

A. INTRODUCTION

1. Background

Snetterton Race Circuit has long hosted motor sport race events and test days all year round. Concerns have recently arisen regarding noise from Un-silenced Race Weekends and Un-silenced Testing at the Circuit (as defined below).

Breckland District Council ("BDC") issued a statutory Noise Abatement Notice (ref. APG/N/12/2007) dated 29th day of JANUARY, 2008 under Section 80 of the Environmental Protection Act 1990 ("Abatement Notice"). The Abatement Notice seeks to control the "racing, testing and track hire activities involving vehicles with noise emissions greater than 118dB(A)" as measured by a static test in accordance with the current requirements of the Motor Sports Association and Auto-Cycle Union. To this end, Schedule 1 to the Abatement Notice requires that MSV "implement and maintain in force all measures works and other actions specified to be taken in the Statement of Best Practicable Means..." within specific timeframes ("the Statement").

This document constitutes the Statement agreed between MSV and BDC. It sets out MSV's and BDC's shared understanding of what represents the Best Practicable Means by which MSV may reduce noise levels generated by vehicles operating at the Circuit in accordance with the Abatement Notice.

This Statement shall be deemed to be agreed between MSV and BDC with effect from signature of this Statement by both parties below.

SIGNED BY Jonathan Palmer)
an authorised signatory)
for and on behalf of)
MOTORSPORT VISION LIMITED)
on 18 JAN 2008 (date)) (signature)

SIGNED BY MARK STOKES)
KAY FISHER (print))
an authorised signatory)
for and on behalf of)
BRECKLAND DISTRICT COUNCIL)
on 24 / 1 / 2008 (date)) (signature)

2. Terminology

In this document, the following words and phrases have the following meanings:

'Circuit' means the Snetterton Race Circuit, Snetterton, Norwich, Norfolk NR16 2JU as shown outlined in black on the plan attached to the Abatement Notice.

'Governing Body' means (a) in the case of cars, the RAC Motor Sports Association, the national governing body of motor sport in the United Kingdom ("**MSA**"), or Federation Internationale de l'Automobile, the international governing body of motor sport ("**FIA**") (as applicable) and their respective successors-in-title, or (b) in the case of motorcycles, the Auto-Cycle Union, the national governing body of motorcycle sport in the United Kingdom ("**ACU**"), or Federation Internationale de la Motorcyclisme, the international governing body of motorcycle sport ("**FIM**") (as applicable) and their respective successors-in-title.

'Race Weekend' means, together, those practice, qualifying and competitive racing sessions which are organised under permit from the relevant Governing Body and that take place on Saturdays, Sundays and Bank Holiday days at the Circuit.

'Un-silenced Race Weekend' means a Race Weekend which involves any practice, qualifying or competitive racing session(s) which includes Un-silenced Vehicles.

'Un-silenced Testing' means the practice or testing of Un-silenced Vehicles at the Circuit which does not include on-circuit competition between participants, but which may include timing against the clock. This definition does not include any Circuit activity taking place during an Un-silenced Race Weekend, but does include practice or qualifying sessions taking place on a weekday (generally on a Friday) organised prior to, and as preparation for, an Un-silenced Race Weekend.

'Un-silenced Vehicle' means a vehicle which operates above 118 dB(A) when measured using the static test method, in accordance with the measurement requirements defined by the relevant Governing Body from time to time.

B. BEST PRACTICABLE MEANS

1. Physical control of noise propagation

1.1 MSV shall construct an earth noise attenuation bund, measuring 5 metres in height, from the northern side of the Circuit, around the entirety of the eastern side, to the south of the Circuit, subject to clauses 1.2-1.3, below.

1.2 Construction of the bund is subject to the relevant land being made available to MSV for such purposes on reasonable commercial terms by the landowner and subject to obtaining relevant planning permission.

1.3 If it becomes apparent to MSV that:

1.3.1 the relevant land required for the purposes of construction of the bund cannot be acquired on reasonable commercial terms; or

1.3.2 MSV cannot, without reasonable excuse, commence or complete the development of the bund in accordance with the timescales set out in Schedule 1 to the Abatement Notice,

then MSV shall, subject to obtaining relevant planning permission, construct a continuous acoustic fence along the eastern boundary of the Circuit within MSV's freehold land to a height of no less than three (3) metres above ground level, the exact specification and timing for completion of such fence to be agreed between MSV and BDC acting reasonably.

2. Limiting number of Un-silenced Testing days and Un-silenced Race Weekends

2.1 Un-silenced Testing

2.1.1 No more than thirty one (31) days of Un-silenced Testing will be held during week days at the Circuit during any one calendar year.

2.1.2 No more than two (2) days of Un-silenced Testing will be held at the Circuit in any one week.

2.1.3 For the avoidance of doubt, no Un-silenced Testing will be held at the Circuit during any weekends during any year.