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Adam Newsome  
Carillion Buckingham Joint Venture  
3 Bessemer Close  
Bicester  
OX26 6QE

Date: 26th August 2015  
Our Ref: 15/03634/NPLANT.4  
Please ask for: David Stevens  
Direct Line: 01865 252556  
Email: [dstevens@oxford.gov.uk](mailto:dstevens@oxford.gov.uk)

#### **Control of Pollution Act 1974**

#### **Application for consent, section H of the East West Rail Phase I project**

Following your re-application of 25th August, for a Consent to cover the months of September and October I have obtained authorisation to issue a further Consent 15/00742/CPA61.

Please bring the contents of the Consent to the attention of any contractor(s) or other parties involved in the activity referred to in the Consent.

If you have any enquiries please contact either myself or another member of the Business Regulation Team

Yours faithfully,

David Stevens  
Environmental Health Officer

**CONTROL OF POLLUTION ACT 1974, s.61**

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

To  
Carillion Buckingham Joint Venture  
3 Bessemer Close  
Bicester  
OX26 6QE

Whereas you have made an application dated 15<sup>th</sup> July 2015 for prior consent under section 61 of the Control of Pollution Act 1974 in respect of:


Works to be carried out between July 2015 and March 2016 along Section H of the project permitted under the Chiltern Railways (Bicester to Oxford Improvements) Order 2012 and deemed planning permission (East West rail Phase 1). This particular section of the Phase 1 package begins south of Gosford Water Eaton Footbridge and ends south of OXD50.

CONSENT is hereby GIVEN by the OXFORD CITY COUNCIL subject to the conditions specified in the attached Schedule and for the period from 1<sup>st</sup> September 2015 to 30<sup>th</sup> September.

THIS Consent (a) in no way constitutes any ground of 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; and (c) must be notified, together with any conditions specified in the schedule, by the applicant to any other appropriate person carrying out any work on the site.

IF YOU knowingly carry out or permit to be carried out the works in contravention of any conditions attached to this consent you will be guilty of an offence against 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 \*, together, in any case, with a further fine not exceeding £50 for each day on which the offence continues after conviction.

DATED 26 August, 2015

Signed 

Executive Director, Regeneration and Housing.

\* Currently £5,000 (subject to alteration by Order).

NB The person served with this consent may appeal against the conditions attached to the consent to a magistrates' court within 21 days (See notes overleaf).

### **Appendix 3**

Ref: Notice Reference 15/00742/CPA61

Date: 26 August, 2015

## **CONTROL OF POLLUTION ACT, 1974 SCHEDULE**

### **HOURS OF OPERATION**

1. All normal works and ancillary operations audible at the site boundary or at any other positions designated by the Executive Director, Regeneration and Housing. shall be undertaken only at the following times
  - a. Monday to Friday Monday to Friday 0700 to 1900 hours
  - b. Saturday 08.00 – 18:00 hours

### **PLANT & EQUIPMENT**

1. Ensure that each item of equipment complies with the noise limits quoted in the European Commission Directive 2000/14/EC/ Locate equipment liable to create noise and/or vibration whilst in operation away from sensitive receptors
2. Not operate any defective equipment or items fitted with noise control equipment until repaired;
3. Use vehicles and mechanical equipment fitted with effective exhaust silencers;
4. Ensuring engine compartments are closed whilst engines are running
5. 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 and efficient working order.
6. All plant shall be switched off when not in use. Where this is not practicable, plant shall be throttled down to a minimum when not in use.
7. All plant shall be procured and maintained in compliance with EU Noise Emissions Standards, United Kingdom Statutory Instrument (SI) 2001/1701; and BS5228:2009\* where practicable.
8. When handling material, care shall be taken not to drop material from excessive height.

### **WORKING PRACTICES AND PROGRAMMING**

9. Programming should prioritise noisy works during the week and at the earlier parts of each shift
10. Where appropriate, a quiet working ethic will be employed to ensure that all operatives have consideration for the nearby residents
11. Site staff shall be made aware of the need to avoid all unnecessary noise through the toolbox talks and site task briefings. Shouting and use of radios when entering to and from site, and when working on site, will be prohibited.
12. Operatives to be briefed not to sound car horns to gain access to the compound. To assist, security should be aware of shift start and finish times.
13. A limited amount of Permanent Way works may be undertaken at night where required plant is only available from a small pool of national assets and/or for safety reasons. Formally these works will be undertaken as under “a normal railway possession” as allowed within the Code of Construction Practice, under clause 3.1.2. The project team shall endeavour to notify affected residents 7 days in advance of the plans to undertake night work. The notification will be accurate at the time of issue. Notification shall take the form of an update of the project’s website and an e-

mail circular to all those signed up to receive updates from the project. Both avenues of communication will be explained within the letter drop that will follow acceptance of this application, as referred to in 27 below.

