

PART III, ENVIRONMENTAL PROTECTION ACT 1990
ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE

Notice Reference No: **XXXX**

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

NOTICE SCHEDULE

The operator must not use or allow the circuit to be used for motoring activities unless it is in accordance with the restrictions and limitations of this schedule. They should be followed and interpreted using the definitions contained within appendix 1 to this schedule.

SECTION A: HOURS OF OPERATION

1. The Circuit may only be used between:
 - 09:00 and 17:00, with a minimum of a one-hour continuous lunch break to be taken between 12:00 and 14:00, or
 - 09:00 and 16:30, with a 30 minute continuous lunch break to be taken between 12:00 and 14:00, between the months of October and March, or
 - 09:30 and 18:00, with a minimum one-hour continuous lunch break to be taken between 12:00 and 14:00 on RI, or
 - 09:30 and 18:00, with a 30 minute continuous lunch break to be taken between 12:00 and 14:00 on 26 December.

SECTION B: GENERAL RESTRICTIONS

2. Noise from motor vehicles using the Circuit shall not exceed the limit for that category detailed in section 12 below and appendix 1 when measured at the noise measuring position.
3. No drifting or motocross, as defined by the ACU, shall be permitted.
4. No unsilenced vehicles or vehicles exceeding the above levels shall be permitted, except on two days per year. Notwithstanding the provisions of this Notice, these two days dictate that classic vehicles in their original exhaust

configuration may run on a R1 or 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.

SECTION C: RESTRICTIONS IN ANY SEVEN DAYS, FROM MONDAY TO SUNDAY INCLUSIVE

5.

PERMITTED	a. 3 (R1) (N1) or (N2) days
NOT PERMITTED	b. 3 consecutive (R1) (N1) or (N2) days except one per year when 3 consecutive (R1) (N1) or (N2) days are permitted (see 6c below).

SECTION D: RESTRICTIONS ON WEEKENDS

6.

PERMITTED	<p>a. 40 (R1) (N1) or (N2) days shall be permitted per year</p> <p>b. 6 weekends per year which include two consecutive (R1) (N1) or (N2) days.</p> <p>c. One weekend per year which includes 3 consecutive (R1) (N1) or (N2) days.</p>
NOT PERMITTED	d. More than one weekend which includes two consecutive (R1) (N1) or (N2) days each calendar month, except one per year when 3 consecutive (R1) (N1) or (N2) days are permitted (see 6c above).
REQUIRED	<p>e. 2 N4 on one weekend per calendar month This weekend shall follow any weekend under 6c above.</p> <p>f. All other weekend days are to be either N3 or N4.</p>

SECTION E: RESTRICTIONS ON WEEKDAYS

7.

PERMITTED	<p>a. 40 N1 days shall be permitted per year.</p> <p>b. 14 N2 days shall be permitted per year.</p>
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NOT PERMITTED	<p>c. More than 1 N1 day each week.</p> <p>d. More than 1 N2 day each week.</p>
REQUIRED	<p>e. At least two N4 days each week.</p> <p>f. All other weekdays shall be N3 days.</p>
EXCEPTION	<p>g. In place of any one of the N1 days permitted by 7a above, the Operator may in any one week substitute up to five N3 days which may be consecutive.</p>

SECTION F: REQUIREMENTS BETWEEN WEEKENDS AND WEEKDAYS

8.

REQUIRED	<p>a. At least 1 N3 day or 1 N4 day between a R1, N1 or N2 day which takes place at the weekends.</p> <p>b. At least one N3 day or one N4 day between a N1 or N2 which takes place on weekdays.</p>
EXCEPTION	<p>c. 9b shall not apply one Friday per calendar month as long as:</p> <ul style="list-style-type: none"> • the Friday is not preceded by an N1 or N2 day or • the Friday is not followed by two weekend R1, N1 or N2 days; and • the total number of R1, N1 or N2 days does not exceed 5 days in any 7-day rolling period, or 6 days in any 8-day rolling period.

SECTION G: NOISE MONITORING AND MANAGEMENT

9. The Operator must install and maintain in calibration a noise monitoring terminal (NMT) designed to measure noise levels arising at the Noise Measuring Position. Motoring activities are permitted only when noise is simultaneously being measured by an NMT at the Noise Measuring Position in accordance with the monitoring and calibration requirements of Appendix 2.

