# Short Duration Utility Construction Works

# Notification of Works & Memorandum Of Understanding

Short duration construction works within the Borough is a common feature including utility operators working on energy, transportation, communication and water and drainage infrastructure. Traditionally these works have required consents through the Control of Pollution Act (COPA) 1974 section 61 process.

However due to the scale, resource implications and limited adverse noise impact they create the London Borough of Barking and Dagenham (LBBD) is providing a fast-track notification route, allowing such works to go ahead without the need to apply for Section 61 consent, subject to pre-conditions for noise controls being implemented by contractors.

**Scope of works that are included.**

The short duration construction works provisions apply to the following type of works:

1. Working Hours – short duration construction hours must be undertaken within the hours of 07:00 to 19:00 Monday to Saturday and 08:00 to 14:00 on Sundays and Public Holidays only.
2. Noisy works can only be undertaken within core hours i.e. 8am to 6pm (Monday to Saturday) and 9am to 1pm (Sundays and Bank Holidays)
3. Working Times - short duration construction must not be more than 3 consecutive days or 2 consecutive weekends. Working hours or times greater than the above will require COPA consent.
4. Works must be utility works undertaken by statutory undertakers. This Notification of Works and Memorandum of Understanding does not apply to building developments that require COPA consent
5. Works must include a risk-based approach to noise control and include noise control pre-conditions

**What Constitutes ‘Noisy Works’?**

Noisy works is defined as

* Works which involve breaking out and /or use of cutting power tools such as road surface disc cutters, hand-held breakers, pneumatic tools and compressors, and generators, etc.
* Other noise generating works likely to cause disturbance

**Noise Control Pre-Conditions**

The noise control measures to be adopted are dependent upon the nature of proposed works and the risk of noise disturbance as well as the location of noise sensitive places (e.g., residential, care homes, schools, places of worship etc.). The considerations for control measures should account for:

* Nature of street works activities
* Vehicle activity
* Restricting disruptive activities to within core hours detailed above
* Arrival and departure of operatives to the site to be done quietly
* Deliveries to the site and removal of material from the site should only take place during permitted working hours
* Giving neighbours advance warning of any work being carried out and letting them know how long it will last, by letter posting/dropping if necessary
* Using less noisy methods and equipment
* Not allowing vehicles engines to be left idling
* Reversing alarm switched off (where Health and Safety is not compromised) and using banksmen where necessary
* Reducing transmission and propagation of noise, e.g.
	+ Providing acoustic screens / noise enclosures or acoustic barriers
	+ Super silenced compressors/resilient matting
	+ Cutting materials off site to minimise noise levels on site as well as site air quality or prefabricate structure offsite or temporary shop frontage.
	+ Using well-maintained, quiet machinery
* Avoiding unnecessary noise e.g.
	+ Shouting
	+ Dropping materials.
	+ The use of loud radios
	+ Regular equipment maintenance to minimise noise emissions
* Sufficient training and supervision of employees to ensure staff:
* Understand and appreciate the need for Best Practicable Means (BPM)
* Workers are fully briefed on how to implement BPM for the particular job
* Use the correct equipment in the correct way at the correct time
* Are aware of agreed start & finish times for the works, and any other special measures
* Appropriate management & supervision of the works to ensure BPM are planned & implemented

**Best Practicable Means to minimise noise disturbance**

It is important that best practicable means for noise control are put in place to reduce the risk of noise disturbance on local noise sensitive places. BPM is defined in Section 72 of the Control of Pollution Act 1974.

**Note:**

The recommended BPM listed herein are by no means exhaustive but serve as a minimum guide for good practicable measures that can be applied to control noise for short duration work. Further specific guidance is presented in BS5228: 2009 ‘Noise and Vibration Control on Construction and Open Sites’

**Avoiding and Managing Noise Complaints**

Application of the above noise control measures should limit adverse noise impact, however due to the nature of such operations noise cannot be eliminated entirely and most residents understand that such utility works are necessary and may result in some short-term inconvenience.

Where there are noise complaints made directly to the contractor by local residents, these should be investigated and actioned promptly.

The Council will investigate noise complaints associated with this procedure and the investigating Officer will consider whether the works have had BPM applied. If works are deemed unreasonable, works may be stopped, restricted and enforcement actions under the provisions of the Control of Pollution Act 1974 and the Environmental Protection Act 1990, may be taken.

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| Environmental Health & Public Protection London Borough of Barking & DagenhamNotification of Short Duration Utility Construction Works |
| Company  |  |
| Company Registered Address |  |
| Details of Applicant  |  |
| Work Reference Number  |  |
| Address Location  |  |
| Details of Contractor  |  |
| Proposed Working Dates  |  |
| Proposed Working Hours  |  |
| Agreement to include BPM noise control measures  | **Signed** **Dated**  |