Code of Construction Practice

April 2019

THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1 Introduction and purpose of the Code

1.1 Kensington and Chelsea is one of the most densely populated boroughs in the country, it is also one of the most densely built up. Many residents seek to improve or extend their homes to maximise the space they have, usually in the very tightly knit built environment. The borough also has large construction sites which can be a challenge to manage in this dense part of London both in terms of built environment and traffic. The borough has nearly 9,000 people who work mainly from home (2011 Census). Therefore, it is very important that we are able to ensure the negative effects of construction do not cause unnecessary disturbance to the borough's residents and businesses.

1.2 The Code of Construction Practice (CoCP) has been in place since April 2016 and it has been successful in bringing a step change in the borough in how construction sites are managed to reduce their impact on residents. The Code introduced a ban on noisy construction work on Saturdays – the Council was the first local authority in the country to do so. This was recognised by the Noise Abatement Society with the Code winning the John Connell Local Authority Award in 2016.

1.3 The 2016 Code mainly focused on issues around noise, vibration and dust. It is now being expanded to cover the full range of issues that residents have about the impact construction on the local environment and surrounding area. The planning enforcement team led a pilot scheme in 2018 and took a pro-active and collaborative approach to the monitoring and enforcement of construction sites to address the frustration of residents who perceive that a number of construction sites are poorly managed and enforced.

1.4 This pilot scheme found that residents' main concerns from construction sites include blocked roads, blocked footpaths, blocked resident parking bays, mud and dirt on the highway, out of hours deliveries, idling engines causing pollution, liquid waste blocking drains, noise and that builders were behaving inconsiderately to their neighbours. The aim of the pilot has been to eliminate repeat complaints made against sites, through robust enforcement action and by making site managers more aware of their responsibilities as considerate contractors. We have found that early contact with site managers, to make them aware of all our requirements, has prevented problems from occurring.

1.5 This comprehensive Code has been developed as a result of the lessons learnt from the pilot. It sets out what the Council will expect from developers or those involved in construction activities in the borough. The expectation is that all construction sites in the borough meet and exceed the requirements or best practice set out in this Code reducing disruption for residents. The Council has set up a new directorate called the Public Protection Directorate (PPD). The PPD will include a joined-up team of officers with expertise in planning, transport and highways, street scene enforcement, parking and noise, vibration and dust called the Construction Management Team (CMT). This team will be responsible for approving and monitoring much of the construction in the borough that falls within the remit of this Code.

2 Key elements of the Code

2.1 The key elements of this Code are:

Site categories

- All sites must be assessed and characterised as one of Category 1, 2 or 3 (in terms of potential impact on the local area), prior to work starting (as per Table 1 within the Code). Category 1 developments are expected to have the highest potential construction impact and Category 3 the lowest. The final decision on the category of development rests with the Construction Management Team.
- The Code may apply to 'DIY' works carried out by the occupier of a property, but only if noise can be heard at the site boundary and it creates an unacceptable impact on neighbours.

Compliance with the Code

- A planning condition will be attached to Category 1 and 2 sites requiring owners and developers and their contractors to agree to be bound by the Code.
- Owners and developers (where different) will be responsible for ensuring compliance with the Code by their contractors and sub-contractors.
- The Council will charge for monitoring compliance with the Code. Payment in the form of a bond, to cover the cost of monitoring for the duration of the development, will be required prior to works starting. The bond will only cover costs that are directly associated with the implementation of the Code, such as officer site visits, audits and meetings.
- The Council's Construction Management Team will monitor sites to ensure that the submitted and approved information is adhered to.

Before work begins

- Owners/developers/contractors should discuss the proposals with neighbours before submitting a planning application and in the case of Category 1 sites must draw up a strategy for liaison with neighbours. This is one of the most important factors in minimising complaints and all developers and contractors must prioritise the development of a communication strategy.
- Owners, developers and contractors must familiarise themselves with the Code at the planning stage.
- For all Category 1 and some Category 2 projects, a draft Construction Traffic Management Plan (CTMP) must be submitted with the planning application and a final version must be approved by the Council before works begin.
- For Category 1 and 2 sites, a signed copy of the Code checklist together with a Site Construction Management Plan must be submitted to and approved by the Council before works can start. This will be stipulated in the planning condition.

- Contractors must liaise with nearby sites to take account of other developments in the area and minimise cumulative impacts.
- Before works begin, the Code requires the contractor to give information to neighbours on the nature and duration of the work and contact details for the site manager. Neighbours should be given at least two weeks' notice of the start of high or medium impact works.
- To ensure that the necessary licences for parking suspensions, skips parked in the road, scaffolding and hoardings have been obtained. Details of these are included as part of the CTMP and will be required for Category 1 sites and at planning department's discretion for Category 2 sites.

General site management

- To ensure that the Considerate Constructors scheme[1] is in operation for the site.
- A notice should be displayed on the hoarding of Category 1 and 2 sites giving the name and contact details of the developer, contractor and site manager and the hours of work.
- Where Prior Consent under s61 has been obtained it should be kept on-site.
- Contractors and sub-contractors should ensure that the surrounding area is kept clean.
- The relevant health and safety legislation must be adhered to at all times.

[1] https://www.ccscheme.org.uk/

Neighbour engagement

- Contractors are required to be members of the Considerate Constructors Scheme and ensure that staff are courteous and respectful of neighbours.
- Contractors should keep neighbours informed about changes in the timing of the works, especially any noisy works.

Transport

- Contractors must, where there is one, abide by their CTMP.
- Roads and pavements must be kept clear.
- No plant, material or skips can be placed on the highway without a licence. Work vehicles should not stop or park on the highway unless an appropriate parking suspension has been sought.
- Deliveries and collections must take place between 9.30am and 4.30pm.
- Contractors' vehicle engines must comply with Ultra Low Emissions Zone[2] requirements and should not be kept idling.

Permitted hours of work

- All works that can be heard at the site boundary must be carried out only between 8am and 6pm Monday to Friday and not on Saturdays, Sundays or Bank Holidays.
- Works defined as "extra high impact" must generally be restricted to the hours of 9am-12.30pm and 2pm-5.30pm.

Noise and vibration

- All construction sites will be subject to control through a notice/consent under s60 or s61 of the Control of Pollution Act 1974.
- The use of powered, percussive-breaking equipment shall be avoided. In those exceptional cases where this is not practicable early discussions shall take place with the Council's Construction Management Team to ensure that the most appropriate mitigation measures are in force.
- Noise levels from all sites shall be within a daily limit of 70 decibels (LAeq, 10hr) for airborne noise, measured at the nearest occupied premises/site boundary.

Dust and air quality

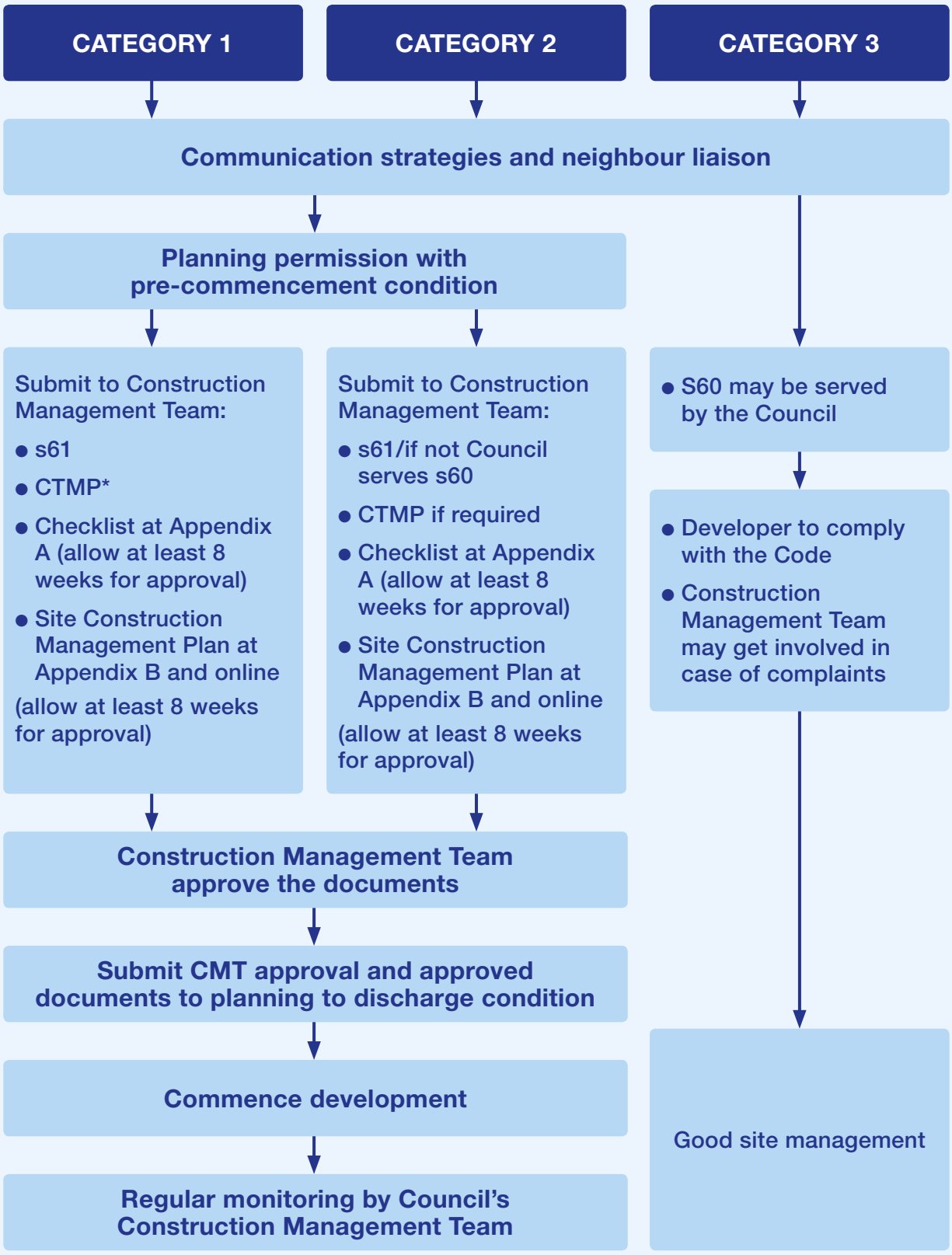
- Dust suppression and screening must be carried out to minimise the transfer of dust into neighbouring properties and on the pavement and road.
- All major and strategic development sites must follow the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance in addition to this document.

2.2 Despite the guidance, advice and requirements of this Code if certain sites are continuing to create unacceptable impacts, residents have a single point of contact to make complaints – the Council's Construction Management Team:

environmentalhealth@rbkc.gov.uk
020 7361 3002

[2] https://tfl.gov.uk/modes/driving/ultra-low-emission-zone

How to apply the Code



* For basement development Draft CTMP is required with the planning application and a Final CTMP pre-commencement

3 Site categorisation and impact

Key points

- All sites must be assessed as being within Category 1, 2 or 3 prior to work starting, as per Tables 1 and 2
- Site category will determine the minimum extent of neighbour liaison, noise monitoring, the requirement for a CTMP and whether a s61 Prior Consent is required

3.1 Developers and contractors must agree the site categorisation at the earliest possible stage with the Council's Construction Management Team:

environmentalhealth@rbkc.gov.uk
020 7361 3002

– see Table 1 for site categorisation criteria. In case of any disagreements the final decision on the category will be made by the Construction Management Team.

3.2 The site categorisation will determine the minimum extent of neighbour liaison, noise monitoring and whether a s61 Prior Consent is required as shown in Table 2.

3.3 At the planning stage and prior to any work beginning on site, developers and contractors must familiarise themselves with the requirements of the Code including best practice and noise mitigation measures, community liaison and the borough's requirements regarding working hours. It is at this stage that consideration must be given to submitting an Application for Prior Consent (under s61 Control of Pollution Act 1974) to the Council for Category 1 sites – see Appendix C and **online** for further details.

3.4 The impacts of demolition and construction work must be considered as early as possible in any project. Developers must engage with the Council using this Code to ensure that construction impacts are minimised and that the requirements of the Code feed into their cost calculations.

3.5 If the construction works relate to development that requires planning permission and the works fall within Category 1 or 2 a pre-commencement condition attached to the planning permission will require applicants to be bound by the contents of this CoCP. This will be demonstrated by the submission of a checklist and the Site Construction Management Plan (Appendices A and B, and **online**) for approval to the Construction Management Team. It is a strongly advised to allow at least eight weeks before development is due to start on site to submit these details. Works must not start until the condition has been discharged. The condition wording is as follows:

"Development shall not commence until the Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been approved in writing by the

Council's Construction Management Team, and copies of the approved checklist and Plan, and their written approval, have been submitted to the local planning authority"

3.6 The owners/developers of Category 1 and Category 2 projects within the borough must comply with the CoCP and the approved SCMP and also ensure that their contractors and sub-contractors also comply with it. The owner/developer is responsible for the payment of charges under this Code, and has ultimate responsibility in the event of non-compliance by the contractor. The Council will also use other powers it has available under different legislation to ensure that development is being managed appropriately.

3.7 The Site Construction Management Plan provides a summary of the management, monitoring and auditing procedures in place to ensure compliance with the CoCP. In relation to noise, vibration and hours of work these matters will form the basis of a s61 Prior Consent for Category 1 development and in some cases Category 2 or a s60 notice served by the Council in those cases where a s61 notice has not been submitted.

