

LONDON BOROUGH OF NEWHAM
CONTROL OF POLLUTION ACT 1974 - SECTION 61

PRIOR CONSENT IN RESPECT OF WORKS ON CONSTRUCTION SITES

Site: *Canning Town and Star Lane - DLR Station*

Your ref: *CCS/S61/931/08 CAT-STL*

Our reference: *22/28296/PONOIS*.

Applicant Contractor:

██████████
Heather Park House
NW10 7NN

Tel: ██████████

WHEREAS you have made a revised application dated **15 November 2022** for prior consent under Section 61(1) of the Control of Pollution Act 1974.

PROJECT

CONSENT is hereby given by the LONDON BOROUGH OF NEWHAM subject to the following conditions specified below:-

1. Noise from construction activities consented by this Notice which are outside the normal working hours 08:00 to 18:00 on weekends until the **weekend of 30 April 2023 but subject to specific notification to the council of each weekend working**. Engineering hours – 00:30 to 04:30 weekdays and 23:00 to 04:30 weekends.
2. The works are part of Cleshar's contract 931 with DLR (TfL) to replace baseplates and re-rail sections of the elevated Docklands Light Railway DLR Track. They are part of a track replacement programme to renew track sections that have reached their end of life at various locations in Newham and Tower Hamlets The works will be carried out during engineering hours and weekend closures. At the time of this application, only one weekend closure has been confirmed between Fri 25 Nov and Mon 28 Nov 2022. As and when closures become available, Cleshar will notify Newham Council of the proposed dates.
3. The works between Canning town and Star Lane DLR stations consist of rail replacement as current rail has reached the end of its useful life and is at risk of non-compliance with railway standards. In addition to the above, works near Canning Town to replace Baseplates and subject to previously approved Section 61 consent Ref 22/28296/PONOIS will continue intermittently and concurrently with the re-railing until December 24th. Most of the re-railing work will be completed during engineering hours shifts during which short sections of rail can be handled by hand and completed by the end of the shift to allow the track to go back into service the next day. On the weekend of the

25-28 November 2022 there is an available weekend railway closure that will be utilised to undertake as large a section of re-railing as possible using mechanical lifting plant (RRVs). During engineering hours, all materials and plant are moved using track trolleys and iron-men for the rail (Pushed by hand). During weekend possession shifts, heavier machinery can be utilised to speed up the delivery of materials, usually Road-Rail vehicles (RRV). The RRV will be brought onto the track from the access point adjacent to Wickes car park on Manor Road, where the possession compound will be set up. Re-railing works consist of cutting sections of the existing rail and replacing them with new. During engineering hours shifts, the sections are of a size that 3 allows for all works to be completed within approximately 4 hours so that the railway is handed back to service the next morning. During a weekend closure, longer sections can be re-railed. Some of the track components may also need to be replaced (baseplates, bolts, fasteners, etc.).

4. The plant and equipment specified in the application shall be used to carry out the works in accordance with details, in Appendices A (Locations of worksites), B (Noise Predictions and equipment) and C (Letters to Residents) of the application. The applicant may substitute an alternative item or use additional items of plant or equipment and will use the BPM to ensure that the effective sound power level is equivalent or lower than that stated in the application.
5. Details of any site activities that cannot comply with 1 above shall be submitted to Newham Council 14 days in advance of the proposed works for prior approval by this Council, in line with Schedule 1 of this agreement.
6. Where it becomes apparent that a site activity likely to be audible at the nearest occupied property is going to continue after the hours prescribed in 1 above, the applicant shall inform the Environmental Control Unit of this Council by telephone or email. (020 3373 7534)
<mailto:pollution.control@newham.gov.uk>
7. Best Practicable Means (BPM), 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, with reference to the general principles contained in British Standard BS5228:2009 'Noise and Vibration Control on Construction and Open Sites'. As a minimum the steps taken to minimise noise and vibration, as detailed in Section 9 and Appendices D and F of the application shall be adhered to at all times.
8. The applicant shall carry out noise monitoring upon reasonable request from the Council. The results of such monitoring will be made available to the undersigned, as soon as reasonably practicable of the monitoring date.
9. All site staff are to be inducted on the potential impact on the surrounding community of noise from site activities. The induction is to cover general principles of Best Practicable Means (BPM) pertaining to all site activities, highlight any particular sensitive receptors, draw attention to potentially high impact activities and particular precautions to be taken, and stress the importance of complying with any operational restrictions concerned with controlling noise impact, particularly whilst carrying out enabling activities and carrying out work outside core hours permitted by this consent.

