

DATED *2nd November* **2009**

C WALTON LIMITED (1)
and
HARBOROUGH DISTRICT COUNCIL (2)

NOISE MANAGEMENT PLAN

Marrons
Solicitors
1 Meridian South
Meridian Business Park
Leicester
LE19 1WY
Ref: ELT 291-15-7

THIS NOISE MANAGEMENT PLAN is agreed

BETWEEN

1. **C WALTON LIMITED** (Company Registration Number 00559275) whose registered office is situate at Bruntingthorpe Aerodrome and Proving Ground Bruntingthorpe Lutterworth Leicestershire LE17 5QS (“the Owner”)

AND

2. **HARBOROUGH DISTRICT COUNCIL** of Council Offices Adam and Eve Street Market Harborough LE16 7AG (“the Council”)

RECITALS:

- A. The Council is the Local Planning Authority for the purposes of the Act and is a Principal Council for the purposes of this Deed and for the purposes of the Local Government Act 1972 for the District of Harborough within which the Land is situated
- B. The Owner is the freehold owner of the Land.
- C. The Council issued the Enforcement Notice to the Owner alleging various breaches of planning control. Pursuant to the Appeal which was made by the Owner, the Secretary of State grants the Appeal Permission.
- D. This Noise Management Plan is agreed in accordance with condition [5] of the Appeal Permission. Accordingly, it relates to the Events, which are carried out pursuant to the Appeal Permission.

OPERATIVE PROVISIONS:

1. DEFINITIONS AND INTERPRETATION

In this Noise Management Plan the following expressions shall have the following meanings:

- “Act” the Town & Country Planning Act 1990
- “the Appeal” the appeal made by the Owner to the Secretary of State against the Enforcement Notice and pursuant Section 174 of the Act and ascribed reference number APP/F2415/C/09/2096741
- “Appeal Permission” the planning permission granted pursuant to the Appeal
- “C Walton Limited” means C Walton Limited whose registered office is at Bruntingthorpe Aerodrome and Proving Ground Bruntingthorpe, Lutterworth, Leicestershire LE17 5QS
- “Events” means any of the activities which are permitted by the Appeal Permission, as set out in condition 1 to the Appeal Permission, namely:
- (i) Emergency Services;
 - (ii) Media
 - (iii) Go Karts;
 - (iv) Driver Tuition;
 - (v) Corporate Entertainment; and
 - (vi) Cycling.
- “the Enforcement Notice” The enforcement notice issued by the Council to the Owner with reference number 452 and dated 22 December 2008

“the Inspector”	the person appointed by the Secretary of State to determine the Appeal
“the Land”	means the land edged red on the Plan appended to this Noise Management Plan
“Operational Plan”	means the operational plan appended to the Unilateral Undertaking
“Unilateral Undertaking”	means the Unilateral Undertaking given by C Walton Ltd to the Council pursuant Section 106 of the Town and Country Planning Act 1990 in respect of the Appeal Permission

2. Noise monitoring equipment

- 2.1 C Walton Ltd will install and maintain one permanent noise monitor at the location shown on the Operational Plan. The outputs of such monitoring equipment shall be made available to the Council at the Council’s request. C Walton Ltd shall provide that information to the Council, in electronic form streaming on a weekly basis, or in hard copy on a weekly basis.
- 2.2 There is currently a noise monitor that has been installed and is maintained by Caterpillar UK Ltd at the location shown on the Operational Plan. Should Caterpillar move off-site, C Walton Ltd will assume maintenance of this noise monitor and shall make the output of the monitoring equipment available to the Council at the Council’s request.
- 2.3 C Walton Ltd will acquire a portable sound recording device (of a type to be agreed between the parties) which can be placed at strategic locations around the circuit. C Walton Ltd shall supply details of the sound recording equipment to the Council, the output of which shall be provided on the same basis as set out at clause 2.1.