3.8 The scope of community liaison, noise mitigation and restriction of working hours will be dependent on the impact the project will have on neighbouring premises. The impact an individual site will have on neighbouring premises will be dependent on a number of factors including:

- the nature of the works
- the methods and techniques to be employed
- the plant and equipment that will be used and level of noise they will produce
- the duration of the proposed works
- the number and proximity of neighbouring premises
- the existing level of ambient noise
- the number and type of construction sites operating in the vicinity

Table 1: Site categories

SITE CATEGORY 1			
CATEGORY TRIGGERS/INDICATORS:			
Scale/nature of project	**Site activities and plant**	**Project duration**	**Number, sensitivity and proximity of premises and existing noise levels**
• Major development with 10 or more homes or 1,000 sq m or more floorspace • Full demolition and re-construction of a property including facade retention scheme • Basement excavation or extension • Use of full-size piling rig for three months or more	• Demolition of reinforced concrete; break-up of significant areas of concrete; percussive breaking methods used • Significant use of full-sized piling equipment (CFA, Secant, etc) • Pile reduction using percussive methods • Tracked-plant and non-handheld breaking equipment • Pneumatic tools/breaking equipment • Significant bulk excavation (i.e. 5m+ depth) using excavators • Significant on-site cutting of steelwork and rebars • Six months plus of concrete pours • On-site permitted concrete crushing Environmental Permitting (England and Wales) Regulations 2010) • Limited/no connection to the grid – significant use of generators/compressor plant	12 months+	• Shared party wall • Site wholly within a residential area • Three or more Category 1 or Category 2 sites within 50 metres • Existing ambient noise levels are low: site away from trunk routes main roads, railways and other noise sources • Site adjoins a school, hospital, care home or similar sensitive site

Table continues over

Table 1: Site categories (continued)

SITE CATEGORY 2			
CATEGORY TRIGGERS/INDICATORS:			
Scale/nature of project	**Site activities and plant**	**Project duration**	**Number, sensitivity and proximity of premises and existing noise levels**
• Partial demolition • Residential and commercial extensions • Minor basement extension within property curtilage – estimated volume of excavated basement material less than 50 m^3	• Bulk excavation by hand • Limited use of percussive breaking methods; demolition mainly by pulverising and munching equipment, or hand tools • Use of electrically power equipment rather than pneumatic tools • Mains power available; limited use of generators • Up to six months of concrete pouring • Percussive works on party wall for significant periods	Three to 12 months	• Predominantly residential area

Table continues over

Table 1: Site categories (continued)

SITE CATEGORY 3			
CATEGORY TRIGGERS/INDICATORS:			
Scale/nature of project	**Site activities and plant**	**Project duration**	**Number, sensitivity and proximity of premises and existing noise levels**
• Internal refurbishment works • Cosmetic external works	• Mainly decorative: plastering, painting, fitting out works • Generally non-structural in nature • Building envelope intact during works • Some noisy works, but limited to small-scale carpentry, electrical and plumbing and fit-out works using handheld power tools • Mains power available • Less than one month of concrete pouring	Under three months	• Detached property • Mixed residential/ commercial area • Site located on trunk route or main road, and/or adjacent to railways line • No other Category 1 or Category 2 sites within 50 metres

Table 2: Site categorisation and requirements

Site categorisation	Section 61 application	CTMP	Submit checklist at Appendix A	Submit Site Construction Management Plan Appendix B
Category 1	Must be submitted	Must be submitted	Must be submitted	Must be submitted
Category 2	Must be considered. In the absence of a s61 the Council will serve a s60 notice	May be required depending on site specific circumstances	Must be submitted	Must be submitted
Category 3	Not required but the Council may serve a s60 notice if required	Not required	Not required but the terms of the code should be implemented	Not required but the terms of the code should be implemented

4 Fees and charges

4.1 In the majority of cases, compliance with the CoCP will be secured at the planning stage through the attachment of a condition requiring the applicants to submit relevant details to the Construction Management Team and demonstrate how they have complied with the CoCP. This is the Site Construction Management Plan and the template for this is shown at Appendix B and **online**.

4.2 The developer (or their nominated contractor) is responsible for the payment of any charges incurred by the Construction Management Team in monitoring compliance with the Code. The mechanism for this will be through the payment of a bond prior to the start of works and the discharge of the relevant planning condition. The estimated officer time expected to be required in monitoring the site will determine the size of the bond. Officers will carry out monitoring visits and audits, and hold site meetings with the developer (or their contractor), throughout the duration of the project to ensure compliance with the CoCP and deal with any complaints or issues that arise. Well-managed developments that demonstrate compliance with the CoCP will require less officer time and, therefore, incur lower charges. The developer will be repaid any bond funds remaining at the completion of the works.

4.3 The draft approach to charges associated with monitoring the Code of Construction Practice are set out below. The charges will be based on an hourly officer charge and the relevant details will be included on the Council website.

Table 3: Monitoring time and charge estimates

Site category	Monitoring, auditing and advice requirements	Development duration	Predicted officer time	Bond amount
Category 1	• s61 advice • s61 Dispensations and Variations • AQ/dust suppression advice • Six-monthly equipment audit • Fortnightly/monthly visits • Complaint handling and community liaison	One to three years	50-150 hours	**www.rbkc.gov.uk/environment/code-construction-practice**
Category 2	• s61 advice or s60 issuing • s60/61 Dispensations/ Variations • Dust suppression advice • Site audit • Quarterly site visits • Complaint handling	Three to 12 months	15-30 hours	**www.rbkc.gov.uk/environment/code-construction-practice**

5 General site management

5.1 A well-managed construction site can improve the visual appearance of the site and also help develop better relations with neighbours. Contractors must promote a positive and enduring impression through good site management. Contractors must ensure that the site is well managed and that they fully address environmental concerns such as noise, dust, waste and pests, and the impact on neighbours and the public at all times.

Tidy sites and street enforcement

5.2 Site managers must ensure that sites are kept in a tidy state. Materials, skips and plant must be stored within the site. The contractor must work in such a way as to safeguard existing rights-of-way, minimise congestion on the footway and carriageway and minimise the use of on-street parking, in compliance with the Highways Act 1980 (Part IX).

Various licences

5.3 The contractor must obtain the necessary permits and licences for various temporary uses of the Highway such as placing of skips[3], erecting of scaffolding and gantries, the suspension of parking bays (see section 8), road and footpath closures and diversions, operation of fixed or mobile cranes, and erection of hoardings. Information related to these items is set out in the CTMP proforma[4].

5.4 The name of the site manager and their contact details must be displayed prominently on the hoarding.

Considerate Constructors Scheme

5.5 The Considerate Constructors Scheme[5] is a non-profit making, independent organisation founded in 1997 by the construction industry. The Scheme's overriding aim is to improve the image of the construction industry by encouraging construction sites, companies and suppliers to voluntarily register with the Scheme and agree to abide by its Code of Considerate Practice. By registering with the Scheme and adopting its Code of Practice, contractors and sites commit to the following five principles:

- to care about appearance
- respect the community
- protect the environment
- secure everyone's safety
- value their workforce

[3] https://www.rbkc.gov.uk/parking-transport-and-streets/your-streets/roads-and-pavements/highways-enforcement/skip-permits
[4] https://www.rbkc.gov.uk/parking-transport-and-streets/your-streets/roads-and-pavements/managing-construction-traffic/ctmp
[5] https://www.ccscheme.org.uk/

5.6 The Scheme includes the following basic expectations, which directly relate to the aims of this document:

- ensuring that the external appearance of sites enhances the image of the industry
- being organised, clean and tidy
- enhancing the appearance of facilities, stored materials, vehicles and plant
- raising the image of the workforce by their appearance
- informing, respecting and showing courtesy to those affected by the work
- minimising the impact of deliveries, parking and work on the public highway
- identifying, managing and promoting environmental issues

5.7 For all basement sites, the Council's planning department requires that contractors are members of the CCS.

5.8 Contractors shall ensure that all staff on site are managed, do not shout or play loud music, and are courteous and respectful. Contact details (including both head office and site information) for the developer, main contractor and site foreman must be made available on the site hoarding, with a 24-hour contact number provided for any emergencies.

5.9 The CCS details must be displayed on the site by the contractors.

Health and safety

5.10 To comply with the Code of Practice, the Council strongly advises that contractors appointed by the developer or owner of the premises are accredited, and work in accordance with, Contractors Health and Safety Assessment Scheme (CHAS).

5.11 Contractors shall ensure that work is carried out in accordance with the Construction Industry Training Board (CITB) scheme (or similar schemes) and that all site operatives and management hold one of the following cards or other CITB recognised cards:

- CSCS (site operatives)
- CPCS (plant operatives)
- CISRS (scaffolders)
- CCDO (demolition)
- NRSWA (street works)

5.12 Site managers should have taken the five days Site Managers Safety Training Scheme (SMSTS) and carry a CSCS Gold Card (as a minimum). There must be at least one qualified First Aider on site.

5.13 Contractors must comply with all health and safety legislation including the Construction (Design and Management) Regulations ('CDM Regulations').

5.14 Contractors shall ensure that the surrounding area is kept clean, free from dust, obstruction and hazards.

6 Communication strategies and neighbour liaison

Key points

- The most important factor in minimising complaints
- Development of a strategy must be prioritised by all developers and contractors

Communication measures

6.1 A key factor in ensuring that the effect of any construction activity on the occupiers of neighbouring premises is minimised is a good communication strategy. This is what developers and contractors must focus on before construction work begins and during the project itself. Particularly, it is important that there is early contact between the principal contractor and residents.

6.2 Liaison with the occupiers of neighbouring properties must take place before work gets underway and good communication must continue throughout the works. Disruption during a construction project may be unavoidable, but the impact will be reduced if neighbouring occupiers are consulted and informed about problems and potential solutions during each phase of the works. Often minor changes to working patterns, schedules or methods can significantly improve the experience for neighbours; contractors are therefore strongly encouraged to have a dialogue with affected occupiers throughout a project to determine what changes can be accommodated.

6.3 The extent of any liaison with the occupiers of neighbouring premises will depend upon the impact rating of the site (Category 1, 2 or 3 – see Table 1). Depending on the size of the site and impact of the project, the scale of the liaison my range from the directly adjoining neighbours for a small site, to a whole street(s) for very large developments.

General requirements – before submitting a planning application

6.4 For all projects that are assessed as being Category 1 or 2 sites, the architect or owner/developer shall contact the occupiers of neighbouring premises and local residents' groups (where they exist) to notify them that construction works are proposed prior to the submission of a planning application. Contact details must be provided to enable the occupiers of neighbouring premises to have the opportunity to discuss the plans and to raise any concerns regarding noise and disruption during the construction process so that these can be addressed at an early stage.

6.5 Planning applications for basement development are required to submit a Construction Method Statement (CMS). The details of information to include in the CMS are set out in the Basements SPD, April 2016[6]. Draft versions of the CMS should be circulated to neighbouring residents; they should be made aware of the proposed mitigation measures in particular so that they can comment on this aspect and raise any specific issues that may require further consideration. Applicants should include details of consultation undertaken, issues raised and the applicant's response, including action to be taken or changes to be made or reasons why these were not accepted.

General requirements – before works commence

6.6 These requirements relate to Category 1 and 2 sites. The occupiers of neighbouring premises must be informed of any works, within a reasonable time period before they start, to provide as much notice as possible of any unavoidable noise or vibration they are likely to be exposed to.

6.7 Developers/contractors should give at least two weeks' notice to neighbours of their intention to start works. The following **key project information** is expected to be provided to the occupiers of neighbouring premises:

- the anticipated start and end date of the work
- the nature of the project
- the hours of work
- the principal stages of the project i.e. demolition, ground works, construction
- all operations that have potential to cause disturbance from noise and vibration
- approximate start and end dates of potentially noisy works
- outline details of noise and vibration mitigation steps that are to be used
- contact names and numbers of appropriate project and site personnel: developer; project manager; site manager/foreman; community liaison manager (large projects)

[6] https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning/basements-spd-april-2016

6.8 When advising the occupiers of neighbouring premises of works that, despite the use of Best Practicable Means (BPM), have the potential to cause significant disturbance, such as concrete breaking, developers and contractors must provide the following information to neighbouring residents:

- a brief explanation of the works, and why they are necessary
- an explanation as to why quieter methods of working are not practicable
- a brief description of the character and pattern of any noise and/or vibration that might occur as a result of the works
- the general working hours of the site (ensuring they are compliant with the Council's requirements)
- the noise/vibration mitigation measures that will be in place, including respite breaks/quiet periods and noise screens/barriers
- the scheduled completion of that phase of works
- any changes to the work schedule

6.9 It recommended that during liaison with the occupiers of neighbouring premises the following information, which may influence schedules and work patterns for noisy work, be obtained:

- details of any vulnerable persons in neighbouring properties who may have special needs
- special occasions such as wakes, wedding receptions, etc.
- home working days and/or hours

Dealing with complaints

6.10 The contractor is responsible for responding to complaints within three working days and where appropriate providing details of corrective action taken. On Category 1 sites, where required, there should be regular meetings and correspondence between the contractor and the Construction Management Team to monitor the progress of the works, to consider any concerns or complaints and to review any noise monitoring results and, for all Category 1 sites, meetings should be held with residents and neighbours to review these results.

Table 3: Recommended communication measures

Site category	Recommended communication measures and liaison strategy
Category 1	All Category 2 and 3 site measures and: • Establish contact with the relevant residents' association, where they exist • Meetings with residents/other affected occupiers at appropriate intervals including before work begins • Minutes of meeting and agreed actions circulated to residents • Website with site information (where agreed with the Council) and contact email address provided
Category 2	All Category 3 site measures and: • Letter drops to the occupiers of neighbouring premises before work begins giving the following information: – the start date, duration and nature of the project – the principal stages of the project – all significant operations that have potential to cause disturbance from noise and vibration – approximate start and end dates of potentially disruptive works – outline details of noise and vibration mitigation steps that are to be used – contact names and numbers of appropriate site personnel • Liaison with neighbouring construction sites to co-ordinate works are far as practicable in order to minimise disruption to residents
Category 3	• Contractor details, contact details for site manager, duration of project and site working hours displayed clearly on site hoarding • Person appointed to deal with complaints • All staff and subcontractors briefed on noise mitigation and permitted hours for noisy works, including restricted hours for High impact activities

7 Trees

7.1 Trees are at risk from the pressures of development. Damage can be sustained to both the above ground and below ground parts of trees. Any failure to evaluate fully the impact of development at the earliest opportunity could lead to the loss of tree cover, which would inevitably create a poorer living environment. Trees are particularly vulnerable on building sites where careless or thoughtless practices can easily damage or kill them.

7.2 The Trees and Development Supplementary Planning Document (SPD)[7] sets out the Council's requirements and provides advice in relation to any proposed development with trees on or near the site.

[7] https://www.rbkc.gov.uk/wamdocs/Trees%20and%20Development%20SPD%20%20Adopted%20April%202010%20%282%29.pdf

Manresa Road Indian bean tree shown after tree protection installed

Manresa Road following completion of development

8 Traffic and transport

8.1 Demolition, excavation and construction traffic generated by new development of all scales can have serious impacts on the availability of parking, traffic flow, road safety, residential amenity and pedestrian convenience if not properly managed. Also, construction traffic contributes to the borough's problem of poor air quality. For these reasons construction traffic must be managed as effectively as possible. The disruption could be a result of a long construction programme, a high volume of vehicles, the need for lengthy or numerous parking suspensions or because of the constrained nature of local streets.

