

Hinckley & Bosworth

 Borough Council

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

# PART Ill, ENVIRONMENTAL PROTECTION ACT 1990

# ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE

To: Real Motorsport Limited Reference No: 14/00058/EPA

Of: Mallory Park Racing Circuit, Mallory Park Estate, Church Road, Kirkby Mallory, Leicestershire LE9 7QE

TAKE NOTICE that under the provisions of Part Ill of the Environmental Protection Act 1990, Hinckley & Bosworth Borough Council (hereafter "the Council"), being satisfied that noise from motoring activities at Mallory Park Racing Circuit, Church Road, Kirkby Mallory, Leicestershire, LE9 7QE has given rise to a statutory nuisance and that the statutory nuisance is likely to recur

HEREBY REQUIRE YOU as the person responsible to restrict its recurrence and for that purpose require you from 1 January 2015 to cease or cause to cease the operation of the Mallory Park Racing Circuit by motor vehicles other than in accordance with the Schedule hereto attached.

IF YOU CONTRAVENE without reasonable excuse or fall to comply with any requirement of this notice you may be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding £20,000.

Signed:  Dated: 21 November 2014

Steve Atkinson

Chief Executive

A duly authorised officer. Address for all correspondence: Environmental Health, Council Offices, Hinckley Hub, Rugby Road, Hinckley, Leics. LEIO OFR

NB: The person served with this notice may appeal against the notice to a Magistrates

Court within twenty-one days from service of the notice. See notes attached to this form



ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE

## SCHEDULE

THE OPERATOR MUST NOT USE OR ALLOW THE CIRCUIT TO BE USED FOR MOTORING ACTIVITIES other than in accordance with the restrictions and limitations set out below which are to be interpreted by reference to the following definitions:

### Definitions

"ACU" means the Auto-Cycle Union Ltd. ACU House, Wood Street, Rugby. CV21 2YX or subsequent motor-cycling governing body for the UK replacing the former

"CIRCUIT" means the Mallory Park Racing Circuit, Mallory Park Racing Circuit, Church Road, Kirkby Mallory, Leicestershire, CE9 7QE as delineated in red on the attached plan

"COUNCIL" means the Hinckley and Bosworth Borough Council\* Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LEIO OFR.

"MOTOR VEHICLE" means any mechanically powered vehicle including alI types of motor cars and motor bicyles but excludes electric vehicles where the power is derived solely from batteries.

"MSA' means the Motor Sports Association Limited, Motor Sports House, Riverside Park

Colnbrook, SL3 OHG or subsequent motor vehicle governing body for the UK replacing the former,

"NOISY DAY" means a Race Day, High or Medium Noise Day as defined below

"RACE DAY" ("RI") means a day when motor vehicles are raced in competition, paraded or used for the purposes of demonstration or entertainment and shall only be a Saturday, Sunday or Bank Holiday Monday and where noise from motor vehicles on the track is less than 65dB LAeq30min measured in any 30 minute period at a noise measurement position,

"HIGH NOISE DAY" ("NI means a day where noise from motor vehicles on the track is greater than 45dB LAeq30min and is less than 65dB LAeq30min measured in any 30 minute period at a noise measurement position.

"MEDIUM NOISE DAY" (N2) means a day where noise from vehicles on the track is greater than 45dB LAeq30min and is less than 55dBLAeq30min measured in any

30 minute period at a measurement position

"NOISE MEASURING POSITION" means Stapleton Lane Pumping Station as identified on the attached plan or the façade of any house (subject to reasonable access being agreed

by the occupier). The Council will always use Stapleton Lane Pumping Station as a noise measuring position unless the Council considers that the impact on the façade of a house is likely to be greater than the noise levels recorded at the Pumping Station. Where facade levels are.to be measured at 1m, levels shall be increased by. 3dBA.

"NON-NOISE EVENT DAY" ("N3") means a day where the noise level from motor vehicles on the track does not exceed 45dB LAeq,30min and 55dBLAFmax over the same period measured in any 30 minute period at a noise measuring position.

"OPERATOR" means Real Motorsport Limited, The expression "the Operator" is to be interpreted and applied so that it includes any occasion on which a motoring activity at the Circuit is undertaken with or by reason of the express or implied consent, default or sufferance of Real Motorsport Limited including any occasion on which Real Motorsport Limited gives its permission to any other person to use or operate the Circuit or part of the Circuit for a motor ng activity at the Circuit whether as tenant, lessee, licensee or otherwise. Since motoring activities at the Circuit can and do constitute a statutory nuisance to nearby residents the Council does not consider that Real Motorsport Limited can or should be permitted to delegate the duty or ability to control noise from motor racing activities to other persons who use the Circuit in the circumstances falling within this definition.

"QUIET DAY" ("N4") means a day where the noise level from motor vehicles on the Circuit (if any) does not exceed 38dB LAeq,30min measured in any 30 minute period at a noise measuring position.

"RACED" includes occasions on which Motor Vehicles are used in competition with or against other Motor Vehicles by reference to their related positions, the speeds at which they travel round the Circuit, the periods of time within which they travel round the Circuit, or by reference to any other forms of comparison or judgment. "Racing" shall be construed and interpreted accordingly.

"WEEKDAY" means each of those days from Monday to Friday (inclusive) which is not part of a Weekend

"WEEKEND" means either any period consisting of a consecutive Saturday and Sunday together with any immediately=following Bank Holiday Monday or the period from 26

December (Boxing Day) through to 28 December (inclusive).

"YEAR" means a calendar year from I January to 31 December inclusive.