### **DELIVERIES**

14. The HGV routes set out in the Construction Code of Practice approved under Condition 18 of the Deemed Permission referred to above will be used at all times.
15. Site speed limits will be set to minimise noise and vibration levels if required;
16. Efforts will be taken to reduce numbers of staff/operative cars, and crew buses will be utilised where practicable; and,
17. Deliveries should be carried out within the time limits set in para. 1 above and any local agreements.
18. Control and limit noise from reversing alarms and use the following hierarchy (in order of preference, with the most desirable option listed first, and the least desirable listed last):
  - a. Lorries to drive through the site and avoid reversing
  - b. utilise banksmen to avoid the use of reversing alarms;
  - c. use reversing alarms incorporating one or more of the features listed below or any other comparable system:
    - i. highly directional sounders
    - ii. use of broadband signals;
    - iii. self adjusting output sounders; and
    - iv. flashing warning lights;

### **NOISE & VIBRATION MONITORING**

19. Should any complaints about noise arise they will be investigated, measurements taken and where reasonably practicable work practices modified.
20. Once the works programme has commenced on site, the applicant shall use a competent person to carry out compliance monitoring as detailed in the application. The results of noise and vibration monitoring shall be made available in the Contractor's Site Office for viewing by Officers of the Council, and shall be supplied to the Local Authority following any reasonable request.
21. Maximum permissible sound levels are as follows, measured at one metre from the nearest dwelling at the discretion of the Head of Environmental Services:
  - a. An equivalent continuous 'A' weighted sound pressure level (LAeq) of 75 dBA measured for any 1 hour period.
  - b. An equivalent continuous 'A' weighted sound pressure level (LAeq) of 85 dBA measured for any 5 minute period.
  - c. Not more than 90 dBA 'slow' at any time

### **PUBLIC & LOCAL AUTHORITY LIAISON**

22. All complaints received by Carillion Buckingham Joint Venture or Network Rail regarding noise from the works shall be notified to Oxford City Council Business Regulation Team within one week of being received. This may be via the email address [noise@oxford.gov.uk](mailto:noise@oxford.gov.uk)
23. As a minimum standard Carillion Buckingham Joint Venture shall send a notification of the intention to carry out the works to residences and premises that may be affected by noise and vibration resulting from any element of the works in accordance with the project communication plan. The resident's notification letter will contain a programme/schedule of work and provide the Joint venture complaints

hotline number. The letter shall be sent at least 10 days before the works to which it relates.

24. The notification letter shall be sent to properties at least within a 200 metre radius of the works

#### **SITE COMPOUNDS AND ACCESS POINTS**

25. Site compounds and access points shall be used as far as is reasonably practicable so as to minimise off site noise disturbance.

#### **GENERAL CONDITIONS**

26. Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 shall be employed at all times to reduce noise and vibration to a minimum.
27. All recommendations and good practice as detailed in British Standard 5228 Part 1: 2009 'Noise and Vibration Control on Construction and Open Sites'\* shall be implemented and complied with as far as is reasonably practicable.
28. Where it is not possible to comply with any terms of this consent for any reason, or where there is a need to vary works outlined in the Method Statement, Carillion Buckingham Joint Venture shall apply for a variation to the consent outlining the variation which is sought, reasons for the variation and other relevant information, including mitigation measures, where appropriate. The application shall be submitted to the Council at the earliest opportunity before the event to which it relates, but in emergency or unforeseen circumstances, the Council shall be notified as soon as reasonably practicable.
29. The Executive Director, Regeneration and Housing may direct steps to be taken at any time as he considers necessary, including the substitution of plant or equipment to ensure compliance with any condition of this Schedule, with B.S. 5228-1:2009+A1:2014 or any other standard he considers appropriate in the circumstances.

\* British Standards Institute Code of Practice number 5228-1:2009+A1:2014