# LONDON BOROUGH OF TOWER HAMLETS

**Procedure and Guidance Note for Applications for Prior Consent for Works with regard to noise on Construction Sites under Section 61 of the Control of Pollution Act 1974**

## Introduction

Section 61 of the Control of Pollution Act 1974 allows developers and their building contractors to apply for ‘Prior Consent’ for noise generating activities during the construction phase of a development.

This proactive approach requires the assessment of the construction working methods that will be used to undertake the work and the prediction of likely construction noise levels at sensitive receptors.  It is intended to manage the generation of construction noise using the ‘best practicable means’ available to complete the works.

This guidance document provides a template for submitting s61 applications.

Developers and building contractors should familiarise themselves with both Section 60 and 61 of the Act before submitting an Application. No Prior Consent will be issued if construction, including demolition work (other than minor preparatory or enabling work agreed in advance), has already commenced. If works have started, then the Council is likely to serve s60 notice setting out its own terms and conditions.

**Any application must be received by the address below at least 28 days before any works commence. Applications can be submitted by hand by post or email**.

## Process

You should engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your s61 application. Annex A provides a template which can be adapted for your project and sets out the information we would expect to receive.

You are advised to contact the Noise Pollution Team on 020 7364 5007 well in advance of the project commencement date. We can discuss the detail that you will be required to submit as part of your application and answer any questions you may have.

Key considerations:

* To assess the impact of noisy work baseline levels of ambient noise and vibration on the Site boundary should be established. This data may be available from work carried out for the planning application stage of the development. The measured noise and vibration data should include results for time periods during which the works will be carried out; and
* Predictions of construction noise should be calculated at 1.0m, free field, from the facades of the worst affected (generally the nearest) sensitive receptors, thus allowing for a ‘worst case scenario’ noise.

When considering your building programme, please be aware that our normal permitted hours for noisy construction work are 8am to 6pm Monday to Friday and 8am to 1pm on Saturday and at no other time.

We recommend that you submit your application in draft format by hand, email or post before the 28 day assessment period as above. This will enable the Officer dealing with your application to send you a draft format of the Prior Consent Notice for your comment.

The address to send applications to is:

Noise Pollution Team

London Borough of Tower Hamlets

Mulberry Place

5 Clove Crescent,

London E14 2BG

**CONTROL OF POLLUTION ACT 1974**

**APPLICATION FORM FOR SECTION 61 PRIOR CONSENT**

**(Please note: Failure to complete the form correctly may delay your application)**

|  |  |
| --- | --- |
| Project address |  |
| Planning ref |  |
| Submission no |  |
| Construction site category (please tick one – explanation at the end of the document) | Strategic  Major  Minor  Basement |
| Applicant’s reference |  |
| Application for S61 consent for works on site |  |
| From |  |
| To |  |

To the London Borough of Tower Hamlets

WE HEREBY MAKE APPLICATION for prior consent in respect of works to be carried out on the

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Project specified below under Section 61 of the Control of Pollution Act 1974

|  |  |
| --- | --- |
| Signed |  |
| Print name of signatory & position |  |
| Date |  |
| Applicant and Registered Office address |  |
| Project office for correspondence and site office postal address |  |
| Telephone number |  |
| Email address: |  |

|  |  |
| --- | --- |
| **Section Heading** | **This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below but the detail should be submitted in an appendix which matches the section hearing number** |
| 1 Site address | Address of location of proposed works |
| 2 Name and address of main  contractor and contract names  on site |  |
| 3 Outline description of work and  site layout plans | Summary of works  Detailed description and site layout plan to be attached an an appendix labelled to match the section number (in this case it would be Appendix 3) |
| 4 Programme | Programme: Time period for consent application from\_\_\_\_to\_\_\_\_  The works covered by this application are programmed to be completed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  The overall construction programme for the whole development is to run until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Detailed programme attached as Appendix: include construction phrase and dates for instance:  Demolition from……………to……………  Piling mat from……………to……………  Piling from……………to……………  Capping bean from……………to……………  Excavation from……………to…………… |
| 5 Construction methods to be used in each stage of development | This section should include the following information, the detail of which should be submitted in an Appendix labelled to match the section number (appendix 5).  Please note, the Appendix should explain the construction methods and methodology to be used… for example:  If Secant Wall Piling is to be used:  CFA & LDP rigs will install the secant wall piles around the perimeter of the project boundary. In general, female (primary) piles will be installed on the first 2 days of the week followed by 3 days installing the reinforced male (secondary) piles. The CFA piles are not cased which makes their installation quicker and quieter. They are purely rotary and not percussive. The LDP rig is used for better accuracy to provide the verticality required for the structural wall and to ensure that all the piles meet at the required depth. The LDP rig is the only suitable piece of plant for reaching over 20m in depth. The piles are 35m in depth. The pump and agitator are required on site to provide a continuous supply for the whole pile and prevent delays from concrete wagon deliveries. The pump is required to place concrete to the top of the rig and down the stem (approx 25m in height) to the toe of the pile. Using the CFA and LDP rigs in tandem halves the programme compared to just using LDP method. |
|  | Pile Breakdown:  When piling, the top metre of pile is often contaminated concrete, i.e. filled with earth, rubble and arisings and not compacted as much as it should be. Therefore the Structural Engineers insist on the tops of the piles being broken down. The top of the  reinforcement cage that gets cast within the pile has foam around the bars to aid in the easy removal of this section of concrete. A bursting method is utilised that enables this top section of pile to be removed, relatively quietly using hydraulics. However, the  bursting tool itself is not all that accurate and therefore final trimming of the pile will need to be done by hand held pneumatic breakers. The male piles, which are harder, will have a hydraulic pile cruncher used for the majority of the break down work |
| 6 Hours of Work | Monday – Friday 08.00 – 18.00  Saturday 08.00 – 13.00  There will be no work activity on Sudnays or Bank Holidays or outside the periods above that will be audible at the site boundary |
| 7. Number, type and make of plant and machinery (including heavy vehicles) stating source Sound Power Levels.  Source terms can be extracted from British Standards (BS) 5228-1:2009. Code or practice for noise and vibration control on construction and open sites – Part 1: Noise or from measured noise data | The plant and equipment for the work activities must be included in Appendix 7  The works activities might be described as follows:  Activity 1 demolition  Activity 2 piling mat  Activity 3 piling  Activity 4 pile breakdown  Activity 5 capping beam  etc |
| 8 Predicted noise levels | Appendix 8 should contain detailed construction noise calculations at sensitive facades. These should include the cumulative effects of noise from a number of activities taking place simultaneously at different locations on the site impacting on sensitive receptors |
| 9 Proposed steps to minimise noise and vibration | Provide a summary of the proposed mitigation. Appendix 9 should describe these in more detail |
| 10 Monitoring regime | The Council will expect noise levels to be measured and be continuously monitored at locations to be agreed. Also during demolition, piling and excavation, vibration should be monitored in terms of ppv. Vibration monitoring may be required at other times as reasonably requested by the Council.  Please provide further detail in Appendix 10 |
| 11 Dispensation (or derogation) | Should a change to the working methods be required which was not foreseen at the time of the original Section 61 application and, which would affect the predicted noise levels in the application, then a dispensation application will be required and submitted to LBTH. The dispensation application will set out the reasons for any changes and give the resulting/revised predicted noise levels and BPM measures as appropriate  A template dispensation application form is attached |

