



Construction and Demolition Noise

Noise complaints in relation to construction and demolition sites can be controlled using legislative powers under Section 60 and Section 61 of the Control of Pollution Act 1974.

Section 60 of the Control of Pollution Act 1974 enables the Local Authority to undertake enforcement action against the contractor (s) responsible for the activities giving rise to the noise pollution. The notice can be served prior to the works being undertaken or during the time the works are being completed.

The notice is served on the person or company responsible for the works. The notice can prescribe the hours that works can be undertaken and/or specify the machinery that should be used on site.

Section 61 of the Control of Pollution Act 1974, allows the contractor to apply for prior consent from the Local Authority. This consent must be provided prior to the construction or demolition works commencing.

The prior consent acts as an agreement between the contractor and the Local Authority to ensure that the noise arising from the proposed works are kept to a minimum.

Once an application for prior consent has been made by the contractor then the Local Authority has 28 days to either:

- Accept the application in its entirety and provide consent
- Accept the application but provide consent with conditions attached
- Refuse the application.

The applicant then has the opportunity to make an appeal to the Magistrates court within 21 days of the decision if their application was refused, or they feel that a condition is unreasonable or a decision was not made by the Local Authority within 28 days.

It is recommended that the applicant makes a draft application to the Local Authority, so that any issues identified at this stage can be discussed and agreed in preparation to the submission of the final draft of the application. This should minimise any delay at the later stages of the process.

The Section 61 application that is submitted to the Local Authority must provide sufficient detail. The application should consider the following points:

1. Name, registered address and contact details of the contractor
2. Name and contact details of the named person the Local Authority should liaise with
3. Plans clearly demonstrating the location of the proposed works, site boundaries, noise monitoring locations and locations of noise sensitive properties
4. Full details in relation to the works proposed. Should the development comprise of various stages then the cumulative impact of each stage should also be considered
5. Construction method intended to be used
6. Full details of plant to be used therefore the type, number and specification details
7. Working hours proposed
8. Rationale for any works that need to be undertaken outside “normal” working hours
9. Period of consent being applied for
10. Ambient and predicted noise levels
11. Steps proposed to minimise noise and/or vibration levels. (Regard should be given to Best Practicable Means stated within section 72 of the Control of Pollution act 1974 and BS5228: 1997 Noise and Vibration control of construction and open sites).
12. Steps proposed to liaise with the residents, for example, meetings, leaflet drop, letter drop. A copy of any correspondence provided to residents should be sent to the Local Authority.
13. Details of compliance monitoring and locations