 68dBLAeq 30 min measured at a measuring position is prohibited.
25. The controls shall not apply to use of the Circuit by Motor Vehicles for the purposes of access or egress to the Circuit buildings or land, or for the maintenance or repair of the track, land or facilities