|  |  |
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| 12 Variations | Where there are required changes of a minor nature which are not expected to affect the overall  predicted noise levels presented in this application, then a variation must be sought. The  variation mechanism will be invoked for typical situations such as: change in type or quantity of  plant, approval of out of hour’s deliveries and works, and change in works programme. Refer to  Annex B.  A template variation application form is attached. |
| 13 Over Runs | If work unexpectedly has to be carried out after 18:00, the Site will fill out the attached over run form and telephone the case officer as soon as possible with the following details*:*  Contact on site  Works to be undertaken  Mitigation measures  Predicted time of finish  Over runs will only be approved on the basis that for Health and Safety or safe engineering reasons, the works cannot be practically completed in the normal working day and/or the out of hours activities applied for would have acceptable minor noise impacts. The reason for an over  run will be fully explained on this basis  All overruns will be logged.  If timing allows, contact neighbours and inform them. If not possible then ensure that public are aware by publishing details of the over run on the external site notice board and, if applicable, website  To prevent over-runs subcontractors will include controls on working hours and deliveries in their method statements. See example Notice Annex B condition 5.4 |
| 14 Liaison | This section should detail arrangements for Liaison with residential neighbours such as:  “The project will have a dedicated Community Relations Manager. There will be a project email and a “hotline” for residents and neighbours to contact Site. Newsletters on progress and upcoming works will be distributed as necessary”. The development may even consider setting  up a website. |
| 15 List of plans and appendices | Appendix 3: Site Layout Plan  Appendix 5: Methods of Working  Appendix 7: Plant and Equipment  Appendix 8: Predicted Noise Levels  Appendix 9: Proposed Steps to minimise Noise and Vibration  Appendix 10: Monitoring Regime |

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# DISPENSATION APPLICATION

**LONDON BOROUGH OF TOWER HAMLETS**

**CONTROL OF POLLUTION ACT 1974**

**Application for Dispensation to Section 61 Consent**

**(Please note: Failure to complete the form correctly may delay your application)**

|  |  |
| --- | --- |
| Description of works programme. |  |
| Site Address |  |
| Planning ref |  |
| Contractor Section 61 reference.  a |  |
| Local Authority Section 61 reference | APP REF: |
| Applicant Dispensation Reference |  |
| Date and duration of works requiring  Dispensation |  |

**Description of *works***

|  |  |
| --- | --- |
| Brief description of additional works/changes to working methodology | Appendix 1 |
| State reasons why *works* cannot be done  under terms of original consent |  |
| Describe any changes to hours of working | Appendix |
| List additional equipment | Appendix |
| Describe BPM noise mitigation | Appendix |
| State revisions to predicted noise levels. | Appendix |
| When and how residents are to be notified |  |
| Intentionally blank |  |
| Intentionally blank |  |

|  |  |  |
| --- | --- | --- |
|  | For [Contractor] | Approved by London Borough of Tower Hamlets |
| Name: |  |  |
| Signature: |  |  |
| Date: |  |  |

**Subject to the following conditions:**

|  |
| --- |
|  |

# APPLICATION FOR VARIATION

**London Borough of Tower Hamlets**

**Variation from Section 61 Consent**

**(Please note: Failure to complete the form correctly may delay your application)**

|  |  |
| --- | --- |
| Description of works programme |  |
| Site Address |  |
| Planning Reference |  |
| Contractor Section 61 Reference |  |
| Local Authority Section 61 Reference |  |
| Date of works requiring variation |  |
| Duration of works requiring variation |  |
| Applicant Variation reference |  |

|  |  |
| --- | --- |
| Brief description of proposed work. |  |
| State reasons why *works* cannot be done under terms of original Consent. |  |
| Describe any changes to hours of working. |  |
| Describe BPM noise mitigation measures. |  |

|  |  |  |
| --- | --- | --- |
|  | For Contractor | Approved by London Borough of Tower Hamlets |
| Name: |  |  |
| Signature: |  |  |
| Date: |  |  |

# Site categories