2.4 The Unilateral Undertaking contains provisions relating to noise testing of vehicles used pursuant to the Appeal Permission as well as the maximum noise level that may be emitted from the Events.

3. **Days and hours of operation**

3.1 For Corporate Entertainment, driving activities will not commence before 09:00 hours or finish after 18:00 hours. Corporate Entertainment will take place on no more than fifty (50) days per annum. They will not take place on weekends, save for a maximum of six (6) Saturdays per annum. For the avoidance of doubt, Corporate Entertainment will not take place on Sundays.

3.2 For driver tuition, driving activities will not commence before 09:00 hours or finish after 19:00 hours Monday to Saturday. Driver tuition shall not take place on Sundays save for the tuition of young drivers (that is, those under 17 years old.).

3.3 For emergency services use, there shall be no restrictions in terms of days and hours. It is acknowledged that there shall be no sounding of alarms, horns or sirens pursuant to such use.

3.4 For Go kart use which is not part of Corporate Entertainment, driving activity shall not commence before 09:00 hours or finish after 21:00 hours Monday to Sunday.

3.5 C Walton Ltd agrees that for one Sunday each calendar month (i.e. twelve (12) Sundays per annum), which Sundays shall include Easter Sunday, no driving activity shall take place other than proving and testing. It is further agreed that on such Sundays, no driving activity that would otherwise have been allowed pursuant to the Town and Country Planning Act (General Permitted Development) Order 1995 shall take place.

4. **Marshalling of events**

4.1 C Walton Ltd shall carefully control entrance to and use of the proving

ground pursuant to the Appeal Permission. The proving ground shall be accessed from Bath Lane. On arrival users will book in at the main entrance gate. The organiser of any Event that uses any part of the track will be provided with a two-way radio so that they remain in contact with track control throughout any Event. Event marshalling on track will be tailored to the specific requirements of the event being undertaken.

5. Weekend complaints procedure

5.1 On weekends, complaints regarding noise may be reported on telephone number 0116 247 8030. C Walton Ltd shall promptly notify any change in telephone number to the Council in writing.

5.2 Complaints shall be recorded and the Council notified of the fact of any complaint within 7 days together with what action was taken in respect of any such complaint.

6. Restriction of Spectators

6.1 There shall be no Spectators at any Event, other than individuals who are actively participating in the Event. This is intended to cover, for example, those who are waiting for their turn to participate in driving activities, or who have completed their driving activities.

7. Road legal compliance of vehicles

7.1 All the vehicles used for Corporate Entertainment apart from the Karts and the Legends are silenced to road legal standards and operated without any modification whatsoever to cause increased noise emission.

7.2 The Legends are heavily modified from their racing origins to bring noise output down to a level that would be well below the road legal limit and similar to the other road cars used. This is achieved by increased exhaust silencing with double silencer boxes and inlet air boxes to eliminate intake noise.

7.3 The Karts (used for both Corporate Entertainment and for Go-kart use pursuant to the Appeal Permission but falling outside Corporate Entertainment) are designed for indoor use and are silenced to comply with workplace regulations.

7.4 Vehicles used for driver tuition and/or emergency service may not be standard road legal vehicles. However, they are subject to the noise control regime set out in the Unilateral Undertaking.

