

Section 61 Prior Consent application form and guidance

Royal Borough of Kensington and Chelsea

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

1.0 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.

2.0 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 that sets out the information we would expect to receive.

You are advised to contact the Environmental Health Department on 020 7361 3002 well in advance of the project commencement date. We can discuss the detail that you will be required to be submit as part of your application and answer any questions you may have.

Key considerations:

1. 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 periods during which the works will be carried out.
2. Predictions of construction noise should be calculated at one metre, free field, from the facades of the worst affected (generally the nearest) sensitive receptors, thus allowing for a 'worst case scenario' noise assessment to be made.

When considering your building programme, please be aware that 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 and Nuisance Team
The Royal Borough of Kensington and Chelsea
Council Offices
37 Pembroke Road
London
W8 6PW**

Email: environmentalhealth@rbkc.gov.uk

Tel: 020 7341 5640

S61 Application Template

PROJECT: _____

Control of Pollution Act 1974

Application Form for Section 61 Prior Consent

Applicant's reference: _____ _____	Application for Section 61 Consent for the works on site: _____ _____ _____
RBKC Reference: _____	From: _____ to: _____

To the Royal Borough of Kensington and Chelsea

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: _____

Name of signatory: _____

Position: _____

Date: _____

Applicant: _____

Registered Office address:

Project Office for Correspondence and Site Office Postal address:

Telephone no. _____ **Email:** _____

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 heading number.
1. Site address	Address of location of proposed works
2. Name and address of main contractor and contact names on Site	
3. Liaison	<p>In accordance with the advice and guidelines contained within Section 5.0 and Table 1 of the Code of Construction Practice, this section should detail arrangements for liaison with residential neighbours, shops and businesses, schools, etc.</p> <p>e.g.</p> <p>'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.</p>
4. Outline description of work and site layout plan	<p>Summary of works</p> <p>Detailed description and site layout plan to be attached as an appendix labelled to match the section number (in this case it would be Appendix 4).</p>
5. Site categorisation:	Category 1 or Category 2, as described in Section 8.0 and Table 3
6. Programme	<p>Time period for consent application: from: _____ to: _____</p> <p>The works covered by this application are programmed to be completed by:</p> <p>The overall construction programme for the whole development is to run until _____</p> <p>Detailed programme attached as appendix : Include construction phase and dates; for instance:</p>

	Activity	Start date	End date
	Above ground demolition		
	Slab breakout		
	Piling		
	Capping beam		
	Excavation		
7. Construction methods to be used in each stage of development	<p>This section should include the following information, the detail of which should be submitted in an appendix labelled to match the section number (Appendix 7).</p> <p>Please note, the appendix should explain the construction methods and methodology to be used, for example:</p> <p>If Secant Wall Piling is to be used CFA and 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 two days of the week followed by three 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.</p> <p>Pile Breakdown</p> <p>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.</p>		

<p>8. High impact activities Restricted to Monday – Friday 9am to noon and 2pm to 5.30pm</p>	<p>Detail those works that fall within the definition provided within Section 9.0 of the Code of Construction Practice.</p>
<p>9. Hours of work</p>	<p>Monday to Friday 8am to 6pm There will be no work activity on Saturdays, Sundays or Public Holidays or outside the periods above that will be audible at the site boundary.</p> <p>Restricted hours for High impact activities: Monday to Friday 9am to noon and 2pm to 5.30pm.</p>
<p>10. Number, type and make of plant and machinery (including heavy vehicles) stating source Sound Power Levels Source-terms can be extracted from British Standard 5228-1 and 2:2009+A1:2014, code of practice for noise and vibration control on construction and open sites – Part 1: Noise. Or from measured noise data.</p>	<p>The plant and equipment for the work activities must be included in Appendix 10 The works activities might be described as follows:</p> <ul style="list-style-type: none"> - Activity 1...demolition..... - Activity 2...piling mat..... - Activity 3...piling..... - Activity 4...pile break down... - Activity 5...capping beam.... - Activity 6..... - Activity 7..... - Activity 8..... - Activity 9..... - Etc
<p>11. Predicted Noise Levels</p>	<p>Appendix 11 should contain detailed construction noise calculations at sensitive facades. These should include the cumulative effects of noise from a</p>

	number of activities taking place simultaneously at different locations on the site impacting on sensitive receptors.
12. Proposed steps to minimise noise and vibration.	With reference to BS 5228 and Section 9.0 of the Code of Construction Practice, provide a summary of the proposed mitigation; Appendix 12 should describe these in more detail.
13. Monitoring regime	<p>For Category 1 sites, and where agreed with the Noise and Nuisance Team, it is expected that noise levels will be measured and continuously monitored at locations to be agreed and in line with the guidance and limits specified in Section 10.0 of the Code of Construction Practice. 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 Noise and Nuisance Team.</p> <p>Please provide further detail in Appendix 13</p>
14. Dispensations (or derogation)	<p>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 the Royal Borough of Kensington and Chelsea. The dispensation application will set out the reasons for any changes, and give the resulting/revised predicted noise levels and BPM measures as appropriate.</p> <p>A template dispensation application form is available from the Council's website.</p>
15. Variations	<p>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.</p> <p>A template variation application form is available on the Council's website.</p>
16. Over Runs	<p>If work unexpectedly has to be carried out after 6pm, the site will telephone the EHO as soon as possible with the following details:</p> <ul style="list-style-type: none"> - Contact on site - Works to be undertaken - Mitigation measures - Predicted time of finish

	<p>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.</p> <p>All overruns will be logged.</p> <p>If timing allows, contact neighbours and inform them</p> <p>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</p>
<p>17. List of Plans and Appendices attached</p>	<p>Appendix 4: Site Layout Plan</p> <p>Appendix 7: Methods of Working</p> <p>Appendix 10: Plant and Equipment</p> <p>Appendix 11: Predicted Noise Levels</p> <p>Appendix 12: Proposed Steps to Minimise Noise and Vibration</p> <p>Appendix 13: Monitoring Regime</p>