



Prior Consent in Respect of Works on Demolition / Construction Sites

To : McGee Group Holdings Ltd

Of : 340-342 Athlon Road, Wembley Middlesex, HA0 1BX

An application was made to the Council of the London Borough of Southwark on **01/08/2018** for Prior Consent under section 61(1) of the Control of Pollution Act 1974 for continued works being carried out at;

Site: Sampson House, 65 Hopton Street, SE1 9JH

This consent permits following works: *Demolition of Sampson House and ancillary works*

The Council gives consent for the said works subject to the conditions contained in the schedule to this consent and subject to any change in circumstances which may cause the Council to withdraw its consent or to modify any condition thereof.

You may appeal against any of the conditions attached to this consent to a Magistrates' Court within twenty one days of the Council's notice to you of its consent.

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;
- c) must be notified, together with any conditions specified above, by the applicant to any other appropriate person carrying out any work on the site;
- d) shall not be taken to indicate that any other licence or consent which is required to be obtained from the Council or any other person will be granted;
- e) **shall expire on: 02/11/2019**

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 you will be liable to a fine not exceeding level 5 on the standard scale of fines (currently £5,000) together, in any case, with a further fine not exceeding £50 for each day the offence continues after conviction.

Signed :

Mark Prickett
Principal Enforcement Officer

Dated: 11/09/2018

Please address any correspondence to :

*Environmental Protection Team,
Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
Tel : 0207 525 4261
Fax : 0207 525 5705*

NOTES

The Control of Noise (Appeals) Regulations 1975 provide as follows :

Appeals under section 61(7)

5. (1) The provisions of this regulation shall apply to an appeal brought by any person under subsection (7) of section 61 (prior consent for work on construction sites) in relation to a conditional consent given by a local authority under that section or in relation to an authority's refusal or failure to give a consent within the period specified in subsection (6) of that section.
- (2) In this regulation, "conditional consent" means a consent given by a local authority under section 61 in respect of which the authority have attached any condition or imposed any limitation or qualification in pursuance of section 61(5)(a), (b) or (c); and "conditions" includes any limitation or qualification so imposed.
- (3) The grounds on which a person to whom a local authority give a conditional consent may appeal under the said subsection (7) 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.
- (4) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (5) 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.

CONTROL OF POLLUTION ACT 1974 - SECTION 61

SCHEDULE OF CONDITIONS FOR NOTICE NO 092127

1. Normal Working Hours

All works and ancillary operations in connection with the construction which are audible at the site boundary **shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1400 on Saturdays and at no time on Sundays, Bank Holidays**

2. Excessively Noisy Works

Excessively noisy activities shall be undertaken on a periodic 'on/off' basis throughout the day - 'on' hours are 0800 – 1000, 1200 – 1400 & 1600 – 1800. Saturday 11:00 – 13:00 only.

Application required to be made to the Councils Environmental Protection Team for any noisy activities sought to be undertaken during 'off' periods which will breach agreed noise levels stated within condition 5. Such works only permitted to be undertaken after written approval granted from the Environmental Protection Team.

3. Plant and material delivery

Plant and materials may be delivered to the site only between the hours of **08.00 and 18.00 on Mondays to Fridays, between the hours of 09.00 and 14.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.**

4. Materials Removal

Materials to be salvaged and recycled and spoil may be removed from the site only between the hours of **08.00 and 18.00 on Mondays to Fridays, between the hours of 09.00 and 14.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.**

5. Noise levels

The Noise Trigger levels for this site shall be; **70 dB(A) L_{eq} (10hour) Monday – Friday (0800 – 1800), L_{eq} (5hour) Saturday (0900 – 1400) over the course of the working day & 75dB(A) L_{eq} (15min) at any time**, measured at the facade of the closest noise sensitive receptor. The survey and monitoring shall be undertaken by appropriately qualified and experienced personnel using the correct equipment.

Noise measurements and methodology will be submitted to Southwark Council's Environmental Protection Team for review.

6. Out of Hours Requests

Any need to work outside of the restricted hours - for example the planned delivery of large plant - must be requested in advance using Out of Hours standard document by giving 7 days notice to the Councils Environmental Protection Team, together with a details of community consultation undertaken or proposed (please see page 5 for more details on dispensations and overruns).

7. Emergency situations

Where emergency situations arise which will require deviation from conditions above the Environmental Protection Team shall be notified to without delay. If outside of normal weekday working hours then the Noise & Nuisance Team shall be notified to without delay. Contact details on page 6.

8. Work methods and noise mitigation

The contractors shall work in accordance with the work method statements set out in Section 4 of the application form and the proposed steps to minimise noise set out in Section 6 of the application form, as well as in accordance with the McGee Environmental Management Plan (ref: EMP-17136-00, dated: 05/07/2018 or most up to date revision), the McGee Noise, Vibration and Dust Monitoring Plan (ref: NVD-17136-00, dated: 03/07/2018 or most up to date revision) and the McGee Community Liaison Plan (ref: CLP-17136-00, dated: 08/05/2018 or most up to date version).

9. Plant & Equipment

In addition to paragraph 8 above, the contractor shall work within the principles of the London Borough of Southwark's Technical Guidance for Demolition and Construction (2016), British Standard 5228:1997 'Noise and Vibration Control on Construction and Open Sites', The GLA's 'Control of Dust & Emissions during Construction and Demolition' Supplementary Planning Guidance (July 2014) and the IAQM's 'Guidance on the Assessment of Dust from Demolition and Construction'. The best practicable means shall be employed at all times to reduce noise to a minimum including: -

Noisy plant or equipment shall be situated as far as possible from noise sensitive buildings. Barriers (e.g. site huts, acoustic sheds or partitions) to reduce noise reaching noise sensitive buildings shall be employed wherever possible.