8. **Hiring Agreement**

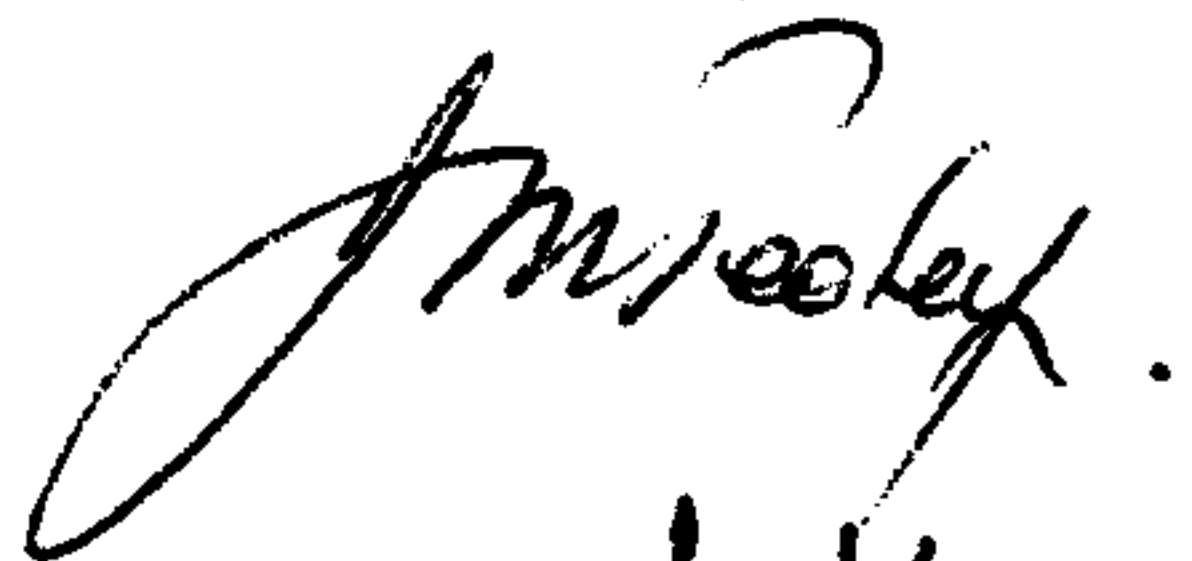
8.1 C Walton Ltd shall provide to the organiser of any Corporate Entertainment, driver tuition or Go-kart use a Hiring Agreement which contains a clause confirming that the organiser has been made aware of the conditions attached to the Appeal Permission, the Unilateral Undertaking and this Noise Management Plan.