8.2 The Council's Planning Policy CL7: Basements requires applicants to minimise the impact of traffic and construction activity. The Council's Planning Policy CT1(b) requires applicants to demonstrate that their development proposals would not result in any material increase in traffic congestion or on street parking pressure. The Basements Supplementary Planning Document (SPD), April 2016 requires a draft CTMP to be submitted with the planning application and where permission is granted a condition requires a full CTMP pre-commencement. Other developments not involving basement construction but in tightly constrained streets/sites likely to cause construction traffic issues may have planning conditions requiring submission of CTMPs. The Council's current guidance in the Transport for Streets SPD allows us to require CTMPs in any circumstances that warrant one. Early engagement with a contractor is advised so that any CTMP produced is relevant and realistic.

8.3 CTMPs will be required for all Category 1 sites. A CTMP pro-forma is available online[8]. Works cannot commence on these sites until a CTMP has been submitted and approved. Some Category 2 sites may also require a CTMP particularly if the site is constrained. This will be established at the planning application stage.

8.4 The following requirements apply to all three categories in this Code:

- Unless a footway closure has been agreed, contractors shall keep footways open at all times, a minimum of 1.2 metres clear footway width must be maintained.
- No plant, materials or skips shall be placed on the highway without a licence.
- Deliveries and collections must be restricted to between 9.30am and 4.30pm, Monday to Friday. Where there is a school or other traffic sensitive use on the route, deliveries and collections must be restricted to between 9.30am and 3pm, Monday to Friday.
- Vehicles shall not wait or stack on any road within the borough.
- Contractors' vehicles shall not use any suspended parking bays merely for parking and must fully adhere to the terms of the parking suspension as set out on the on-street parking suspensions sign.

[8] https://www.rbkc.gov.uk/parking-transport-and-streets/your-streets/roads-and-pavements/managing-construction-traffic/ctmp

- The engines of contractor' vehicles shall not be kept idling.
- Unless specifically agreed, no more than a single delivery associated with a development shall be positioned on the highway in the vicinity of the site at any given time.
- Contractors shall use vehicles appropriate for the narrow streets characteristic of the borough and ensure carriageways remain operational for other vehicles by keeping a minimum of three metres of the carriageway unobstructed at all times.
- The number of parking bay suspensions and the duration and frequency of those suspensions shall be the minimum necessary to carry out the development while maintaining at least three metres of clear roadway for vehicles to pass.
- Contractors shall make all reasonable efforts to coordinate the scheduling of construction traffic movements with other nearby developments.
- Scaffolding lorries shall be positioned at the kerbside (or appropriately on mews) so that scaffolding deliveries and collections do not impact on highway operation. A sufficient number of parking suspensions shall be sought to ensure that scaffold lorries are positioned so as not to interfere with traffic.

Parking suspensions

8.5 Any parking suspensions required from the Council will only be issued if in accordance with any applicable CTMP and in accordance with this Code of Construction Practice. We will only suspend bays that are necessary to enable construction works to be carried out safely whilst maintaining traffic flow. For example, if a CTMP states that only one parking bay is to be suspended, only a single parking bay suspension will be issued.

8.6 Parking suspensions must not be sought before a CTMP is approved. If there is a desire to suspend more bays than is permitted under an approved CTMP, the CTMP must be varied before additional parking suspensions are sought.

8.7 Any parking suspensions issued will finish at times that reflect construction traffic hours permitted under any applicable CTMP. Where parking suspensions do not relate to the placing of temporary structures or skips on the highway this will usually mean that parking suspensions issued in relation to development works will end at 4.30pm Monday to Friday. No parking suspensions will be issued on Saturdays, Sundays or Bank Holidays unless an exception is specified within a CTMP. If the site is proximate to a school or a market, further restrictions may apply as per the requirements of any applicable CTMP.

8.8 We require 10 working days' notice, in writing, to suspend a resident parking space and two working days' notice, in writing, to suspend a pay-and-display bay. We will always try to suspend the bays closest to a worksite. We will only suspend disabled bays, doctors' bays, car club bays or diplomats' bays if there are no other alternatives. Suspensions are indicated by a yellow warning notice on the nearest post. These are placed at least seven calendar days before the suspension starts in residents' bays and the day before in pay and display bays. Requests to extend the period of a suspension must be received in writing by 3pm on the day before the final day of the original suspension. Details of how to apply for parking suspension are on the Council's website.

8.9 Suspended parking bays are not to be used for simple parking convenience and the developer must ensure their contractors travel to the site using public transport, on foot or by bicycle. Contractors' vehicles will not be permitted to park in suspended parking bays. Bays are suspended for operational purposes only.

8.10 We expect developers to let the Council know if they complete any task(s) earlier than anticipated and no longer need the suspended bays that they have reserved; so we can return them to use for the public at the earliest opportunity.

9 Permitted hours of work for construction activities

Key points

- Noisy works which can be heard at the Site Boundary must be carried out within the 'Permitted Hours'
- All 'High Impact Activities' must be carried out within the 'Restricted Hours'

9.1 The following Permitted Hours for 'noisy works' apply to construction work that can be heard at the Site Boundary (or, in occasional circumstances and as agreed with the Council, at the boundary with the nearest occupied property).

Permitted hours for noisy works

8am to 6pm – Monday to Friday

At no time – Saturday, Sunday and Public Holidays

9.2 The collection of construction and demolition waste and the delivery of concrete are also defined as noisy work/site activities that will not be permitted other than during the permitted hours (as specified within any applicable CTMP). This will also enable parking suspensions and skip licences to be limited to these working hours.

High Impact Activities

9.3 In addition to the above permitted hours, further restrictions are placed on works deemed to be of 'High Impact Activities' in terms of the level of disturbance caused to neighbouring residents and businesses. This is to ensure that nearby occupiers have sufficient breaks from activities that can be extremely disruptive.

9.4 Works and processes have been deemed 'High Impact Activities' on the following basis:

- Noise data within Table C of BS5228 indicates that if the equipment was used continuously for two hours it would likely produce noise levels in excess of 70 decibels (LAeq,10hr) at the nearest occupied premises.
- The character of the noise produced by the process (e.g. highly impulsive, low frequency, etc.) is particularly disturbing.
- Significant structure-borne noise and vibration, that is difficult to suppress, will be generated in adjoining properties.

9.5 There may be sites where, following discussion and agreement with the affected occupiers of neighbouring premises, high impact activities can take place throughout the normal permitted hours without restriction or with shorter breaks due to the individual circumstances of the occupiers. The process of establishing alternative or extended working hours for high impact work must begin at an early stage and must, when agreement cannot be reached, include liaison with the Council.

9.6 If it can be demonstrated that due to the distance to the nearest occupied premises, or through the use of noise mitigation measures and best practice, noise levels (both airborne and structure-borne) from 'high impact activities' can be kept below 70 decibels (LAeq,10hr), then restricted hours may not apply. Evidence will be required to be submitted to the Noise and Nuisance team for review prior to commencement in order to determine whether the restrictions will apply.

Potential High Impact Activities

- Demolition, ground-breaking and excavation works using percussive equipment
- Percussive piling operations and percussive pile reduction and pile break-out works
- Any other construction activity specified by an officer of the Council's Noise and Nuisance Team

Restricted hours for High Impact Activities

- 9am to noon and 2pm to 5.30pm – Monday to Friday
- At no time – Saturday, Sunday and Public Holidays

Exceptions to the Code

9.7 The Council acknowledges the need for Best Practicable Means (BPM) in the assessment of every site and the ability, in some circumstance, for variations to be made with regard to the individual sites:

- Projects and other essential works carried out by Statutory Undertakers such as: Thames Tideway Tunnel, HS2, London Underground and National Rail works, TfL trunk route maintenance and road improvement works where it is essential that contractors are not encumbered by restrictions that would unreasonably delay the progress of works that have significant public benefits. Much of the flexibility that must be given is a matter of law, and not a matter of choice. Whilst the Council will still seek to ensure that the occupiers of neighbouring premises are protected as far as practicable, it will also have to consider the utility of the works and their wider context. It must also consider other neighbouring boroughs where works cross local authority boundaries and where collective agreements on working methods, noise levels and hours have been agreed between the boroughs and those carrying out the works.
- Sites where, following discussion and agreement with the affected occupiers of neighbouring premises, high impact activities can take place throughout the normal permitted hours without restriction or with shorter breaks due to the individual circumstances of the occupiers. The process of establishing alternative or extended working hours for high impact activities must begin at an early stage and include liaison with the Council.
- 'Large Sites', as described in the borough's Local Plan (Section 34.3.56), will generally be developments located in a commercial setting or of the size of an entire or substantial part of an urban block (an 'urban block' is generally bound by roads on all sides and can contain a mix of uses). They should be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site and offer more opportunity to mitigate construction impacts on site. Works on such sites will be considered as part of a s61 application and balanced against the disruption that large-scale construction will cause the neighbours.
- Additional consideration will be given to Large Sites where large redevelopment projects would benefit from shorter timescales enabling the overall project to be completed in a shorter time allowing people who have been asked to move out of their homes during the project are able to return to their homes in less time. The Council will be mindful of its general duty to promote wellbeing and obligations attached to the planning permission granted for the development as well as the specific circumstances of the site and its location.

10 Minimising noise and vibration

Key points

- The quietest available equipment and methods must be used in conjunction with noise barriers and mitigation measures
- The use of percussive breaking equipment must be avoided wherever possible
- Robust justification must be provided in circumstances where quieter methods of working are deemed not practicable

General requirements

10.1 The Council requires that the best practicable means must be employed at all times to reduce noise to a minimum. As detailed in this Code, Section 72 of the Control of Pollution Act 1974 provides the definition of 'best practicable means'.

Simple measures to reduce the noise levels on site include:

- hiring equipment from reputable companies who can supply new, well-maintained plant
- locating noise-generating fixed plant as far away from sensitive premises as possible
- arranging for materials, such as flagstones and steelwork, to be cut off-site where practicable
- ensuring that an appropriate electricity supply exists before any work involving demolition or excavation starts, so that generators are not necessary
- avoiding the unnecessary revving of engines, motor-driven tools and equipment
- ensuring site vehicles (and suppliers vehicle fleets) are fitted with broadband white noise reversing alarms
- switching off plant, vehicles and equipment when they are not in use
- the use of rubber-lined chutes and dumpers to reduce impact noise
- the use of electrically-driven conveyors and concrete mixers
- the use of temporary builder's power supply instead of electrical generators
- effective use of temporary noise screens and barriers
- staff and management 'quiet practices' training
- ensuring the movement of plant and vehicles onto and around a site, and the delivery or collection of any materials, are within the permitted working hours of the site and conform to TfL guidance on minimising noise during deliveries

General requirements – plant, machinery and equipment

10.2 The use of mechanical/powered plant and equipment is the main source of noise from construction sites. It is therefore a requirement that the quietest equipment is selected and that it is well maintained in accordance with the manufacturer's instructions.

10.3 An inventory of equipment to be used on the site should be prepared. The inventory will be checked by the Council's Construction Management Team against the European Directive labelling requirements as set out below.

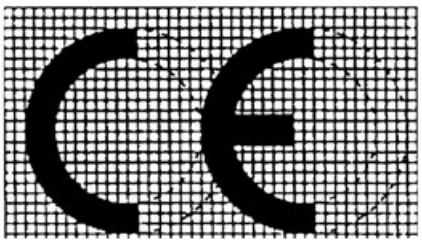
European Directive 2000/14/EC on the noise emission in the environment by equipment for use outdoors harmonizes noise emission limits and labelling requirements (at the point of manufacture) for certain types of equipment across the EU in order to protect the environment and persons. 57 types of equipment are covered by the labelling requirements of the Directive, with 22 having noise emission limits that must be complied with by the manufacturer.

10.4 All relevant equipment must bear the CE marking and the indication of the guaranteed sound power level (and should be accompanied by an EC declaration of conformity).

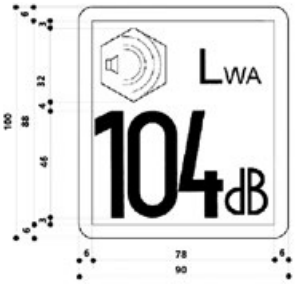
10.5 Contractors must ensure that any equipment covered by the Directive displays the following models of the CE Marking of Conformity and of the indication of the guaranteed sound power level (see Figure 1).

Figure 1: Models of the CE Marking of Conformity and the indication of the guaranteed sound power level

CE Marking of Conformity



Sound power guarantee label



10.6 All plant and machinery must be properly silenced and maintained in accordance with the manufacturers' instructions and, where no noise emission limit is set by the EU Directive, it should comply with the generic plant noise emissions in Annex C of BS 5228.

10.7 It is recommended that plant and equipment in frequent use is replaced every three years to ensure that noise levels are minimised by using the most efficient and well-maintained machinery.

10.8 All plant and machinery must also comply with the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amended) Regulations 2014 in relation to emissions.

Noise mitigation measures – acoustic enclosures, sheds and screens

10.9 Annex B of BS 5228 provides practical guidance on methods of reducing noise, both at the source and along the transmission path. Correctly designed and installed acoustic sheds, enclosures and screens can achieve reductions in noise levels of five to 15 decibels (A-Weighted). Developers and contractors must consult the specifications contained within Annex B when designing noise mitigation measures such as acoustic sheds, enclosures and screens.

10.10 A number of manufacturers now supply lightweight weatherproof acoustic fencing panels that can be attached to temporary metal fencing that is found on many construction sites, and which can achieve noise reduction levels of 10 to 15 decibels (A). Panels can be attached in multiple layers to achieve higher levels of attenuation around particularly loud noise sources. These systems are relatively mobile, allowing noise screening to be moved as works progress (i.e. around concrete breakers and angle grinders) and to be adjusted as a project progresses and site circumstances change.

Key construction processes and equipment

10.11 This section details the methods that architects, developers and contractors must consider when planning projects in order to minimise noise and vibration from the construction processes.

Demolition

10.12 Contractors carrying out demolition works shall utilise non-percussive techniques (e.g. electric and hydraulic pulverisers). In exceptional circumstances where this is not practical early discussions shall take place with the Noise and Nuisance team to ensure that the most appropriate mitigation measures are in place and these shall be included in the Site Construction Management Plan.

10.13 Equipment that demolishes structures by crushing, bending, shearing, cutting or hydraulic splitting shall be used. Specifically, structural concrete and superstructures shall be demolished using equipment fitted with 'pulveriser'/'munching' attachments.

10.14 Where practicable, building elements should be detached from a structure and lowered to ground level.

Concrete breaking and floor slab removal

10.15 As with demolition works, the breaking-up of concrete and the removal of floor slabs shall be carried out using non-percussive techniques. Where practicable, slabs should be levered from their position/location, removed from site and broken-up/ crushed off-site. Where this is not practicable and where the structural transmission of noise and vibration generated by percussive breaking into adjoining premises is likely, concrete slabs must be cut and separated around their perimeter to isolate the slab from the rest of the structure.