Noise emitting machinery, which is required to run continuously, shall be housed in suitable acoustic enclosures.

All vehicles and mechanical plant used for the purpose of the work shall be fitted with effective exhaust silencers and other mufflers where appropriate and all parts of such vehicles plant or machinery shall be maintained in good order and repair and be in accordance with manufacturers recommendations.

All compressors and generators shall be sound reduced models fitted with properly lined and sealed acoustic covers or enclosures, which shall remain closed when the machines are in use.

All machines in intermittent use shall be shut down or throttled down to a minimum in the intervening periods between works.

All vehicles servicing the site shall be fitted with white noise / broadband reversing alarms.

Where practicable rotary drills and busters actuated by hydraulic, chemical or electrical power shall be used for excavating hard or extrusive material. Equipment, which breaks concrete in bending or by bursting, shall be used in preference to percussive tools as far as practicable.

Plant shall be maintained in a good and workmanlike condition so that extraneous noise from mechanical vibration, creaking and squeaking is reduced to a minimum. Neither any part of the works nor any maintenance of plant shall be carried out in such a manner as to cause unnecessary noise or vibration save in case of emergency when the work is absolutely necessary for the saving of life or property or the safety of the works.

Care shall be taken when loading or unloading vehicles, erecting and dismantling plant or moving materials and plant etc. to reduce impact noise.

The applicant may substitute alternative items or use additional items of plant or equipment and shall use best practicable means to endeavour to ensure that resultant noise levels are no higher than those originally predicted in the application and /or document

Where alternative or additional items of plant are substituted for those cited in the application and, despite best practicable means being employed, the resulting overall noise levels are predicted to exceed, or in practice do exceed those given in the application by 3dBA or more, the applicant shall submit an application for dispensation as soon as is reasonably practicable in accordance with the procedure attached.

10. Monitoring Programme

In addition to condition 5 above, the contractor shall undertake periodic perimeter checks to monitor the noise, vibration and dust arising from operations on site, and take remedial measures as appropriate and keep records available for inspection by the Council.

11. Public Relations & Site Boundary Notice

The contractor shall periodically liaise with the local residential community and prepare and distribute regular bulletins of information. Notices shall be exhibited at the site boundary in a position where it is clearly legible from the highway and light during darkness which gives the name and a contact telephone numbers of Client and/or contractor /customer relations department available on a 24 hour basis or other parties who have authority to act in response.

12. Complaint Records

The contractor shall keep a record of any complaints relating to environmental matters made to the site by members of the public or officials, response given and remedial action taken.

13. General

A copy of this permission must be kept on site at all times during the works and readily available to Council officers for inspection on request.

Before the commencement of works associated with this application, all the workforce of the main and sub-contractors employed on site shall be fully briefed on the conditions within this notice and in general the need to keep all noise generated to a minimum.

Best Practicable Means, as defined in Section 72 of the Control of Pollution Act 1974, shall be employed at all times to reduce noise (including vibration) to a minimum. In employing best Practicable Means, the steps contained in the application shall be adopted by the contractor as the basis for carrying out the works and regard shall be had to recommendations and good practice as detailed in British Standard 5228: 1997 Noise and Vibration Control on Construction and Open Sites.

Nothing in this consent shall be construed as preventing or prohibiting the execution of works, which are absolutely necessary for the saving of life, property, or to ensure the general safety of the works programme.

14. Works programme

This Consent relates to works described in the application form that is undertaken within the London Borough of Southwark. This consent will remain valid until the works to which it relates are complete or **02/11/2019**, whichever is sooner. The council retains the right to revise/amend this consent subject to substantiated complaints being made and/or non-compliance.

SCHEDULE FOR DISPENSATIONS AND OVERRUNS FOR NOTICE NO 092127

Dispensations

Where the proposed works have to be changed from the original programme as given in the application, to require operations outside the terms of this Consent, the Applicant shall apply to the Council in writing for a Dispensation at least 7 days in advance of the proposed operation submitting the following:

- Details of the operation in question
- Reasons why the operation cannot be carried out within the terms of the Consent
- Proposed working hours
- Predicted noise and/or vibration levels at relevant locations (only upon request)
- Proposed steps taken to reduce noise and/or vibration to a minimum

Where the working method and proposed mitigation is deemed to be acceptable to the London Borough of Southwark, a Dispensation varying the terms of this Consent will be issued in respect of the proposed activities. The Dispensation may be issued subject to specific conditions and may be time limited subject to review. Occupiers of nearby residential or other noise sensitive properties who are likely to be affected shall be informed as soon as reasonably practicable in writing by the Applicant about this and, where appropriate, the likely duration of the works. Details of community consultation undertaken or proposed to be sent to the London Borough of Southwark.

Overruns

In the case of works which overrun for sound engineering or health and safety reasons, the London Borough of Southwark shall be advised as soon as is reasonably practicable of the reasons for, and likely duration of, such works, by email/phone to Mark Prickett (mark.prickett@southwark.gov.uk / 0207 525 0023), the Environmental Protection Team (environmental.protection@southwark.gov.uk / 0207 525 4261) & the Noise and Nuisance Team (noiseandnuisance@southwark.gov.uk / 0207 525 5777). Notification to surrounding neighbours will also be given as soon as reasonably practicable.