SIGNED on behalf of
C WALTON LIMITED by:-

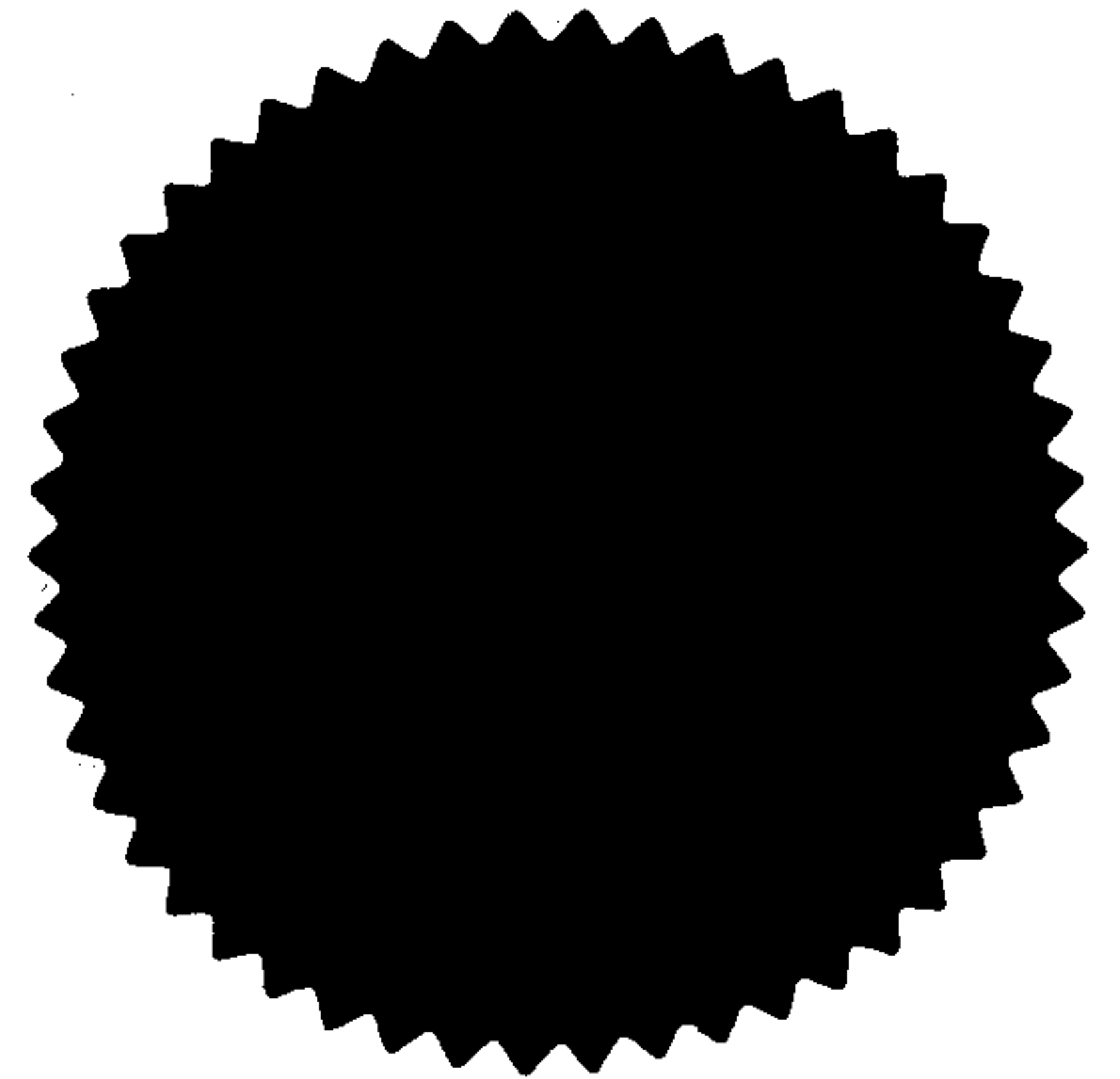


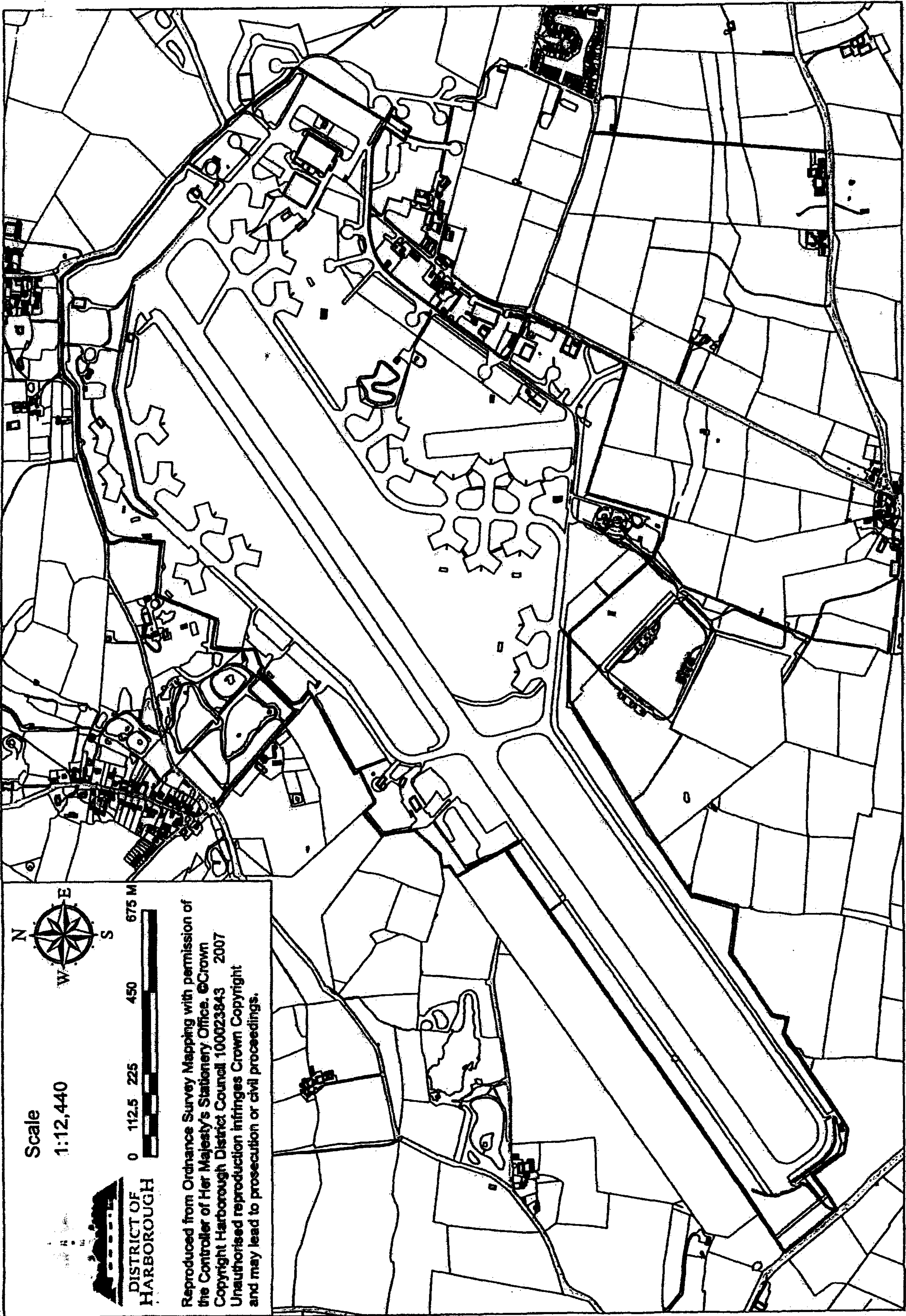
~~SIGNED on behalf of~~
~~THE COUNCIL~~ by:-

THE COMMON SEAL of
THE COUNCIL was herunto
affixed in the presence of:

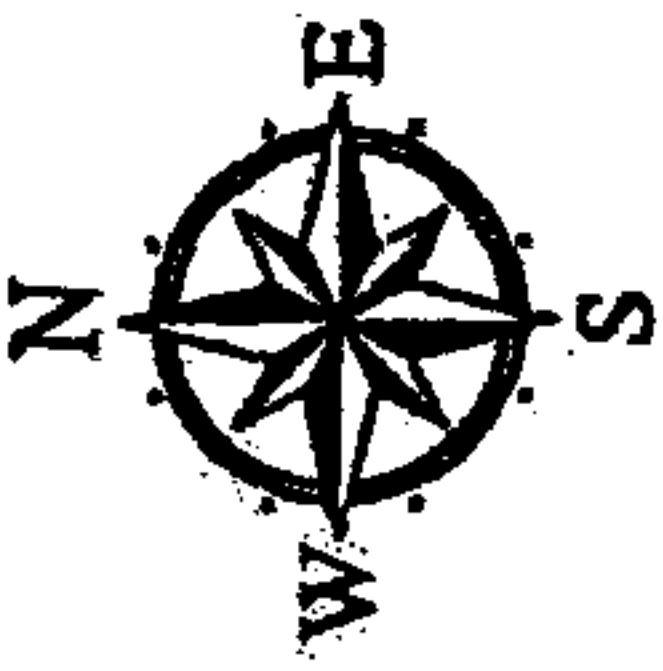

Chairman of the Council

H. W. Lane
Conveyancing Solicitor





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DISTRICT OF
HARBOROUGH

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