10. The operator must establish and maintain an Event Noise Diary as a resource viewable by HBBC at any time, whereupon all motoring activities are planned and reported via diary entries. Each entry shall include a generic description (e.g., bike

race day, bike track day, car race day, car track day, race-car test day, manufacturer’s demonstration day, etc) together with the event’s predicted noise categorisation (e.g., R1, N1, N2, etc). Upon the conclusion of each event (and no later than next-following working day) the Operator must update the Event Noise Diary to include the actual noise categorisation as measured by the NMT at the Noise Measurement Position and the applicable measured noise level.

11. All noise measurements reported shall have been reduced by way of proprietary data analysis (i.e. entirely within the SLM domain) and reported in terms of LAeq, 30 minutes dB. Data reduction made outside of the SLM may be permitted via a suitably qualified and third-party practitioner as an exceptional circumstance. For each day during which there is any motoring activity, the date and the highest integer value of both parameters shall be reported to HBBC.

12. For each day during which motoring activities take place, the Event Noise Category shall be assigned according to the highest measured integer value of both parameters as follows:

LAeq, 30 minutes dB*	Event Noise Category
Not to exceed 95	N1 & R1
Not to exceed 85	N2
Not to exceed 75	N3
Not to exceed 68	N4

*The noise levels stated refer to a Noise Measuring Position at location B as shown in Appendix 4.

13. The Operator is required to establish and maintain an Event Calendar designed to continuously inform the public, showing no less than 4-weeks prior notice when motoring activities are expected. This public facing event calendar can include the same information as the Event Noise Diary. No event category can be planned with less than four weeks prior notification.

14. Any changes are to be notified in writing to the Council at least seven days before the proposed change of date. The calendar is to be updated only once an acknowledgement of the proposed change has been received in writing from the Council.

SECTION H: STATIC NOISE TESTING

15. All vehicles participating in a motoring activity must be static noise-tested and found to comply “on the day” with at least the applicable minimum noise emission standard prior to taking part in a motoring activity, according to vehicle type. Static testing shall be undertaken by suitably trained and experienced personnel. The minimum static-test noise emission standards (whereupon all applicable test procedures, measurement environment, instrumentation and personnel qualifications apply) are as detailed in Appendix 3.

APPENDIX 1 - 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, Church Road, Kirkby Mallory, Leicestershire, LE9 7QE as delineated in red on the attached plan.

“**COUNCIL**” means the Hinckley and Bosworth Borough Council* Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR.

“**EVENT CATEGORY**” means R1, N1, N2, N3 or N4.

“**EVENT TYPE/NAME**” means the type of motoring activity to occur and the name which it will be advertised as.

“**MOTOR VEHICLE**” means any mechanically powered vehicle including all types of motor car and motorcycle.

“**MOTORING ACTIVITIES**” means any occupation of the motor circuit by any vehicle type other than for purposes of services access/egress and maintenance.

“**MSUK**” means the Motor Sport UK Association Limited, Motorsport UK, Bicester Motion OX27 8FY or subsequent motor vehicle governing body for the UK replacing the former.

“**N1**” means a day where noise from motor vehicles on the track is greater than 86dB LAeq30min and is less than 95dB LAeq30min, as measured in any 30-minute period at the noise measurement position.

“**N2**” means a day where noise from vehicles on the track is greater than 76dB LAeq30min and is less than 85dB LAeq30min, as measured in any 30-minute period at the measurement position.

“**N3**” means a day where the noise level from the motor vehicles on the track does not exceed 69dB LAeq30min and 75dB LAFmax over the same period, as measured in any 30-minute period at the noise measuring position.

“**N4**” means a day where the noise level from motor vehicles on the Circuit (if any) does not exceed 68dB LAeq30min, as measured in any 30-minute period at the noise measuring position.

“**NOISE MEASURING POSITION**” means at a trackside point which is shown as point B on the plan in Appendix 4, or other trackside point which may be otherwise agreed with the Council.

“**OPERATOR**” means Real Motorsport Limited, The expression "the Operator"

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. This includes 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 motoring activity at the Circuit. This may be 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.

“R1” means a day when motor vehicles are raced in competition or are paraded or used for the purposes of demonstration or entertainment. These days shall only be a Saturday, Sunday or Bank Holiday Monday, where noise from motor vehicles on the track is less than 95dB LAeq30min measured in any 30-minute period at the noise measurement position.

“RACED” includes occasions on which Motor Vehicles are used in competition with or against other Motor Vehicles by reference to their related positions. This includes the speeds at which they travel round the Circuit, the periods of time within which they travel round the Circuit, or 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, as well as any immediately following Bank Holiday Monday, preceding Bank Holiday Friday or the period from 26 December (Boxing Day) through to 28 December (inclusive).

“YEAR” means a calendar year from 1 January to 31 December inclusive.