10.16 Percussive breakers shall be used, Multiple breakers shall be employed in order to minimise the time taken to break concrete and floor slabs. The use of two breakers (rather than one) can halve the time taken to carry out the works while leading to a small (+3 decibels) increase in noise levels that are unlikely to be perceived as significant by affected residents. Communication with neighbouring residents during concrete breaking is required so that works can be planned so as to minimise the disturbance to residents as far as practicable.

Piling

10.17 Common piling methods used within the borough include:

- Traditional augered piling
- Continuous Flight Augered (CFA) piling
- Secant piled walls and diaphragm walls
- Rotary piling

10.18 The majority of piling techniques require the reduction and cropping of individual piles once they have been formed. Traditional pile reduction and cropping involves the use of percussive breakers to trim the concrete down to the required level, is an inherently noisy process. Much less disruptive methods are now available and these must be integrated in at the design and planning stages of projects and then the approved details implemented so that disturbance to residents is minimised.

10.19 Non-percussive pile reduction techniques, which significantly reduce noise levels and which in many cases are quicker than traditional pile reduction carried out with percussive breakers, include hydraulic cropping, the 'Elliott' and 'Recipeux' methods shall be used. Contractors must demonstrate how they have used these methods in their Site Construction Management Plan to ensure that noise levels are reduced.

Excavation/spoil removal

10.20 For very small open excavations, or those taking place in restricted spaces with limited headroom, removal of spoil by hand is common. Soil conditions may necessitate the use of pneumatic breakers or high pressure air 'spades' to break-up well consolidated soil for removal, which require the use of compressor plant. When selecting compressor equipment and planning its location, care must be taken to ensure that noise exposure for residents is minimised. As such purpose-built acoustic enclosures and barriers shall be provided.

10.21 The use of mechanical plant is envisaged for the excavation of larger volumes of spoil where site conditions permit. Excavation plant must be switched off when not in use and must be subject to regular maintenance checks and servicing.

10.22 Spoil conveyors must be electrically powered and the drive motor must be located as far away from neighbouring properties as practicable or fitted with sound insulation treatments. Conveyors must receive daily maintenance checks to ensure that excessive noise (e.g. squeaks from rollers and belts) is not generated; a service contract must be maintained with any conveyor supplier to ensure that worn parts are replaced quickly. Conveyors must be switched off when not in use.

Concrete pours

10.23 The size and scale of concrete pours is dictated to a large extent by the design of a building. Care must be taken at an early stage to ensure that the structural design, and resulting construction/daywork joints, are such that the required concrete pours are of a volume that can be completed within permitted hours. A contingency period must also be factored in for events such as concrete pump failures, batching plant delays and traffic congestion affecting deliveries.

10.24 In order for concrete deliveries and concrete pours to be completed within the permitted hours contractors must have in place a protocol with the concrete supplier and/or concreting subcontractor to ensure that sufficient contingency is allowed, to consider pour size, delivery times and concrete placement, and mix workability so that works do not overrun the permitted hours.

Steelwork and reinforcing bars

10.25 All fabrication and cutting of steelwork shall take place off-site. Where this is not practicable, contractors shall carry out any cutting within a mobile acoustic enclosure – such details must be agreed in advance with the Council's Construction Management Team and be included in the Site Construction Management Plan. Reinforcing bars must normally be cut to the required lengths and shapes prior to site delivery to minimise any necessary site trimming. Should site cropping of rebar be necessary then electrohydraulic cutters shall be used in preference to angle grinders.

Electrical generators and air compressors

10.26 The use of electrical generators and air compressors at construction sites often cause noise complaints, which is often due to very intrusive low frequency components of the sound that they emit. The low frequency sound that is produced is difficult to control and reduce and can travel considerable distances and penetrate neighbouring buildings without reducing significantly in level. It can cause severe disruption in nearby buildings which is exacerbated by the long periods that the equipment may be in use; it is sometimes also associated with a disturbing ground-borne noise and vibration.

10.27 For these reasons, such equipment is not judged to meet Best Practicable Means unless it can be demonstrated that its use is unavoidable. Where it is unavoidable these items of plant must, where practicable, be located within the site itself; they may only be placed on the highway (subject to obtaining the necessary permission and licence from the Council's Highways and Parking departments) when absolutely necessary. Such details must be agreed in advance with the Council's Construction Management Team and included in the Site Construction Management Plan.

10.28 If no mains electricity supply is available at a site at the start of works the Council expects contractors to apply for a temporary builder's power supply until a permanent supply is installed. This must be arranged well in advance of works commencing to avoid the need for electrical generators on site.

10.29 It must be demonstrated that all generators or compressors used are the quietest available 'super- or ultra-silent' units that incorporate sound attenuating acoustic enclosures and/or other sound reduction techniques, such as inlet and exhaust sound attenuators and sound insulation and acoustic lagging. Details must be included in the Site Construction Management Plan.

10.30 As already highlighted, plant of this type often produces significant levels of low frequency noise; this must be considered when locating the plant and when designing any additional noise mitigation measures. Generators and compressors must be switched off when there is no demand on site.

10.31 Consideration must also be given to isolating compressors and generators from the floor to prevent the transmission of ground-borne vibration and noise into adjoining properties.

11 Noise and vibration levels

Key points

- Airborne noise and vibration monitoring must be carried out on Category 1 sites during noisy phases of work, subject to agreement with the Construction Management Team
- Noise levels from all sites must aim to be within a daily level of 70 decibels (LAeq, 10hr) for airborne noise at the nearest occupied premises/site Boundary
- A first Action Level Trigger of 73 decibels (LAeq, 1hr) shall be used

General requirements – noise levels

11.1 For sites categorised as being within 'Category 1', the Council will normally require noise limits for airborne noise to be set and monitored, unless otherwise agreed. For a 'Category 2' site, noise monitoring must be considered if there are high impact activities such as concrete breaking and demolition taking place.

11.2 Unless existing ambient noise levels are already high (>65 decibels, LAeq, 10hr), such as sites in mixed commercial/residential areas or those that are close to major roads, noise levels from all sites must be within a daily level of 70 decibels (LAeq, 10hr) for airborne noise when measured (or predicted) at the nearest sensitive premises/site boundary. A first Action Level Trigger of 73 decibels (LAeq, 1hr) must be used to ensure daily levels are within the 70 decibels (LAeq, 10hr) level.

11.3 It is acknowledged that structure-borne noise, such as that generated by works directly on to party walls or internal floor slabs shared by multiple properties, is difficult to accurately predict and that there are very few mitigation measures that can be implemented. Additionally, measurement of structure-born noise levels at the site boundary (or within the nearest occupied premises) poses a number of practical difficulties.

11.4 For these reasons, the noise levels and monitoring regimes detailed within this section apply only to airborne noise as measured at the site boundary or free-field one metre from the facade of the nearest occupied premises (or at some other location as agreed with the Council). The impact of structure-borne noise must be mitigated by employing low-impact techniques and by limiting works to the 'restricted hours' for high impact activities. Table 4 gives a guide to noise monitoring requirements.

Table 4: Noise monitoring

Site categorisation	Noise monitoring
Category 1	Must be carried out – unless otherwise agreed with the Construction Management Team
Category 2	Must be considered and will depend on construction activities
Category 3	Not required

Predicting noise levels

11.5 Prior to any works starting on a site that requires noise monitoring, a noise survey must be carried out to establish existing ambient noise levels during the hours of construction. This data will allow the likely effects of the various construction activities to be assessed and will determine whether ambient noise levels exceed 65 decibels (LAeq, 10hr).

11.6 Annex F of BS 5228-1 sets out a number of methods for predicting noise levels from construction activities. These should be used to estimate the likely daily noise level (LAeq, 10hr) at the nearest sensitive premises; a report should also be prepared which includes the details of any predictions and which must include a statement advising whether the 70 decibels (LAeq, 10hr) level will be met or not. Any noise predictions, noise survey and report must be prepared by a competent acoustician who is a member of the Institute of Acoustics.

11.7 It is anticipated that, in most situations, compliance with the 70 decibels (LAeq, 10hr) daily noise level will be achievable through a combination of the use of BPM to minimise noise and the implementation of restricted hours for high impact activities. In circumstances where the daily 70 decibels level cannot be met by employing Best Practicable Means and reasonable breaks in noisy works, then an agreement will be required from the Construction Management Team on alternate levels and their duration. A daily noise level of 75 decibels (LAeq, 10hr) will be considered for high impact activities if it can be demonstrated that BPM has been fully adopted and that breaks in high impact activities, greater than those stipulated within this Code, would unreasonably impede the progress of works.

11.8 Situations may arise where daily levels above 75 decibels (LAeq, 10hr) are unavoidable (even after employing BPM and reasonable breaks), such as when demolition of reinforced concrete structures takes place in close proximity to neighbouring properties. These activities must be identified at an early stage with an estimate of how long the work will take to complete and the predicted daily noise level. Such details must be discussed with the Noise and Nuisance team in advance and included in the Site Construction Management Plan.

Noise monitoring

11.9 Any noise monitoring that is required will be carried out by the developer and/or their appointed contractor. In some circumstances, the Council may carry out short-duration attended monitoring to confirm noise levels when this is deemed necessary.

11.10 Where noise limits and monitoring are to be carried out, a noise (and, where necessary, vibration) monitoring protocol and specification must be agreed with the Council's Construction Management Team prior to works starting on site and the relevant details included in the Site Construction Management Plan and s61 Prior Consent application. It may only be necessary for monitoring to be carried out during the high impact phases of works. Monitoring data must be made available to the Construction Management Team on request.

11.11 Annexe G of BS 5228 provides guidance on noise monitoring and the methods that can be used depending on the size and context of the site. Two basic monitoring methods are described:

- permanent monitoring of noise levels at fixed locations, which can be routinely checked against the daily noise limits
- sampling techniques used to estimate the LAeq, T over similar periods

11.12 It is acknowledged that permanent monitoring will not always be either practicable or necessary, particularly where noise levels are predicted to be well within the daily noise limit for the majority of the development. It may only be necessary for monitoring to be carried out during 'high impact' works.

11.13 For Category 1 sites, with significant noisy works over a long duration, the following noise monitoring scheme is deemed to be appropriate:

Unattended noise monitoring

- Installation of two semi-permanent Class 1 sound level meters at appropriate site boundary locations, continuously monitoring a range of noise metrics, including LMax, LMin, LAeq, LA90, at 15-minute intervals.
- Provide alerts via SMS when levels breach specified noise levels (first Action Trigger Level – 73 decibels, LAeq,1hr) or are reaching the daily noise levels (70 decibels, LAeq,1hr), allowing site staff to undertake immediate investigation and take remedial action where necessary.
- Provision of weekly/monthly reports to the Council on request, detailing daily noise emissions, and listing and discussing of any noise level triggers by text alert.

Attended noise monitoring

- Attended noise monitoring at representative locations for a period of one hour per month for the duration of the high impact work elements of a project.

General requirements – vibration prediction and limits

11.14 Vibration can be a significant source of disturbance for those adjacent to sites. Site circumstances and the nature of works being carried out will determine whether vibration will be significant. Heavy demolition, breaking-up of large areas of concrete (particularly reinforced concrete) in the ground and certain types of piling are typically the processes that generate complaints regarding vibration. Often affected parties will be located in properties that are structurally connected to the development site, by shared foundations or party walls (for example). This provides a transmission pathway for vibration to be transferred into the adjoining property.

11.15 Very low magnitude vibrations can be perceptible and affect the performance of certain sensitive activities (e.g. hospitals, recording studios, laboratories). There is a misconception that, if vibrations can be felt, then damage to a property is likely. This can lead to significant concern from the occupiers of neighbouring property that is disproportionate to the actual level of risk; significantly higher levels of vibration, well above the threshold at which they can be felt, are necessary in order for even cosmetic damage to buildings to occur. However, complaints may arise unless prior advice and information on the effects of vibration has been given to neighbouring occupiers. Damage, such as cracking of plastered walls and structures, may occur due to ground movement caused by the construction of basements rather than vibration caused by plant and equipment.

11.16 British Standard BS 5228-2:2009 provides guideline peak particle velocities (PPV) for assessing the impact of construction vibration; PPV is the preferred metric for assessing the impact on affected residential occupiers. Table 5 gives a guide to the impact of vibration.

Table 5: Vibration level (PPV)

Vibration level (PPV)	Effect
0.14 mms^{-1}	Vibration might be just perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.
0.3 mms^{-1}	Vibration might be just perceptible in residential environments.
1.0 mms^{-1}	It is likely that vibration at this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation has been given to residents.
10.0 mms^{-1}	Vibration is likely to be intolerable for any more than a very brief exposure to this level.

11.17 It is acknowledged that the prediction of vibration prior to works starting is extremely complex and calculating accurate levels in adjoining properties is difficult.

11.18 The Council's Noise and Nuisance team will require vibration monitoring where site activities and circumstances are such that the impact of vibration on occupiers of neighbouring properties is assessed as likely to be significant. Early discussions with the Noise and Nuisance team should be used to confirm whether vibration is likely to be significant and that monitoring is required. The details must be included in the Site Construction Management Plan.

11.19 In terms of human response, demolition or construction vibration is rarely continuous and repetitive but will consist of intermittent events. Continuous flight auger ('CFA') or bored piling rarely generates any significant vibration effects.

11.20 Annexe E of BS 5228-2 provides a method for predicting vibration from vibratory/percussive piling and ground compaction works. However, in the absence of any guidance on vibration prediction for other types of work, examples of situations where vibration monitoring is likely to be necessary are:

- heavy demolition and/or concrete breaking works (using percussive breaking equipment) for in excess of six weeks, and where there is a structural connection between the development site and a noise-sensitive property
- Displacement piling driven by vibratory or percussive methods: pre-cast concrete driven piles; pressed-in steel sheet piles; driven steel tubes; vibro concrete columns (drive cast insitu), etc.

11.21 Regarding building damage, BS5228:2009-2 advises the following:

'Extensive studies carried out in the UK and overseas have shown that documented proof of actual damage to structures or their finishes resulting solely from well-controlled construction and demolition vibrations is rare. There are many other mechanisms which cause damage, especially in decorative finishes, and it is often incorrectly concluded that vibrations from construction and demolition sites are to blame.'

11.22 Based upon the guidance within BS 5228-2, sites where significant vibration from work activities is likely to be significant, Table 6 shows the Action Trigger Levels (ATL) 1 and 2 which must be adopted (unless otherwise agreed) to monitor and manage vibration generation.