Restrictions

## SECTION A. HOURS OF OPERATION

I. Motor vehicle activities undertaken at. the Circuit in accordance with this Notice shall be limited so that the Circuit may only be used between 9 00 and 17.00 with a minimum one hour continuous lunch break to be taken between 12.00 and 14.00 save that the hours when the Circuit may be used on Race Days (RI) shall be 9:30 — 18.00 with a minimum one hour continuous lunch break to be taken between 1200 and

14.00.

## SECTION B. GENERAL OVERRIDING RESTRICTIONS

2 Noise from motor vehicles using the Circuit shall not exceed 65dBLAeq 30min or other maximum for that day e.g. N2 day, when measured at a noise measuring position

1. In any seven days from Monday to Sunday inclusive there shall not be more than three Noisy Days,
2. In no circumstances shall there be three consecutive Noisy Days,

## SECTION C. WEEKEND USE

1. A maximum number of 40 High Noisy Days  shall be permitted per year at weekends subject to the further provisions of this section
2. There shall be a maximum of six weekends per year which include two consecutive Noisy Days but there shall be no more than one such weekend each calendar month.
3. On at least one weekend per calendar month there shall be two Quiet Days (N4). This weekend shall follow any weekend under 6 above.
4. All other weekend days are to be either Non-Noise Event Days (N3) or Quiet Days

## SECTION D: WEEKDAY USE

1. A maximum number of 40 High Noise Days (N1) shall be permitted per year on weekdays but in no circumstances shall more than ONE such day take place each week.
2. A maximum of 14 Medium Noise Days (N2) shall be permitted per year on weekdays but in no circumstances shall more than ONE such day take place each week.

11. Subject to the further provisions of this section there shall be at least two Quiet Days

(N4) each week and all other weekdays shall be Non-Noise Event Days (N3)

12. In place of any one of the 40 High Noise Days (N1) permitted per year by this section the Operator may in any one week substitute up to five Non-Noise Event Days (N3) which may be consecutive.

## SECTION E: BETWEEN WEEKENDS AND WEEKDAYS

13. There shall always be at least one Non-Noise Event (N3) Day or one Quiet Day (N4) between a Noisy Day (RI NI, N2) which takes place at weekends and a High or

Medium Noise Day (NI, N2) which takes place on weekdays.

## SECTION E: GENERAL

14. All vehicles are to be effectively silenced according to the levels set by the ACU or MSA for that activity. Where no levels are set, levels shall be set as provided below or shall be agreed with the Council in writing prior to their use and application.

15. All motor vehicles using the Circuit must be effectively silenced and the Operator shall be personally responsible for carrying out noise level tests on every motor vehicle in order to ensure that the levels set out below are not exceeded. A written record shall be kept by the Operator of the readings taken and these readings must be kept available for inspection by the Council at all reasonable hours. All measurements shall be taken with the vehicle on level ground. The microphone of the noise meter shall be positioned at the same height about the ground as the exhaust outlet of the vehicle under test (except that in the case of a motor bicycle the height of the microphone above the ground shall not be less than 0.2 metres) and at an angle of 450 to the exhaust axis. Background noise levels shall be more than IOdB(A) below the maximum noise limit. The noise meter shall reach the following requirement:- a minimum of Class 1 or 2 instrument and comply with

I.E.C.60651 and B.S.5969. It shall have a dynamic range 70-120 dB, and have an 'IA" weighting and have fast time constants. The meter shall be calibrated before and after use by use of a calibrator to a minimum of BSEN or ICEN 60942 Class 2.

16. The maximum static noise level for cars will be the current level for the class of vehicle and activity contained in the MSA Yearbook or for motor cycles the current level for the class of vehicle and activity contained the ACU Handbook, Where no standard exists the default level for cars shall be 108 dB(A) with the engine running at three quarters of its maximum r.p.m. For motor cycles the default level shall be 105 dB(A) for a 2 stroke engine and 105 dB(A) for a 4 stroke engine, with, in the case of a 2 stroke engine a mean piston speed of 13 metres per second and in the case of a 4 stroke engine 1 1 metres per second. The stroke of the engine shall be clearly and legibly marked on the outside of the crank-case. The measurement procedure will be the same as contained in the current MSA Yearbook or ACU Handbook.

17. No unsilenced vehicles or vehicles exceeding the above levels shall be permitted except on two days per year when, notwithstanding the previous provisions of this

Notice, classic vehicles in their original exhaust configuration may run on a Race Day (RI) or High Noise Day (N1) so long as the calendar date of any intended parade shall have been notified to the Council in writing at least fourteen days before the event takes place. A noise management plan for the event shall be submitted to and approved by the Council before consent shall be granted.

18. A calendar of activities shall be produced four weeks in advance of a Noisy Day, NonNoise Event Day or Quiet Use Day and available on a publicly accessible location such as a website or Parish notice board and a copy provided to the Council. Any changes are to be notified in writing to the Council at least seven days before the

 proposed change of date and the calendar is to be updated only once an acknowledgement of the proposed change has been received in writing from the Council. In notifying any changes to the Council the Operator must remind

 the Council that the proposed calendar change only takes effect on receipt by--

The Operator of the Council's written confirmation.

19. No drifting or motocross as defined by the ACU shall be permitted

20. The controls set out in this Schedule shall not apply to the 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 land or facilities.

1. The Operator may request any variation to this Schedule in writing and if a variation is agreed by the Council it shall take effect only on receipt by the Operator of written confirmation of the variation. In applying for any variation the Operator must remind

 the Council that the variation only takes effect on receipt by the Operator of the

Council's written confirmation

1. The Operator will provide monitoring results either by allowing remote access to monitoring equipment or provision in writing following a request from the Council within

5 working days.