APPENDIX 2 – NOISE MONITORING TERMINAL OPERATION AND CALIBRATION

1. The NMT shall be powered at least throughout the duration of any motoring event and shall include a Class 1 or Class 2 BS EN (or IEC) 61672-1:2013 or BS EN 61672-1:2003, type-approved Sound Level Meter (SLM) that is subjected to periodic verification testing, to a frequency determined by manufacturers guidance, by a UKAS certified laboratory under UKAS accredited procedures in accordance with IEC 61672-3. A type 1 or Type 2 SLM designed to BS EN 60651:1994 and periodically verified to BS 7580-1:1997 can alternatively be used. Unless a replacement and fully compliant SLM is installed, no motoring activities are permitted during the periodic verification process.
2. The SLM shall be subjected to automated calibration on at least a daily basis; a manual calibration using a type-approved IEC 60942 sound calibrator must be undertaken by a suitably trained person immediately following every installation and (if a permanent installation is made) on at least a ¼ly (i.e., 3-monthly) basis thereafter. The calibrator used must be subjected to periodic verification testing, to a frequency determined by manufacturers guidance, by a UKAS accredited laboratory.
3. All noise level data acquired, including all automated calibration results shall be broadcast/streamed by the NMT to a secure server and made available to HBBC.
4. Manual calibration records (if not automatically evidenced/captured by the SLM/NMT) shall be made available upon request.
5. Any calibration failure that cannot be remediated shall result in the SLM being withdrawn from service until such time as calibration requirements are satisfied. The NMT, SLM and sound calibrator shall be used fully in accordance with manufacturer's instructions.

APPENDIX 3 - STATIC-TEST NOISE EMISSION STANDARDS

1. The minimum static-test noise emission standards (whereupon all applicable test procedures, measurement environment, instrumentation and personnel qualifications apply) are as follows:

- a. Cars participating in or as part of a competition: as prevailing MSUK Yearbook Regulations, static test method. (e.g., all competitions). Vehicles not described by the prevailing MSUK Yearbook regulations are excluded from this category.
- b. Motorcycles participating in or as part of a competition: as prevailing ACU Regulations, static test method. (e.g., all competitions). Motorcycles not described by the prevailing ACU regulations are excluded from this category.
- c. Cars of a type consistent with competition technical requirements: as section 1 above, prevailing MSUK Yearbook Regulations, static test method. (e.g., competition car testing un-related to competition and “specials” e.g., competition type vehicles).
- d. Motorcycles of a type consistent with prevailing competition technical requirements: as section 2 above, prevailing ACU Regulations, static test method. (e.g., competition motorcycle testing unrelated to competition and “specials” e.g., competition type motorcycles).
- e. Cars and motorcycles compliant with Road Vehicles Construction and Use Regulations 1986 (i.e., road-going): as relevant IVA test procedure (e.g. track day).
- f. Cars or motorcycles of a type not necessarily compliant with prevailing competition technical requirements nor with prevailing Construction and Use regulations: no test but restricted by day type (N1/R1 only) during no more than two days per year and by no less than 14-days prior Event Noise Diary entry supported by an event-specific Noise Management Plan (NMP). Each NMP must be submitted to and approved in writing by HBBC (e.g., historic formulae) prior to diary entry.
- g. Vehicle types and competitions prohibited include motocross and drifting. Save for vehicles falling under section 6, all vehicles participating in a motoring activity must be silenced.

2. Save for vehicles participating in events organised and managed by MSUK or ACU recognised or accredited clubs, the Operator must establish and maintain a daily static Noise Test Logbook noting the date and time of testing, the vehicle type and static noise test measurement result for each vehicle tested.

3. Save for vehicles participating in events organised and managed by MSUK or ACU recognised or accredited clubs, static testing shall be undertaken in accordance with written procedures provided by the Operator according to class of vehicle. Such procedures shall be made available to HBBC upon request for the purposes of audit and compliance monitoring. Noise testing procedures and noise test logbook(s) shall be subject to, or made available for, inspection or witnessing by HBBC at any reasonable time.

4. The Sound Level Meter(s) (SLM) used for static testing must be subject to manual calibration, using an external calibrator, immediately prior to use and after each session of use, with deviation noted in the Noise Test Logbook. The SLM(s) used shall be type-approved Class 1 or Class 2 IEC 61672-1 and subjected to periodic verification testing by a UKAS certified laboratory in accordance with IEC 61672-3. A type 1 or Type 2 SLM designed to BS EN 60651:1994 and periodically verified to BS 7580-1:1997 can alternatively be used.

APPENDIX 4 – NOISE MEASURING POSITION