11.23 Vibration levels will usually be measured within or at the site boundary and not at dwellings/sensitive receptors. However, it is possible to derive a transfer function between any adjacent dwellings and the associated ATL monitoring position. Transfer functions should be agreed with the Noise and Nuisance Team.

Table 6: Action trigger levels for vibration

Action Trigger Level (ATL) measured within or at the site boundary (PPV)	Action
3.0 mms^{-1}	Stop and review works and methodology; reduce work periods before works restart.
5.0 mms^{-1}	Stop works, review incident, look at work programme, and agree with Noise and Nuisance Team on a revised methodology where available before restarting work.

Vibration monitoring

11.24 Where vibration monitoring is considered necessary, technical guidance on how it should be carried out is contained within Section 9 of BS5228-2.

11.25 As with noise monitoring, the type and scale of any monitoring will be dependent on the size of the project, the nature of the works being carried out and the number and proximity of potential premises. Permanent, unattended fixed monitoring of vibration levels at a number of locations may be appropriate for large sites that will involve significant percussive concrete-breaking and demolition work in close proximity to residential properties. At other, smaller sites, it will be more suitable for attended monitoring of vibration to take place at the beginning of potentially disturbing stages of work (i.e. concrete breaking) to check that levels remain below the agreed vibration limits.

11.26 The location of any vibration monitoring equipment must be selected on the basis that the vibration levels in these locations are representative of those experienced by the most affected premises.

Noise insulation for neighbouring premises

11.27 On very large scale projects, where airborne noise levels are predicted to be above acceptable noise levels (i.e. >75 decibels, LAeq, 10hr) for prolonged periods despite the employment of BPM and noise mitigation, consideration could be given to the provision of noise insulation (double or secondary glazing) at affected properties. However, this will be a very rare occurrence.


WARNING
USE PETROL
ONLY

12 Air quality and dust

Key points

- All practicable measures to avoid producing dust or air pollution must be implemented during demolition and construction works
- All major and strategic development sites must follow the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance in addition to this document

12.1 Within this section, some simple measures are outlined that must be implemented in order to minimise and control dust that arises during construction and demolition work.

12.2 The Mayor of London has published supplementary planning guidance (SPG) specifically on this topic: *The Control of Dust and Emissions during Construction and Demolition*. This section incorporates the relevant advice within the SPG which is applicable to all demolition and construction sites. However, all major and strategic development sites must follow the detailed, specific guidance on risk assessing sites, control measures and site monitoring for dust generated during construction and demolition, in the Mayor's SPG guidance as well as the measures contained here.

12.3 On large sites, where there is a high risk that dust will be generated, in addition to visual observations, on-site monitoring of dust/particulate levels may be required (through conditions imposed when planning permission is granted). The exact type of monitoring will depend on identified risk of site, and real-time baseline monitoring may be required prior to start of works. Two real-time monitors, with automatic site trigger alert levels, may be required

12.4 In terms of context, the entire borough is within an Air Quality Management Area. A number of activities, such as the excavation and removal of spoil (in dry weather), formation of access into existing structures using cutting equipment, localised demolition and concrete breaking, can potentially generate dust. The Mayor's SPG guidance advises that construction and demolition activities (and the associated vehicles) may be responsible for up to 15 per cent of air pollution emissions within London.

12.5 As a minimum, the following measures and practices must be implemented:

- Record and respond to all dust and air quality pollutant emission incidents and complaints. Records must be made available to the local authority when requested.
- Make frequent site inspections during dust generating operations and at least once daily during general works to ensure that there is no dust release caused by site operations. The frequency of any site inspections must be increased when site activities have a high potential to generate dust and during prolonged dry and windy weather.

- All sites must visually monitor dust emissions and keep a log book of any incidents of dust release which are made available to the Council immediately upon request.
- Avoid cutting, grinding and sawing on-site and use pre-fabricated material and modules where practicable.
- Fit equipment such as disc cutters, table saws, sanders, etc., with dust suppression (water spray) or a dust collection facility.
- Ensure that there is sufficient water suppression such as water sprays, and/or pressure washers during demolition work and other activities that generate high levels of dust. There must be sufficient supply of water and where possible it should be recycled water.
- Prohibit any surface water runoff.
- Cover stockpiles/arisings of sand, earth or similar dust-generating materials when not in use to prevent wind whipping.
- Where ceiling partitions (plasterboard, lath and plaster) are being taken down, and which form a timber party floor/ceiling with an adjoining property, seal the exposed structure with suitable temporary sheeting to prevent dust being transferred into the adjoining property.
- Skips, chutes and conveyors must be completely covered and, if necessary, completely enclosed to ensure that dust does not escape. Similarly, drop heights must be minimised to control the fall of materials and the impact that results.

- Skips must be located within a site where this is possible.
- Adopt and implement good housekeeping measures (i.e. regular wet sweeping, cleaning, vacuuming etc.).
- Regularly clean hoardings, fencing, barriers and scaffolding using wet methods, where practicable, to prevent re-suspension of particulates.
- Seal cement, sand, fine aggregates and other fine powders after use and if necessary, store in enclosed or containers or silos. Where appropriate, keep materials damp to reduce the risk of drying out.
- Clearly display contact details for the person responsible for the site on the site boundary so that local residents and businesses are able to contact the developer and/or contractor to raise any issues that they may have and report complaints.
- Contractors must take responsibility for cleaning any dust which has contaminated common parts of a property which are otherwise occupied or not a part of the approved works, (such as when works are being carried out within an individual flat and the dust is not satisfactorily contained). The site must ensure that equipment is readily available onsite to clean any dry spillages as soon as reasonably practicable using wet methods.
- Where necessary due to dust contamination, contractors should offer to have neighbours' property and cars cleaned at regular intervals when dust is known to have escaped the site.
- Ensure that all on-road vehicles comply with the Low Emission Zone (LEZ) and Ultra Low Emission Zone (ULEZ).
- A "no idling" policy for all site vehicles is required to be implemented.
- A wheel washing system should be implemented for all construction vehicles where applicable.
- All vehicles entering or exiting the site must be securely covered to prevent the escape of material during transport.
- Where applicable ensure that there is an adequate area of hard surfaced road between the wheel wash facility and the site exit.
- Actively encourage site workers to travel to site using sustainable transport and public transport.
- All commercial road vehicles attending the site must meet European Emission Standards pursuant to the EC Directive 98/69/EC of Euro 4 for petrol vehicles and Euro 6 for diesel vehicles and Euro VI for all lorries and specialist heavy goods vehicles.
- All site must make efforts to have sufficient mains electrical power to avoid the use of diesel/petrol generators.
- Combustion based equipment must, where practicable, replaced with electrical/battery/low emission technology equipment.
- Ensure that all non-road mobile machinery (NRMM), such as generators, excavators, piling machines, comply with Stage IIIB of EU Directive 97/87/EC or the requirements of the NRMM LEZ (whichever is most stringent).

- Locate NRMM, machinery, haulage routes, site entrances and any dust generating activities away from receptors, where possible, particularly schools, hospitals and homes.
- Reuse and recycle waste materials to reduce dust and pollution.
- Do not allow any on-site bonfires/incineration/burning of waste materials.

12.6 Demolition activities have high potential to generate dust especially where demolition is occurring >20 m above ground level, the structure is potentially dusty construction material (e.g. concrete). The following measures specific to all demolition (not just those above 20 m ground level) must be implemented onsite:

- Soft strip inside buildings before demolition (retaining walls and windows in the rest of the building to provide a screen for dust.
- Bag and remove any biological debris or damp down such materials before demolition.

13 Addressing potentially contaminated land

Key points

- Land contamination will be addressed in accordance with Policy CE7 of the Consolidated Local Plan. However, all practicable measures to avoid producing contaminated dust, fibres, fumes and odours must be implemented during demolition, investigation, remediation and construction works
- All major and strategic development sites must follow the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance in addition to this document

Potentially contaminated land – pre-demolition requirements

13.1 Any clearance, demolition or construction on land where contamination is suspected, including those identified by the Council as potentially contaminated land under Part IIA of the Environmental Protection Act 1990, or which is of a particularly sensitive use must ensure all relevant pre-commencement planning conditions or requirements are undertaken including the following:

13.2 That prior to any site clearance, demolition or construction, a preliminary risk assessment is undertaken which includes:

- a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses including previous planning application records of polluted land.
- a site reconnaissance.
- a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site.
- a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials.

13.3 That prior to any site clearance, demolition, or construction, a site investigation scheme based on the potential pollutant linkages identified in the above preliminary risk assessment is produced which should allow of the following sampling, where relevant:

- soil
- soil vapour
- ground gas
- surface and groundwater

Potentially contaminated land – site investigation, remediation, and verification

13.4 That unless otherwise agreed in writing by the local planning authority that clearance, demolition or other development must progress in order to comply with this requirement, no demolition or construction should begin until the following is undertaken:

- The investigation in line with the above site investigation scheme is undertaken.
- A quantitative risk assessment of the site investigation results is undertaken assessing the nature and degree of any contamination including a revised conceptual site model from the preliminary risk assessment which identifies the existence of any remaining pollutant linkages and determine the risk to human health, controlled waters and the wider environment.
- A remediation strategy is produced to address any remaining pollutant linkages identified in the quantitative risk assessment including plans for verifying this remediation. This strategy should include a testing regime for importing or reusing soil/sub-soil on site.
- A verification report detailing how the remediation has been undertaken in line with the remediation strategy (and its verification plan).
- An onward monitoring scheme (were appropriate) as identified in the remediation strategy or verification plan where remediation is on-going post the development progressing and/or being occupied.

Potentially contaminated land – standards and competencies

13.5 All contaminated land submissions must be in line with, and completed by a competent person as defined by, Defra's Contaminated Land Report 11: Model Procedures for the Management of Land Contamination and all relevant British Standards including BS10175 Code of Practice for the Investigation of Potentially Contaminated Sites.

14 Legal requirements and planning policy

Key points

- Responsibility lies with developers to comply with the range of legislation/protective measures concerning construction projects
- All construction sites will be subject to control through a notice/consent under S60 or s61 of the Control of Pollution Act 1974
- Contractors and developers must familiarise themselves with the principles of Best Practicable Means and BS 5228

14.1 A large number of environmental and safety requirements apply to construction projects (including demolition), in the form of primary legislation (Acts of Parliament), secondary legislation (Statutory Instruments, including Regulations and Orders) and statutory guidance and Codes of Practice. This CoCP draws together the relevant requirements and stipulates selective additional requirements relevant to this borough.

14.2 Each section of this CoCP refers to these legislative requirements where relevant. However, the legislative requirements, standards, etc. in this document are not exhaustive. It is the responsibility of the developer and contractors to monitor the development and implementation of new environmental legislation and regulation and to use the appropriate standards prevailing at the time of awarding contracts. The contractor must comply with all prevailing legislation at the time of construction, including any Health and Safety requirements.

14.3 Environmental and safety legislation places responsibilities on developers and contractors in three principal ways. The developer/contractor:

- Has a duty to obtain a permit (e.g. licence, consent, authorisation) to undertake certain activities (e.g. a discharge consent is required to drain wastewater to a surface watercourse).
- Is prohibited from causing harm to the environment or human health – this approach runs through all UK pollution control legislation, and places an onus on a site operator to manage activities in such a way as to protect both the environment and human health.
- Has a duty to comply with specified requirements (e.g. complete duty of care for waste transfer).

14.4 In addition to statute law, common law also places requirements on contractors to apply a duty of care to others. Developers and contractors may be liable for any personal injuries or property damage that may arise from a breach of that duty.

14.5 Besides environmental permits (mentioned above), other aspects of construction are also subject to licensing requirements. For example, licences are required from the Council before:

- Erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway;
- Depositing a skip; or
- Operating a mobile crane, aerial platform, concrete pump lorry or any such equipment.

14.6 Scaffolding or other temporary structures erected on private land do not need to be licensed

14.7 Specific powers are used by the Council to control noise generated by construction works. The powers are contained within sections 60 and 61 of COPA. These powers are separate to the statutory nuisance legislation used by local authorities to control other forms of noise (such as loud music).

14.8 This following paragraphs summarise these powers. Appendix F provides full details of these powers.

Section 60 – Notice Imposing Requirements

14.9 Section 60 provides control over construction works in progress or any construction works intended to be carried out. The scope of works to which these powers apply is very wide and may include large and small works, public and private works, from minor household repairs (although not usually DIY works) and improvements to works on the scale of the Tideway Tunnel scheme and other large infrastructure projects. This Code applies to all construction works, apart from DIY (unless of a nature, scope and impact where officers believe it is applicable).

14.10 Under s60, the Council may serve a 'Notice Imposing Requirements' as to how the works should be carried out. It is usual to serve a notice on the main contractor (as the 'person carrying out the works') and any other persons 'who appear be responsible for or who have control over the works'. Therefore, as well as the main contractor, other recipients of a notice can include architects, subcontractors, developers and owners.

14.11 The Notice can specify the following:

- the plant or machinery which is, or is not, to be used
- the hours during which the works may be carried out
- the level of noise which may be emitted

An example of the Notice served by the Council is provided in Appendix D.

14.12 In acting under this section, local authorities must have regard to:

- the need to protect any persons in the locality from the effects of noise
- the interests of contractors when specifying particular methods of plant/machinery if there are other substantially as effective methods available for minimising noise and which would be more acceptable to them
- any relevant Code of Practice issued under the s71 of the Act; and
- and the need to ensure that Best Practicable Means (as defined in s72 of the Act) are employed to minimise noise

Section 61 – Prior Consent for Work on Construction Sites

14.13 Under Section 61 of COPA, developers and their contractors may apply for 'prior consent' for noise-generating activities during construction work. The application must contain the details of the works to be carried out, the methods by which they are to be carried out, and the steps proposed to minimise noise resulting from the works.

14.14 The Council must give consent within 28-days of receipt of the application provided sufficient information is provided. The advantages of applying for a Prior Consent for developers and contractors are clear: it offers an opportunity, within a structured application framework, for noise and vibration-related construction matters to be discussed and agreed prior to works commencing. This can ensure that delays to a project, due to unforeseen restrictions on noisy elements of works being imposed, do not occur as they will have been agreed prior to works commencing. A s60 Notice cannot be served once a Prior Consent is in place.

14.15 The Council cannot require a developer or contractor to submit an application for a s61 Prior Consent for Category 2 or 3 sites. An application must be submitted for Category 1 projects. Appendix C contains an application form for a s61 Prior Consent – a downloadable version is available **online**.

