



CONTROL OF POLLUTION ACT 1974, SECTION 61

Ref:

(See note number)

- | | | |
|---|-------------------------------------|------|
| 1 | Signed | Date |
| 2 | Name and Address of applicant | |
| 3 | Applicant's interest in site | |
| 4 | Address/position of site | |
| 5 | Name and address of main contractor | |
| 6 | Client | |

cont..../2

- 7 Nature of work
- 8 Give brief particulars of construction/demolition methods to be used.
- 9 Proposed hours of work
- 10 Will driven or retaining piles be used?
- 11 Will mechanical breaking of concrete or similar hard materials take place?
- 12 Proposed plant (each plant to be specified in detail)
- 13 Has Building Regulations consent been applied for?
- 14 Duration of contract

CONTROL OF POLLUTION ACT 1974
SECTION 61 PRIOR CONSENT APPLICATIONS
NOTES FOR APPLICANTS

The control of noise on construction sites applies to works of the following description, namely:-

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;
- (b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;
- (c) demolition or dredging work; or
- (d) (whether or not also comprised in (a), (b) or (c) above), any work of engineering construction.

Please complete form legibly, preferably by typewriter. Supplementary sheets may be used for fuller descriptions and additional information as required.

1. Where the application is made by a company, the signature should be that of a Director or Secretary.
2. In the case of a company, the registered office address as well as the main office address should be given.
3. Please state if the applicant is architect, quantity surveyor, contractor etc.
4. Applicants should endeavour to provide as many details as possible about the position of sites relative to dwellings, schools, offices etc. Site drawings should be provided and wherever possible, the positioning of plant should be shown.
5. The name and address of the main contractor should be given if known. Applicants should note that if conditional consent is granted and the actual works are to be carried out by someone else, it is his statutory responsibility to ring the consent to the attention of that person.
6. Applicants should give the name of the client for the works if known. Should applicants wish to submit details of his contractual obligations regarding site noise (including hours of work) these will be taken into account in determining the application.
7. Applicants should give brief details only of the work but should include the proposed commencement date.

8. Applicants should outline the principle construction or demolition methods to be used along with the proposed steps to minimise noise.
9. Applicants should take care to give full details of his proposed working hours including weekends and public holidays. It should be noted that hours in excess of those requested will not normally be granted except in emergency conditions where there is risk of injury to persons.
10. The use of orthodox driven and retaining piles may not be permitted in noise sensitive areas or alternatively their use may be restricted to specified hours during the day. Applicants are strongly advised to consult B.S. 5228 where alternative plant and methods are given.
11. The use of acoustic sheds and the provision of silenced or super silenced compressors may be required. When pneumatic breaking is to take place in noise sensitive areas.
12. Applicants should indicate where possible the number and position of plant and machinery. Where plant is non-static it is useful if the main operating areas are indicated on the site drawings. Wherever possible the sound power level and mechanical power rating in Horsepower or Watts, should be given.
13. Where a building control application is required, this must be submitted before or at the same time as this application.
14. Applicants should note that consents will only be given for a period of up to the completion of the contract period.

APPEALS

15. If (a) the Council refuses consent or does not give consent within 28 days, or (b) the Council attaches any condition to a consent, the applicant may appeal to a Magistrates' Court within 21 days thereafter.
16. The grounds on which a person to whom a local authority give a conditional consent may appeal, may include any of the following grounds which are appropriate in the circumstances of the particular case:-
 - (a) that any condition attached or imposed in relation to the consent (hereinafter referred to as "a relevant condition") is not justified by the terms of Section 61;
 - (b) that there has been some informality, defect or error in, or in connection with, the consent;
 - (c) that the requirements of any relevant condition are unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of any relevant

condition are to be complied with is not reasonably sufficient for the purpose.

17. If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the consent, the Court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
18. Where the appeal relates to a conditional consent given by a local authority, on the hearing of the appeal the Court may:-
 - (a) vary the consent or any relevant condition in favour of the appellant in such manner as it thinks fit, or
 - (b) quash any relevant condition, or
 - (c) dismiss the appeal;

and a consent or condition which is varied under sub-paragraph (a) above shall be final and shall otherwise have effect, as so varied, as if it had been given, attached or imposed in that form by the authority.

19. Where the appeal relates to a local authority's refusal or failure to give a consent within the period specified in Section 61(6), on the hearing of the appeal the Court shall afford to the appellant and to the authority an opportunity of making representations to it concerning the application under Section 61(1) to which the appeal relates and concerning the terms and conditions of any consent which they consider to be appropriate thereto, and thereafter the Court shall either: -
 - (a) adjourn the appeal to enable the appellant to submit to the authority a new application under Section 61(1) relating to the matters which are the subject of the appeal, or
 - (b) make an order giving consent to a the application either unconditionally or subjects to such conditions as it thinks fit, having regard to the provisions of Section 61(4), (5) and (9) (update to refer to Section 82 of The Environmental Protection Act 1990), and any other matters which appear to it to be relevant,

and any other consent given by an order made under sub-paragraph (b) above shall be final and shall otherwise have effect for the purpose of Part III of the Act as if it were a consent given by the local authority under Section 61.