

Fiona Fletcher Smith, Corporate Director, Neighbourhoods and Regeneration, The Town Hall,  
Mare Street, London E8 1EA

**LONDON BOROUGH OF HACKNEY**  
**CONTROL OF POLLUTION ACT 1974 - SECTION 61**

**PRIOR CONSENT IN RESPECT OF WORKS ON CONSTRUCTION SITES**

MORRISON CONSTRUCTION LTD  
OLYMPIC PARK SITE  
QUARTER MILE LANE  
LONDON  
E10 5PD

**WHEREAS** you have made an application dated 24<sup>th</sup> January 2008 for prior consent under Section 61(1) of the Control of Pollution Act 1974 in respect of works intended to be carried out as part of: Construction Zone (CZ) 5a Soil Treatment and CZ5b Haulage and Stockpiling of material, off Waterden Road London E537371 and London E537485 respectively within Hackney Council's area,

**The LONDON BOROUGH OF HACKNEY hereby gives CONSENT** subject to the conditions as specified in the schedule below:

**THIS CONSENT**

- A. In no way constitutes any ground for defence under Section 82 of the Environmental Protection Act 1990.
- B. Relates only to the information given in your application, together with any additional information provided in writing which forms part of this consent;
- C. Must be notified together with any condition specified above by the applicant to any other appropriate person carrying out any such work on the site;
- D. Relates only to work carried out by or on behalf of the applicant; and
- E. For Activity 1 works (Soil Treatment Centre), the consent expires on 11 November 2008 and for Activity 2 (Haulage and Stockpiling Material), it expires on 15 April 2008.

If you knowingly carry out or permit to be carried out works in contravention of any conditions attached to this consent you will be guilty of an offence under Part III of the Control of Pollution Act 1974 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale of fines (currently

£5,000) together in any case with further fines not exceeding £50 for each day on which offence continued after conviction.

This consent is authorised by \_\_\_\_\_



**Robert Kavuma  
Principal Environmental Health Officer  
London Borough Of Hackney  
Pollution Team  
28-33 Independent Place  
Shacklewell Lane  
London E8 2HE**

**Tel: 0208 356 4675  
Fax: 0208 356 4980**

**18<sup>th</sup> March 2008**

N.B. The person served with this notice may appeal against the notice to a Magistrates' court within twenty-one days from service of the notice.

## Schedule

### Site Management Standards

1. All recommendations of British Standard 5228: 'Noise Control of Construction and Open Sites' shall be implemented and complied with.
2. The plant and equipment specified in the application shall be used to carry out the works in accordance with the information in Appendix 2 and in Section 4 in the application. The applicant may substitute an alternative item or use additional items of plant or equipment and will use the best practicable means to ensure that the resultant noise levels are no higher than those originally predicted.
3. The Contractor shall employ Best Practicable Means (BPM) as defined in Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration resulting from his operations, and shall comply with the recommendations set out in BS 5228: Part 1:1997 "Noise and Vibration Control on Construction and Open Sites" and "Code of Practice for basic information and procedures for noise and vibration control". In particular:
  - a) The contractor will use only plant which complies with the relevant EU/UK noise limits applicable to that equipment or is no noisier than would be expected from the noise levels quoted in BS 5228: 1997. The contractor also will maintain that plant properly and operate it according to manufacturer's recommendations.
  - b) All vehicles, plant and machinery used during the operations shall be fitted with effective exhaust silencers and all parts of such vehicles, plant or machinery shall be maintained in good repair and workmanlike condition so that extraneous noises from mechanical vibration, creaking and squeaking, shall be reduced to a minimum. All equipment shall be used in accordance with the manufacturer's instructions, be muffled and shall be operated so as to minimise noise emissions;
  - c) All compressors and generators shall be "sound reduced" models fitted with properly lined and sealed acoustic covers or enclosures that shall be kept closed whenever the machines are in use;
  - d) All machines in intermittent use shall be shut down in the intervening periods of non-use, or where this is impracticable, throttled down to a minimum;
4. The applicant shall undertake noise monitoring to ensure measured levels are comparable with those submitted in Attachment A. Monitoring shall be undertaken at the locations as agreed with the Council, and upon reasonable request from the Council. The results of such monitoring will be made available to the address shown at the bottom of the consent, on a weekly basis.



5. The noise limits specified in the following table shall apply to work on the site

**Noise Limits at Facades of Occupied Buildings**

			Residential and Commercial Properties
Period	Hours	Time Period (T)	$L_{Aeq,T}$ (dB)
Monday-Friday	0800-1800	10 hours	75
	1800-2200	Any one Hour	55
Saturday	0800-1400	6 hours	75
	1300-1800	Any 1 hour	65
Any other time (Subject to dispensation)		Any one hour	55 or 5dB above agreed background level)

**Notes:**

*The  $L_{Aeq}$  noise level is the A-weighted equivalent continuous sound level, measured over the relevant time periods quoted above.*

*The above noise level limits relate to noise from the construction process at a point 1m in front of any occupied building.*

*This table gives maximum permitted noise levels for times when work is taking place. It does not imply that works are permitted at all of the times not quoted. Works during other time periods will require dispensation.*

6. Any changes to the activity programme, not covered by dispensations or variations, shall be notified to the Council with as much notice as possible before the changes become effective, together with an indication of any changes in the resulting noise impacts.

**Dispensation/Emergency Procedure**

7. The Local Authority draws attention to Section 61(5) (b) of the Control of Pollution Act 1974 and may vary this consent due to any changes in circumstances.
8. In the event of emergency deviation from the conditions of this consent, notification shall be given to the London Borough of Hackney as soon as reasonably practicable after first identification of the need for emergency deviation. Where practicable, full details shall be given by telephone and fax of:

- a) The exact date, time and duration of the works



- b) Details of the measures proposed by the Contractor to mitigate the noise and/or vibration;
- c) The reasons for the emergency deviation and potential disturbance;
- d) The name of the officer in control of the operation, an effective contact number, and details of the public information activity that has taken place;
- e) Steps taken to avoid a repetition of the event.

For purposes of this clause, "emergency" is defined as works that are;

- a) Essential to maintain the engineering integrity of the construction works;
- b) Inadvertent and outside the control of the Contractor and cannot be rescheduled within approved working hours, and
- c) Not the result of incorrect works programming/planning, or the failure of work programming/planning.

9. The Contractor may apply to the London Borough of Hackney for consent to carry out works that will or may exceed the noise limits, or works that must occur at times outside the permitted working hours. The Contractor shall provide the Pollution Control Team of the London Borough of Hackney with details for an exemption from compliance with this consent. The information shall be provided 14 days before the intended date of carrying out the works.

10. The information to be supplied in a dispensation or variation shall include:

- a) Full details of the operation
- b) Reasons for requiring a dispensation or variation
- c) Proposed working hours
- d) Predicted noise levels at sensitive receptors
- e) Measures being adopted to reduce noise and/or vibration to a minimum;
- f) Action being taken to advise residents of the activity
- g) The name of the officer in control of the operation, an effective contact number and details of the public information activity that has taken place.

11. Variation and dispensation are defined in the "Olympic Park Section 61 Approval Protocol" as agreed between the ODA and the Local Authorities and application shall follow the procedure defined in that document.