S61 advice and charging

14.16 To assist developers to comply with the Code, officers can provide professional advice on the pre-application process for s61 applications under the Control of Pollution Act 1974 and will charge on an hourly rate basis. The hourly rate fees will be published on the Council's website.

14.17 The Council has a charge regarding to process Dispensation and Variation applications. Should you wish to apply to the Council for a Dispensation/Variation for any works that cannot be carried out in compliance with the any of the conditions on the s61 Prior Consent or s60 Notice Imposing Requirements (e.g. a changing in working hours for health & safety or highways/traffic management, for example), there is currently an administration charge of £223.50 for the processing of all Dispensation/Variation applications. For sites with a bond in place this fee will be charged against the bond. Otherwise it will be an upfront cost.

14.18 Once we receive your Application an officer will assess whether it is acceptable. Provided the application is satisfactory, you will then be contacted to take payment over the telephone using a debit or credit card. Once payment has been received an officer will issue the Dispensation. Dispensation and Variation application forms are provided in Appendix E, and **online**.

14.19 Please note, this scheme of charging does not apply to those sites where a separate construction bond has been entered into – see Section 5 for further details.

Statutory Nuisance and the Environmental Protection Act 1990 (EPA)

14.20 If excessive dust is generated by construction or demolition works on non-residential construction sites (s79(d) of the Act only applies to a dust nuisance arising on industrial, trade or business premises), and which gives rise to a nuisance in a neighbouring property, the Council is legally obliged to serve an Abatement Notice under s80 of the Act requiring the abatement or restriction of the nuisance. A breach of Abatement Notice by failing to meet some or all of its requirements can result in an (unlimited) fine for each offence.

14.21 Where accumulations or deposits of dust arise on residential premises and which are causing a statutory nuisance to neighbouring premises, action may be possible under s79(e) of the Environmental Protection Act.

Planning Policy Context

14.22 Agreement to sign up to the terms of this Code of Construction Practice will be evidenced via submission of Appendix A (Checklist), secured through planning condition, on the basis of the following planning policies which come from the Consolidated Local Plan (July 2015) as well as wider London Plan policies.

14.23 **Kensington and Chelsea Council's Planning Policies:**

Policy CL7 (Basements)

The Council will require all basement development to:

k. ensure that traffic and construction activity do not cause unacceptable harm to pedestrian, cycle, vehicular and road safety; adversely affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;

l. ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works;

Policy CE5 (Air Quality)

e. Control emissions of particles and NOx during demolition and construction and carry out a risk assessment to identify potential impacts and corresponding mitigation measures, including on site monitoring, if required by the Council.

Policy CE6 (Noise and Vibration)

The Council will carefully control the impact of noise and vibration generating sources which affect amenity both during the construction and operational phases of development. The Council will require new noise and vibration sensitive developments to mitigate and protect occupiers against existing sources of noise and vibration.

London Plan planning policies:

Policy 5.3 (Sustainable design and construction)

See Chapter 5 of the London Plan:

The highest standards of sustainable design and construction should be achieved…

Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction…

Policy 7.14 (Improving air quality)

See Chapter 7 of the London Plan:

… Development proposals should: … promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils', *"The control of dust and emissions from construction and demolition"*.

14.24 The Mayor's Supplementary Planning Guidance (SPG) on *'The control of dust and emissions during construction and demolition'* provides important guidance on the implementation of policy 7.14 (above). In addition, the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction provides guidance on pollution management, including land, air, noise and light pollution.

15 Emergencies and other exigencies

15.1 It is accepted that during construction projects, works may need to be undertaken at very short notice in response to an emergency situation or unforeseen circumstances, or where works if not completed, it would be unsafe or harmful to the permanent works.

15.2 Statutory Undertakers may also be required to carry out works at short notice, and at times when noisy construction activities would normally not be permitted, in order to maintain essential public utilities and services (such as water and electrical supplies, or railway services).

15.3 The Council therefore accepts that it may not be reasonable to achieve compliance with some (or all) requirements of the Code during works of an emergency or urgent nature.

15.4 However, the Council must be informed as soon as reasonably practicable of the reasons for, and likely duration, of any works such as those outlined above. Should the Council subsequently determine that the emergency work was not for sound engineering or health and safety reasons and could have been reasonably avoided, the matter could result in formal legal proceeding for a breach of either a s60 Notice or s61 Prior Consent.

Appendices

Appendix A
Checklist

Checklist A: Code of Construction Practice – Category 1 And Category 2 Developments

Planning application reference number

Site address

The following information is required to confer compliance with the Code of Construction Practice dated April 2019.

There are two main documents that must be provided to the Council. These are:

- **Site Construction Management Plan**
- **For Category 1 sites an application for consent under Section 61 of the Control of Pollution Act 1974**

The list below provides the specific details of what is required within each document. Please place a tick against every item in each category to confirm that relevant information will be provided to demonstrate compliance with the Code of Construction Practice. If the item is not considered applicable, please explain why.

This form should be returned to the Construction Management Team with the planning application reference number clearly shown.

Relevant document	Item to be included	Yes – please confirm	Not applicable – please explain why
Site Construction Management Plan	Site plan		
	Details of neighbour consultation		
	Details of liaison with other site managers in vicinity to manage cumulative impacts if not part of the CTMP		
	Working hours		
	Summary and programme of works		
	Demolition and construction methodology e.g piling		
	Plans for site arrangement (including storage area) and monitoring equipment		
	Details of licences that will be applied for		
	Details of noise and vibration mitigation		
	Details of dust mitigation and air quality measures		
	Statement to confirm sign up to Considerate Constructors Scheme		
Application for Section 61 consent (required for Category 1 sites)	To include all relevant information as required by the application form including noise predictions		

Please read each of these statements and confirm you have read and understood them by ticking in the corresponding box:

- ☐ I confirm we have read and understood the Code of Construction Practice.
- ☐ I confirm the relevant documents will be provided to the Royal Borough of Kensington and Chelsea Council a minimum of eight weeks prior to the commencement of development (to include site preparation works).
- ☐ I confirm that development (to include site preparation works) will not commence on site until such time as the relevant documents have been approved by the Royal Borough of Kensington and Chelsea Council in writing.
- ☐ I confirm we will comply with the Code of Construction Practice and the Site Construction Management Plan, any S61 Prior Consent or S60 Notice issued, and any condition relating to construction management and understand we could be subject to enforcement action should these not be complied with.
- ☐ I confirm we agree to pay all relevant fees on submission of this Checklist in accordance with the fee schedule set out on the Council's website and understand that this Checklist will not be valid without payment of the relevant fee.
- ☐ I confirm I understand this document including all its obligations, terms and conditions constitutes an agreement between the Owner/Developer and the Royal Borough of Kensington and Chelsea Council.

Name

Address

Signed

Date

Position

Signed

For and behalf of XXX Limited

Approved by
the Construction
Management Team

NOTICE: THIS IS A LEGALLY BINDING DOCUMENT

which creates a legally enforceable relationship between the above Signatory and the Royal Borough of Kensington and Chelsea Council. It is essential that the person signing this document on behalf of the Owner/Developer has the authority to do so on the Owner/Developer's behalf, thus creating legal obligations on behalf of the Owner/Developer. In signing this document, the Signatory hereby warrants that he has full power to enter into this agreement and that he has obtained all necessary consents from the Owner/Developer and any other relevant Contractors.

In signing this document, the Signatory agrees and confirms that the relevant Owner/Developer (for the avoidance of doubt the legal owner of the land and any person or entity ultimately responsible for the carrying out of the development) will continue to be bound by the above requirements (including instances where the Owner/Developer has transferred the land on which the development is being carried out to another entity) unless and until they have procured the submission of a new Checklist from a new legal owner and/or person or entity who will be carrying out the development (as applicable), in effect transferring responsibility for the above requirements, save and without prejudice to any subsisting antecedent breaches of the above requirements prior securing submission of the Checklist from the new Owner/Developer.

Appendix B
Site Construction Management Plan Template (indicative)

Please note that this is an indicative template. The online template available on this link should be used for submissions to the Construction Management Team.

INITIAL INFORMATION

Site address

Post code

Contact details for person responsible for completing this form:

Name

Company

Position

Address

Telephone

Email

Contact details of person to contact if a site visit is required:

Name

Company

Position

Address

Telephone

Email

Planning application reference number

Brief description of development:

Anticipated duration of development

The construction site management detail that must be submitted with this Management Plan will be **wholly dependent** on the construction processes that are being undertaken. All construction process must be in accordance with the guidance in this CoCP. Please note that traffic and highway issues are addressed in the Construction Traffic Management Plan.

Please provide the following:

- Site plan
- Details of neighbour consultation
- Working hours
- Details of liaison with other site managers in the vicinity (if applicable)
- Summary and programme of works including demolition and construction
- Demolition and construction details e.g. piling methodology
- Plans for site arrangement (including storage areas) and monitoring equipment where applicable
- Noise and vibration mitigation
- Dust mitigation and air quality
- Statement to confirm sign up to the Considerate Constructors Scheme

CONSULTATION

Details of pre submission neighbour consultation (including proposed Party Wall agreements):

Details of consultation proposals during the works:

Details of how comments/concerns raised at planning or following notification are being addressed/mitigated:

Details of liaison with other site managers in the vicinity to manage cumulative impacts if not part of the CTMP:

ENVIRONMENTAL MANAGEMENT

1. Working hours

Details of proposed working hours. These shall be in conformity with this CoCP.

2. Summary and programme of main works

3. Demolition and construction details e.g piling methodology

4. Plans for site arrangement (including storage areas) and monitoring equipment (where applicable)

5. Details of licences that will be applied for

Details of all licences being applied for – this can include a skip licence, a scaffolding licence, a site hoarding licence and parking bay suspensions. Please confirm if there is an approved CTMP stating need for licences and provide the planning application reference no. for this.

6. Noise and vibration mitigation

For Category 1 sites where an application for Prior Consent under S61 of the Control of Pollution Act must be submitted, it is unnecessary to duplicate this information in this section – however, please provide outline information on mitigation that will be employed to reduce noise to a minimum.

For Category 2 sites where an application for Prior Consent under S61 of the Control of Pollution Act is not being submitted, this section must include details of noise and vibration mitigation, details of high impact works (as defined within the CoCP), details of any attended noise monitoring to be carried out. The level of detail will be wholly dependent on the construction processes being undertaken (as described in this Code) and the size of the project. Please provide further documentation as appropriate.

7. Dust mitigation and Air Quality

Details of the risk rating, managing risks and reducing impacts, location of monitoring points, threshold values, analysis methods, procedures for recording and reporting monitoring results. The detail required will depend on the construction process and whether the project is categorised as Category 1 or Category 2. Please provide further documentation as appropriate.

8. Statement of confirmation that the site developer has signed up to the Considerate Constructors Scheme

Appendix C
Section 61 Prior Consent application form and guidance

Royal Borough of Kensington and Chelsea Procedure and Guidance Note for Applications for Prior Consent for Works with regard to noise on Construction Sites under Section 61 of the Control of Pollution Act 1974

Introduction

Section 61 of the Control of Pollution Act 1974 allows developers and their building contractors to apply for 'Prior Consent' for noise generating activities during the construction phase of a development.

This proactive approach requires the assessment of the construction working methods that will be used to undertake the work and, for Category 1 sites, the prediction of likely construction noise levels at sensitive receptors. It is intended to manage the generation of construction noise using the 'best practicable means' available to complete the works.

This guidance document provides a template for submitting s61 applications.

Developers and building contractors should familiarise themselves with both section 60 and 61 of the Act before submitting an Application. No Prior Consent will be issued if construction, including demolition work (other than minor preparatory or enabling work agreed in advance), has already commenced.

Any application must be received by the address below at least 28 days before any works commence. Applications can be submitted by hand by post or email to the address below.

Process

You should engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your s61 application. Annex A provides a template which can be adapted for your project and that sets out the information we would expect to receive.

You are advised to contact the Construction Management Team on **020 7361 3002** well in advance of the project commencement date. We can discuss the detail that you will be required to be submit as part of your application and answer any questions you may have.

Key considerations

1. To assess the impact of noisy work baseline levels of ambient noise and vibration on the Site boundary should be established for Category 1 sites. This data may be available from work carried out for the planning application stage of the development. The measured noise and vibration data should include results for periods during which the works will be carried out.
2. Predictions of construction noise should be calculated at one metre, free field, from the facades of the worst affected (generally the nearest) sensitive receptors, thus allowing for a 'worst case scenario' noise assessment to be made.

When considering your building programme, please be aware that we recommend that you submit your application in draft format by email or post before the 28-day assessment period as above. This will enable the Officer dealing with your Application to send you a draft format of the Prior Consent Notice for your comment.

The address to send applications to is:

Construction Management Team
The Royal Borough of
Kensington and Chelsea
Council Offices
37 Pembroke Road
London W8 6PW

environmentalhealth@rbkc.gov.uk
020 7361 3002

S61 Application Template

Please note that this is an indicative template. The online template available on this link should be used for submissions to the Construction Management Team.

Project

Control of Pollution Act 1974
Application Form for Section 61 Prior Consent

Applicant's reference

RBKC reference

Application for Section 61 Consent for the works on site

From to

To the Royal Borough of Kensington and Chelsea

We hereby make application for prior consent in respect of works to be carried out on the project, specified below, under Section 61 of the Control of Pollution Act 1974.

Signed

Date

Name of signatory

Position

Applicant

Registered office address

Project office for correspondence and site office postal address

Telephone

Email

Section heading	This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below, but the detail should be submitted in an appendix which matches the section heading number
1. Site address	Address of location of proposed works.
2. Name and address of main contractor and contact names on site	
3. Liaison	In accordance with the advice and guidelines contained within Section 5.0 and Table 1 of the Code of Construction Practice, this section should detail arrangements for liaison with residential neighbours, shops and businesses, schools, etc. e.g.'The project will have a dedicated Community Relations Manager. There will be a project email and a "hotline" for residents and neighbours to contact Site. Newsletters on progress and upcoming works will be distributed as necessary'. The development may even consider setting up a website.
4. Outline description of work and site layout plan	Summary of works. Detailed description and site layout plan to be attached as an appendix labelled to match the section number (in this case it would be Appendix 4).
5. Site categorisation	Category 1 or Category 2, as described in Section 3 and Table 1.