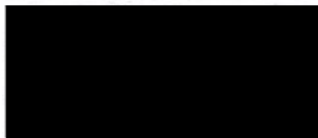
10. The applicant shall nominate a suitably qualified member of staff (or an agent acting on its behalf) who shall be responsible for noise monitoring where appropriate & control during the period of this consent.

11. Occupiers who may be affected by noise from the works shall be notified of the nature of the works, a contact name, telephone number (including that to be used outside normal working hours), and address to which any enquiries should be directed. Such notification shall take place, where possible, 2 weeks but, in any event, at least a week prior to the works commencing. The Council shall be consulted on the wording of the notification and the proposed distribution list. A copy of the final notification, together with its distribution list, shall be sent to the undersigned at the time of distribution.

The Local Authority draws attention to Section 61(5) of the Control of Pollution Act 1974 and may vary this consent due to any change in circumstances.

This consent will be valid until the **weekend of the 30 April 2023** or until the completion of the works hereby consented, whichever is sooner.

This consent is authorised by



Steve Neville
Environmental Control Officer

Dated 21 November 2022

London Borough of Newham
Newham Dockside
West Wing
Dockside Road
London E16 2QU

T: [Redacted]

E: [Redacted]

Section 61 consent

Schedule 1

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 14 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 vibration levels at relevant locations
- 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 Council, 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 by the Applicant about this and, where appropriate, the likely duration of the works.

Where dispensation is required for works of a critical nature for reasons not envisaged and beyond the control of the applicant (such as key activities likely to delay other key activities) the applicant shall apply in writing where practicable at least 48 hours in advance and at least 7 days in advance if the work is expected to last for a period of 5 days or more.

Variations

Variation to the works featured in the consent application may be necessary as work progresses, for a variety of reasons. Variations are used where the rescheduling of works is of a critical nature (such as a key activity likely to delay other key activities) and/or additional activities that were not included in the original application are required, and in both cases do not materially affect the predicted noise levels. In these circumstances, it is not necessary for the Applicant to provide the details commensurate with an application for a dispensation. A form has been devised allowing the Applicant to confirm by e-mail or fax relevant details to the Council. The application is to be received by the Council where practicable 7 days, but at least 2 working days, ahead of the start of the works for which the application is made. If the Council approves the application, the document will be countersigned and emailed or faxed back to the Applicant with conditions, if appropriate. Occupiers of nearby residential or other noise sensitive properties who are likely to be affected shall be informed as soon as reasonably practicable by the Applicant about this and, where appropriate, the likely duration of the works.

Emergency Works

It is accepted that construction works may need to be undertaken at very short notice in response to an emergency situation, or where works if not completed, would be unsafe or harmful to the permanent works. In this case the council is to be informed as soon as reasonably practicable via the nominated emergency contact of the reasons for and likely, duration of the works. It should be noted that, unlike the dispensation and variation procedures, this is not an approval process. If the Council subsequently determines that the emergency work was not for sound engineering or health and safety reasons and could have been reasonably avoided, the matter will be taken up with the Applicant as being a potential breach of this Consent.

APPEAL NOTES

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

Appeals under Section 61(7)

6. (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 conditional consent given by the Local Authority under the 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 Local 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 (in this regulation 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 conditions 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 consent, 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.