Section heading	This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below, but the detail should be submitted in an appendix which matches the section heading number
6. Programme	Time period for consent application: From _____ to _____ The works covered by this application are programmed to be completed by _____ The overall construction programme for the whole development is to run until _____ Detailed programme attached as appendix: Include construction phase and dates; for instance:

Activity	Start date	End date
Above ground demolition		
Slab breakout		
Piling		
Capping beam		
Excavation		

7. Construction methods to be used in each stage of development	This section should include the following information, the detail of which should be submitted in an appendix labelled to match the section number (Appendix 7). Please note, the appendix should explain the construction methods and methodology to be used, for example: If Secant Wall Piling is to be used CFA and LDP rigs will install the secant wall piles around the perimeter of the project boundary. In general, female (primary) piles will be installed on the first two days of the week followed by three days installing the reinforced male (secondary) piles. The CFA piles are not cased which makes their installation quicker and quieter. They are purely rotary and not percussive. The LDP rig is used for better accuracy to provide the verticality required for the structural wall and to ensure that all the piles meet at the required depth. The LDP rig is the only suitable piece of plant for reaching over 20m in depth. The piles are 35m in depth. The pump and agitator are required on site to provide a continuous supply for the whole pile and prevent delays from concrete wagon deliveries. The pump is required to place concrete to the top of the rig and down the stem (approx 25m in height) to the toe of the pile. Using the CFA and LDP rigs in tandem halves the programme compared to just using LDP method. (Continues over)

Section heading	This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below, but the detail should be submitted in an appendix which matches the section heading number
7. (continued)	**Pile breakdown** When piling, the top metre of pile is often contaminated concrete, i.e. filled with earth, rubble and arisings and not compacted as much as it should be. Therefore, the structural engineers insist on the tops of the piles being broken down. The top of the reinforcement cage that gets cast within the pile has foam around the bars to aid in the easy removal of this section of concrete. A bursting method is utilised that enables this top section of pile to be removed, relatively quietly using hydraulics. However, the bursting tool itself is not all that accurate and therefore final trimming of the pile will need to be done by hand held pneumatic breakers. The male piles, which are harder, will have a hydraulic pile cruncher used for the majority of the break down work.
8. High Impact Activities **Restricted to Monday to Friday, 9am-noon and 2pm-5.30pm**	Detail those works that fall within the definition provided within Section 9.0 of the Code of Construction Practice.
9. Hours of work	Monday to Friday, 8am-6pm. There will be no work activity on Saturdays, Sundays or Public Holidays or outside the periods above that will be audible at the site boundary. Restricted hours for High Impact Activities: Monday to Friday, 9am-noon and 2pm-5.30pm.
10. Number, type and make of plant and machinery (including heavy vehicles) stating source Sound Power Levels. **Source-terms can be extracted from British Standard 5228-1 and 2:2009+A1:2014, code of practice for noise and vibration control on construction and open sites – Part 1: Noise. Or from measured noise data**	The plant and equipment for the work activities must be included in Appendix 10. The works activities might be described as follows: ● Activity 1 ..... demolition ..... ● Activity 2 ..... piling mat ..... ● Activity 3 ..... piling ..... ● Activity 4 ..... pile break down ..... ● Activity 5 ..... capping beam ..... ● Activity 6 ..... ● Activity 7 ..... ● Activity 8 ..... ● Activity 9 ..... ● Etc

Section heading	This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below, but the detail should be submitted in an appendix which matches the section heading number
11. Predicted noise levels (Category 1 sites only)	Appendix 11 should contain detailed construction noise calculations at sensitive facades. These should include the cumulative effects of noise from a number of activities taking place simultaneously at different locations on the site impacting on sensitive receptors.
12. Proposed steps to minimise noise and vibration	With reference to BS 5228 and Section 10 of the Code of Construction Practice, provide a summary of the proposed mitigation; Appendix 12 should describe these in more detail.
13. Monitoring regime	For Category 1 sites, that are also Large Developments, and/or where agreed with the Construction Management Team, it is expected that noise levels will be measured and continuously monitored at locations to be agreed and in line with the guidance and limits specified in Section 11 of the Code of Construction Practice. Also during demolition, piling and excavation, vibration should be monitored in terms of ppv. Vibration monitoring may be required at other times as reasonably requested by the Noise and Nuisance Team. Please provide further detail in Appendix 13.
14. Dispensations (or derogation)	Should a change to the working methods be required which was not foreseen at the time of the original Section 61 application, and which would affect the predicted noise levels in the application, then a dispensation application will be required and submitted to the Royal Borough of Kensington and Chelsea. The dispensation application will set out the reasons for any changes, and give the resulting/revised predicted noise levels and BPM measures as appropriate. A template dispensation application form is available from the Council's website, as well as in Appendix E.
15. Variations	Where there are required changes of a minor nature which are not expected to affect the overall predicted noise levels presented in this application, then a variation must be sought. The variation mechanism will be invoked for typical situations such as: change in type or quantity of plant, approval of out of hour's deliveries and works, and change in works programme. A template variation application form is available on the Council's website.

Section heading	This column provides guidance on the type of information we would expect to receive. A summary should be provided in the table below, but the detail should be submitted in an appendix which matches the section heading number
16. Over runs	If work unexpectedly has to be carried out after 6pm, the site will telephone the CMT as soon as possible with the following details: • Contact on site • Works to be undertaken • Mitigation measures • Predicted time of finish Over runs will only be approved on the basis that for Health and Safety or safe engineering reasons, the works cannot be practically completed in the normal working day and/or the out of hours activities applied for would have acceptable minor noise impacts. The reason for an over run will be fully explained on this basis. All overruns will be logged. If timing allows, contact neighbours and inform them. To prevent over-runs subcontractors will include controls on working hours and deliveries in their method statements. See example Notice Annex B condition 5.4.
17. List of plans and appendices attached	Appendix 4: Site Layout Plan Appendix 7: Methods of Working Appendix 10: Plant and Equipment Appendix 11: Predicted Noise Levels Appendix 12: Proposed Steps to Minimise Noise and Vibration Appendix 13: Monitoring Regime

Appendix D
Section 60 Notice Imposing Requirements (example copy)

Reference No:
Control of Pollution Act 1974, S.60
Control of Noise on Construction Sites:
Notice Imposing Requirements

To:

Whereas it appears to the **Royal Borough of Kensington and Chelsea** that works to which Section 60 of the Control of Pollution Act 1974 applies, namely:

The erection, construction, alteration, demolition, repair or maintenance of buildings, structures, or roads and/or the breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works and/or work of engineering construction (whether or not specified in the foregoing) are being, or are intended to be carried out, on the premises known as:

Notice is **hereby given** that the following requirements must be complied with in connection with the carrying out of such works:

The following requirements must be complied with from the date of service of this Notice:

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only as follows between the hours of:

   8am-6pm, Monday to Friday
   And at no time on Saturdays, Sundays or Public/Bank Holidays

2. All demolition works, pile breaking-out, pile reduction work, and concrete break-out and removal, carried out using powered percussive equipment, shall only be carried out between 9am and 12pm, and 2pm and 5.30pm, Monday to Friday, and at no time on Saturdays, Sundays and Public/Bank Holidays.

3. In the event that, to comply with Health and Safety requirements, engineering requirements, codes of safe working, traffic management requirements, building works and associated operations cannot be carried out in compliance with any requirement in this Notice, then prior approval must be given by the Noise and Nuisance Team. Requests for a dispensation from any of the requirements of this Notice shall be made to the Council's Noise and Nuisance Team using the Application for a Dispensation from a Section 60 Notice Requirement(s) form, attached to this Notice. A charge will be made for any Dispensation that is issued. In the event of any unforeseen and precipitately-occurring circumstances (such as emergency works or late-running concrete pours caused by a third-party), where compliance with any requirement of this Notice may not be possible and completion of the Dispensation form is not practicable, the team shall be contacted on **020 7361 3002** (quoting the case reference number) so that a dispensation from a requirement of this Notice can be authorised verbally.

4. The best practicable means to reduce noise to a minimum, as defined in Section 72 of the Control of Pollution Act 1974, shall be employed at all times.

5. All plant and machinery in use, including mechanical plant for excavation, shall be properly silenced and maintained in accordance with the manufacturers' instructions and comply with the generic plant noise emissions in BS 5228-1:2009 +A1 2014.

6. Diesel/petrol-powered electrical generators shall not be used on site unless it can be demonstrated that their use cannot reasonably be avoided and that a mains or temporary builder's electrical power supply is not available.

7. Petrol/diesel-powered pneumatic compressors shall not be used on site unless the use of electrically powered alternative equipment is not practicable.

8. The recipient of this Notice will retain full control over and responsibility for subcontractors working on the site and shall make them fully aware of the requirements of this Section 60 Notice.

9. All personnel shall be instructed on Best Practicable Means ('BPM') measures to limit noise and vibration and the specific conditions arising from this Notice.

The following requirements must be complied with within 14-days from the date of service of this Notice:

10. Any petrol/diesel powered pneumatic compressors and electrical generators used shall be a 'Super/Ultra Silent' model, shall be housed, where practicable, within a suitable acoustic enclosure (see Sections B3 and B3, Appendix B, BS 5228-1:2009+A1 2014), and all compartments shall be closed when the equipment is in use.

11. A site board, accessible to the general public, shall be erected outside the site, which shall identify the main contractor's name and address, and site manager's name and contact telephone number. The board shall also explain to the general public the permitted hours stipulated for noisy operations audible at the site boundary.

12. The occupiers of adjoining premises shall be informed in writing of the following details of the works

a) the anticipated end date of the work

b) the nature of the project

c) the hours of work (as set out in conditions 1 and 2 of this Notice)

d) all operations that have potential to cause significant disturbance from noise and vibration

e) approximate start and end dates of potentially significant noisy works

f) outline details of noise and vibration mitigation steps that are to be used

g) contact names and numbers of appropriate project and site personnel: developer; project manager; site manager/foreman; community liaison manager (large projects)

13. A designated complaints/incidents logbook or register must be maintained at the site, available for inspection by an officer of the Noise and Nuisance Team. The logbook shall record:

a) The nature of the complaint;

b) The cause; and, where appropriate,

c) The remedial action taken.

In the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the Court as, in the opinion of the Council, the noise to which this notice relates is likely to be of a limited duration such that suspension would render the notice of no practical effect.

If you contravene without reasonable excuse any requirement of this notice you will be guilty of an offence against Part III of the Control of Pollution Act 1974 and on summary conviction will be liable (a) in the case of a first offence to an (unlimited) fine, and (b) in the case of a second or subsequent offence to a further (unlimited) fine, in any case, with further fines for each day on which the offence continues after conviction.

Date:

Director for Environmental Health

Construction Management Team
Public Protection Directorate Council Offices
37 Pembroke Road
London W8 6PW

Officer dealing with it is:

Telephone:

Email:

NB: The person served with this notice may appeal against the notice to a Magistrates' Court within 21 days from the date of service of the notice. (See notes overleaf)

NOTES

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

Appeals under Section 60(7)

5.1 The provisions of this regulation shall apply to an appeal brought by any person under sub-section (7) of Section 60 (control of noise on construction sites) against a notice served upon him by a local authority under that section.

5.2 The grounds on which a person served with such a notice may appeal under the said sub-section (7) may include any of the following grounds which are appropriate in the circumstances of the particular case:

a) that the notice is not justified by the terms of Section 60

b) that there has been some informality, defect or error in, or in connection with, that notice

c) that the authority has refused unreasonably to accept compliance with alternative requirements, or that the requirements of the notice a are otherwise 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 the notice are to be complied with is not reasonably sufficient for the purposes

e) that the notice should have been served on some person instead of the appellant, being a person who is carrying out, or going to carry out, the works, or is responsible for, or has control over, the carrying out of the works

(f) that the notice might lawfully have been served on some person in addition to the appellant, being a person who is carrying out, or going to carry out, the works, or is responsible for, or has control over, the carrying out of the works, and that it would have been equitable for it to have been so served;

g) that the authority has not had regard to some or all of the provisions of Section 60(4).

5.3 If and so far as an appeal is based on the ground of some informality, defect or error, 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.

5.4 Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(e) or (f) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of this notice of appeal on any other person having an estate or interest in the premises in question.

5.5 On the hearing of the appeal the Court may:

a) quash the notice to which the appeal relates, or

b) vary the notice in favour of the appellant in such manner as it thinks fit, or

c) dismiss the appeal

and a notice which is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

Suspension of Notices

10.1 Subject to paragraph (2) of this Regulation, where an appeal is brought against a notice served under Section 58, 60 or 66, and –

a) the noise to which the notice relates is the noise caused in the course of the performance of some duty imposed by law on the appellant, or

b) compliance with the notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal; the notice shall be suspended until the appeal has been abandoned or decided by the Court

10.2 A notice to which this regulation applies shall not be suspended if in the opinion of the local authority –

a) the noise to which the notice relates:

i) is injurious to health, or

ii) is likely to be of a limited duration such that suspension of the notice would render the notice of no practical effect, or

b) the expenditure which would be incurred by any such person in the carrying out of works in compliance with the notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance

and the notice includes a statement that it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the Court.

10.3 Save as provided in this Regulation a notice under Part III of the Act shall not be suspended by reason only of the bringing of an appeal to a Magistrates' Court or the Secretary of State.

Appendix E
Section 60 and 61 Dispensation application forms

Application for a Dispensation from a Section 60 Notice requirement(s) Control of Pollution Act 1974, Section 60

This form should be emailed to **environmentalhealth@rbkc.gov.uk** and the case officer, [insert noise zone/case/ASO officer and their email address], quoting the reference number [insert Acolaid case reference number].

Please note, there is an administration charge of **£223.50** for the processing of all Dispensation applications. Once we receive your Application an officer will assess whether it is acceptable. Provided the application is satisfactory, you will be advised to make payment by debit or credit card by calling **020 7341 5627**. Once payment has been received an officer will issue the signed Dispensation by email.

Applicant company name	
Site address	
Section 60 case reference	
Date of works requiring dispensation	
Duration of works requiring dispensation	
Dispensation reference	

Description of works for which the Dispensation is being sought:

1. Brief description of proposed work:

2. State which requirement(s) of the Notice you require dispensation from:

3. State reasons why works cannot carried out in compliance with the s60 Notice requirement(s) (e.g. health & safety, highways/traffic management, engineering requirements, TfL/LUL/NR requirements):

4. Describe any changes to hours of working:

5. Describe BPM noise mitigation measures that will be in place, including any neighbouring liaison/notification:

6. Provide name and mobile number of the person supervising the works requiring the Dispensation:

NB. If the Council subsequently determines that the reasons for which this Dispensation have been authorised, as detailed in section 3 (above), are not justified and the works could have been reasonably carried out within the requirements of the Notice, the matter will be investigated as being a potential breach of the Notice. Further, if the BPM noise mitigation measures set out in section 5 (above) are not implemented, the matter will be investigated as being a potential breach of the Notice.

Application for a Dispensation from a Section 61 Prior Consent condition(s) Control of Pollution Act 1974, Section 61

This form should be emailed to **environmentalhealth@rbkc.gov.uk** and the case officer, [insert noise zone/case/ASO officer and their email address], quoting the reference number [insert Acolaid case reference number].

Please note, there is an administration charge of **£223.50** for the processing of all Dispensation applications. Once we receive your Application an officer will assess whether it is acceptable. Provided the application is satisfactory, you will be advised to make payment by debit or credit card by calling **020 7341 5627**. Once payment has been received an officer will issue the signed Dispensation by email.

Applicant company name	
Site address	
Section 61 Prior Consent case reference	
Date of works requiring dispensation	
Duration of works requiring dispensation	
Dispensation reference	

	For [insert company name]	Dispensation authorised by the Royal Borough of Kensington and Chelsea
Name		
Position		
Signature		
Date		

Description of works for which the Dispensation is being sought:

1. Brief description of proposed work:

2. State which condition(s) of the Consent you require dispensation from:

3. State reasons why works cannot carried out in compliance with the S61 Prior Consent condition(s) (e.g. health & safety, highways/traffic management, engineering requirements, TfL/LUL/NR/police requirements):

4. Describe any changes to hours of working:

5. Describe BPM noise mitigation measures that will be in place, including any neighbouring liaison/notification:

6. Provide name and mobile number of the person supervising the works requiring the Dispensation:

	For [insert company name]	Dispensation authorised by the Royal Borough of Kensington and Chelsea
Name		
Position		
Signature		
Date		

NB. If the Council subsequently determines that the reasons for which this Dispensation have been authorised, as detailed in section 3 (above), are not justified and the works could have been reasonably carried out within the requirements of the Notice, the matter will be investigated as being a potential breach of the Notice. Further, if the BPM noise mitigation measures set out in section 5 (above) are not implemented, the matter will be investigated as being a potential breach of the Notice.

Appendix F
Legal requirements and Best Practicable Means

A1.1 Specific powers, separate to the statutory nuisance powers used to control other forms of noise, have been developed to deal expressly with noise generated by construction works. The powers are contained with sections 60 and 61 of COPA.

Section 60 – Notice Imposing Requirements

A1.2 Section 60 provides control over works in progress or any works that are going to be carried out. The works to which the section applies are:

a) The erection, construction, alteration, repair or maintenance of buildings, structures or roads

b) Breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works

c) Demolition or dredging works

d) Whether or not also comprised in paragraph (a), (b) or (c) above, any work of engineering construction

A1.3 The scope of works to which these powers apply is therefore very wide and may include large and small works, public and private works, from minor household repairs (although not usually DIY works) and improvements to works on the scale of the Tideway Tunnel scheme and other large infrastructure projects. This Code applies to all of those works outlined above.

A1.4 Under s60, the Council may serve a 'Notice Imposing Requirements' as to how the works should be carried out. It is usual to serve a notice on the main contractor (as the 'person carrying out the works') and any other persons 'who appear be responsible for or who have control over the works'. Therefore, as well as the main contractor, other recipients of a notice can include:

- architects
- subcontractors
- developers
- owners – leaseholders/freeholders

A1.5 Under s60, the Notice can specify the following:

- the plant or machinery which is, or is not, to be used
- the hours during which the works may be carried out
- the level of noise which may be emitted

A1.6 In acting under this section, local authorities must have regard to:

- the need to protect any persons in the locality from the effects of noise
- the interests of contractors when specifying particular methods of plant/machinery if there are other substantially as effective methods available for minimising noise and which would be more acceptable to them
- any relevant **Code of Practice** issued under the s71 of the Act; and
- and the need to ensure that **Best Practicable Means** (as defined in s72 of the Act) are employed to minimise noise

Section 61 – Prior Consent for Work on Construction Sites

A1.7 Under s61 of COPA, developers and their contractors may apply for 'prior consent' for noise-generating activities during construction work. The application must contain the details of the works to be carried out, the methods by which they are to be carried out, and the steps proposed to minimise noise resulting from the works.

A1.8 The Council must give consent within 28-days of receipt of the application provided that, if, having considered the 'best practicable means' and relevant codes of practice, it would not serve a notice under s60. The Council may also attach conditions to the consent and also limit its duration.

A1.9 As part of the application, developers and contractors normally have to provide predicted noise levels (and sometimes vibration levels) during different stages of the project as well as over the duration of redevelopment period, either at the site boundary or at the nearest noise-sensitive neighbour. The predicted noise levels of the proposed works are frequently used as the basis for setting guideline noise limits which are incorporated as a condition within the consent and which will then require monitoring by the developer over the course of the works.

A1.10 Actual levels are compared against the predicted levels and, where levels are consistently above the set limits, the contractor must review the works and take action to reduce the noise levels. The results of any noise and vibration monitoring results are shared with the Council, and, for larger projects, shared weekly with residents' groups to enable early action to be taken to mitigate problems, such as changes to working hours, introduction of quiet periods and improved noise reduction measures.

A1.11 Please note, this scheme of charging does not apply to those sites where a separate fees and services bond/ agreement has been entered into – see Section 5.

Appeals against a s60 Notice or S61 Prior Consent

A1.12 The Control of Noise (Appeals) Regulations 1975 provide a means for the recipient of a s60 Notice or s61 Prior Consent to appeal to a magistrates' court.

A1.13 A person or company issued with a s61 Prior Consent can appeal on the following grounds:

a) that any condition attached or imposed in relation to the consent is not justified by the terms of s61

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

A1.14 An applicant for a s61 Prior Consent may also appeal if a local authority does not determine an application within 28-days of its submission.

A1.15 The recipient of a s60 Notice may appeal on the following grounds:

a) that the notice is not justified by the terms of s60

b) that there has been some informality, defect or error in, or in connection with, that notice

c) that the authority has refused unreasonably to accept compliance with alternative requirements, or that the requirements of the notice a are otherwise 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 the notice are to be complied with is not reasonably sufficient for the purposes

e) that the notice should have been served on some person instead of the appellant, being a person who is carrying out, or going to carry out, the works, or is responsible for, or has control over, the carrying out of the works

f) that the notice might lawfully have been served on some person in addition to the appellant, being a person who is carrying out, or going to carry out, the works, or is responsible for, or has control over, the carrying out of the works, and that it would have been equitable for it to have been so served

g) that the authority has not had regard to some or all of the provisions of s60(4)

A1.16 On appeal, the court may:

a) vary the s60 Notice [or the s61 Prior Consent] or any relevant condition in favour of the appellant, in such manner as it thinks fit

b) quash any relevant condition

c) dismiss the appeal

Penalty for breaching a s60 Notice or s61 Prior Consent

A1.17 It is a criminal offence, without reasonable excuse, to contravene any requirement of a s60 Notice or s61 Prior Consent.

A1.18 Upon summary conviction in the magistrates' court, a fine (unlimited) can be issued for each offence when any requirement of a s60 Notice or s61 Prior Consent has been contravened, with a further daily fine for each day that the offence continues following conviction.

Section 71 – Code of Practice (as approved under s71 of COPA)

A1.19 The current Code of Practice approved under s71 of COPA is British Standard 5228-1:2009+A1:2014 – Code of practice for noise and vibration control on construction and open sites, Parts 1 and 2, which was formally approved by the Secretary of State on 6 April 2015.

British Standard (BS) 5228 – Purpose and scope

A1.20 This standard provides guidance and recommendations on the prediction, measurement and control of noise (and vibration) on construction sites. It enables the impact of works on neighbouring properties to be assessed and also provides recommendations with regard to the establishment of appropriate and effective liaison between developers, contractors and local authorities.

A1.21 BS 5228 states 'the intention throughout any construction programme should be to minimise levels of site noise whilst having due regard to the practicability and economic implication of any proposed control or mitigation measures.'

Section 72 – Best Practicable Means (BPM)

A1.22 Best Practicable Means is defined in s72 of COPA:

Practicable: reasonably practicable having regard to local conditions/ circumstances, current state of technical knowledge and financial implications.

Means: includes the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and acoustic structures.

A1.23 COPA restricts the test of BPM if other overriding duties are imposed by law (such as those placed on Statutory Undertakers) and with regard to compatibility with safety and safe working practices.

A1.24 COPA states that in interpreting BPM, regard must be had to the approved Code of Practice: BS 5228. When controlling noise from construction sites using notices served under s60 of the Act, the Council will therefore be assessing the noise control measures employed by developer and contractors against the guidance provided within BS 5228.

Section 93 – Power of authorities to obtain information

A1.25 Section 93 provides local authorities with the power to obtain information which it reasonably considers it needs for the purposes of any function conferred on the authority under COPA. The Council will therefore use this section, where necessary, to obtain information regarding proposed or ongoing construction sites in order to exercise its powers under s60 and s61 of COPA.

Statutory Nuisance and the Environmental Protection Act 1990 (EPA)

A1.26 The guidance issued with COPA states that statutory nuisance powers (those relating to noise are now contained within the s79(g) of the EPA), which are used to deal with a variety of nuisances including noise, should not normally be used for the control of noise on construction sites. The specific powers set out within s60 and s61 of COPA are therefore used within the borough.

A1.27 However, where excessive dust is generated by construction or demolition works on non-residential construction sites (s79(d) of the Act only applies to a dust nuisance arising on industrial, trade or business premises), and which gives rise to a nuisance in a neighbouring property, the Council is legally obliged to serve an Abatement Notice under s80 of the Act requiring the abatement or restriction of the nuisance. A breach of Abatement Notice by failing to meet some or all of its requirements can result in an (unlimited) fine for each offence.

A1.28 Where accumulations or deposits of dust arise on residential premises and which are causing a statutory nuisance to neighbouring premises, action may be possible under s79(e) of the Environmental Protection Act.

Appendix G
European Directive 2000/14/EC

E1.0 The following construction equipment must comply with the stated noise emission limits within European Directive 2000/14/EC:

- builders' hoists for the transport of goods (combustion-engine driven)
- compaction machines (only vibrating and non-vibrating rollers, vibratory plates and vibratory rammers)
- compressors (< 350 kW)
- concrete-breakers and picks, hand-held
- construction winches (combustion-engine driven)
- dozers (< 500 kW)
- dumpers (< 500 kW)
- excavators, hydraulic or rope-operated (< 500 kW)
- excavator-loaders (< 500 kW)
- graders (< 500 kW)
- hydraulic power packs
- mobile cranes
- motor hoes (< three kW)
- paver-finishers (excluding paver-finishers equipped with a high compaction screed)
- power generators (< 400 kW)
- tower cranes

E1.2 The following construction equipment is must comply with the noise emission labelling requirements within the Directive:

- aerial access platforms with combustion engine
- builders' hoists for the transport of goods (with electric motor)
- building site band saw machines
- building site circular saw benches
- combined high pressure flushers and suction vehicles
- concrete or mortar mixers
- construction winches (with electric motor)
- conveying and spraying machines for concrete and mortar
- conveyor belts
- equipment for loading and unloading silos or tanks on trucks
- high pressure water jet machines
- hydraulic hammers
- joint cutters
- paver-finishers (equipped with a high-compaction screed)
- piling equipment
- road milling machines
- trenchers
- truck mixers
- water pump units (not for use under water)

Appendix H
Definitions

Within the code a number of terms are used, which are defined below.

Term:	Definition within this Code:
Airborne noise	Noise radiated directly from a source, such as a compressor, through the surrounding air.
ATL	Action Trigger Level – a prescribed noise or vibration level at which a review of working methods should be carried out. Used to monitor and manage on-site noise and vibration generation.
Ambient noise level	The totally encompassing noise in a given situation at a given time; usually composed of noise from many sources, near and far, but excluding the noise from the construction site in question.
BPM	Best Practicable Means as defined by s.72 of the Control of Pollution Act 1974.
BS5228	British Standard 5228-1:2009+A1:2014 (Part 1: Noise) and BS 5228-2:2009 (Part 2: Vibration) – Code of practice for noise and vibration control on construction and open sites.
Category 1/2/3 sites	The categorisation within this Code that differentiates sites into three categories depending on the length and nature of the project and its likely impact (in terms of noise, vibration and dust), with Category 1 sites being of the highest potential impact and Category 3 the lowest. See Table 1 for further details.
CMS	Construction Method Statement generally required for basement development.
CMT	The Council's Construction Management Team within the Public Protection Directorate.
COPA	The Control of Pollution Act 1974.

Term:	Definition within this Code:
CTMP	Construction Traffic Management Plan
The Council/the borough	The Royal Borough of Kensington and Chelsea
High Impact Activities	Demolition, ground-breaking and excavation works using percussive equipment; percussive piling operations and percussive pile reduction and pile break-out works; percussive and grinding power tools on party walls/floors of adjoining occupied properties; any other construction activity specified by an officer of the Council's Noise and Nuisance Team.
LAeq, T	The continuous equivalent noise level of a time varying noise – the steady noise level which, over the period (T) in question, contains the same amount of (A-weighted) sound energy as the time varying noise, over the same period of time (T).
LAeq, 10hr	The continuous equivalent noise level during the borough's permitted hours: 8am to 6pm, Monday to Friday.
Large Sites	Large sites, as described in the Council's Local Plan, will generally be developments located in a commercial setting or of the size of an entire or substantial part of an urban block (an 'urban block' is generally bound by roads on all sides and can contain a mix of uses). They should be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site and offer more opportunity to mitigate construction impacts on site.
Major Development	Development with 10 or more homes or 1,000 sq m or more floorspace.
Noisy works	Construction work that is audible at the site boundary.
Neighbouring premises	Any occupied premises, outside or adjoining a site, used as a dwelling, place of worship, educational establishment, sensitive commercial premises or office, hospital or similar institution, or any other property likely to be adversely affected by an increase in noise level.
Permitted Hours	The hours during which noisy construction work, that are audible at the site boundary, may take place: 8am to 6pm, Monday to Friday.

Term:	Definition within this Code:
Restricted Hours	The hours during which High Impact Activities, audible at the site boundary, may take place: 9am to noon, and 2pm to 5.30pm, Monday to Friday.
s60 Notice	A 'Notice Imposing Requirements', served by the Council using the powers contained in section 60(2) of the Control of Pollution Act 1974.
s61 Prior Consent	'Prior Consent for Works on Construction Sites', issued by the Council following an application for a Consent by a developer or contractor, using the powers contained in section 61 of the Control of Pollution Act 1974.
Site boundary	The boundary line between a construction site and an adjoining neighbouring premises.
Structure-borne noise	Noise which is emitted from a source via the structure of an adjoining building or through the ground.

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