

Prior Consent in Respect of Works on Construction Sites

To:
of

Whereas you have made an application dated:
for prior consent under section 61(1) the Control of Pollution Act 1974 in respect of works intended to
be carried out at:

Consent is hereby **Given** by the * **The Council of the Borough of North Tyneside**
[subject to the conditions specified below:] †

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 between the hours of . and . on Mondays to [Fridays and between the hours of . and . on] Saturdays and [at no time] [between the hours of . and .] on Sundays and Bank Holidays.
2. All works in connection with the operation of which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of and on Mondays to [Friday and between the hours of and on] Saturdays and [at no time] [between the hours of and] on Sundays and Bank Holidays.
3. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
4. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions
5. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
6. A telephone number for emergency use shall be notified to the undersigned prior to the commencement of operations.
7. Permissible noise levels [are not specified] [are specified as follows]

(continued overleaf)

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

* *Insert Name of local authority*

† delete words in square brackets which do not apply

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| 8. | The date of commencement of works shall be notified in writing to the undersigned at least seven days prior to the commencement of operations. | □ |
| 9. | The name and address of any person who it is intended will carry out the works at the aforementioned site shall be notified in writing to the undersigned [as soon as possible] [before the commencement of work] | □ |
| 10. | This consent shall remain valid until: | □ |
| 11. | <div style="display: flex; justify-content: space-between;"> It is the responsibility of to ensure that all </div> contractors and sub-contractors are made aware of and comply with the requirements of this notice. | □ |

This Consent

- (a) in no way constitutes any ground of defence under Section 82 of the Environmental Protection Act 1990;
- (b) relates only to the information given in your application, together with any additional information provided in writing; and
- (c) must be notified, together with any conditions specified above, by the application to other appropriate person carrying out any work on the site.

If You knowingly carry out or permit to be carried out the works in contravention of any conditions attached to this consent you will be guilty of an offence against Part III of the Control of Pollution Act 1974 and on summary conviction will be liable to a fine not exceeding level 5 of the standard scale of fines**, together, in any case, with a further fine not exceeding £50 for each day on which the offence continues after conviction.

DATED:

(Address to which all communications should be sent)

Environment, Regeneration & Housing Directorate
The Killingworth Site, P.O. Box 113, Station Road,
Killingworth, Newcastle upon Tyne, NE12 6WJ

(Signed)
 Head of Environment
 Senior Manager, Planning & Regulatory Services
 Manager, Environmental Health
(the officer appointed for this purpose)

NOTES

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

Appeals under Section 61(7)

- 6(1) The provisions of this regulation shall apply to an appeal brought by any person under sub-section (7) of Section 61 (prior consent for work on construction sites) in relation to a conditional consent given by local authority under that section or in relation to an authority's refusal or failure to give a consent within the period specified in sub-section (6) of that section.
- (2) In this regulation, "conditional consent" means a consent given by a local authority under Section 61 in respect of which the authority have attached any condition or imposed any limitation or qualification in pursuance of Section 61(5)(a), (b) or (c); and "conditions" includes any limitation or qualification so imposed.
- (3) The grounds on which a person to whom a local authority give a conditional consent may appeal under the said subsection (7) may include any of the following grounds which are appropriate in the circumstances of the particular case:
 - a) that any condition attached or imposed in relation to the consent (hereinafter referred to as "a relevant condition") is not justified by the terms of Section 61;
 - b) that there has been some informality, defect or error in, or in connection with, the notice;
 - 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 the notice, are to be complied with is not reasonably sufficient for the purpose;
- (4) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (5) Where the appeal relates to a conditional consent given by a local authority, on hearing of the appeal the court may:
 - a) vary the consent or any relevant condition in favour of the appellant, in such manner as it thinks fit, or
 - b) quash any relevant condition, or
 - c) dismiss the appeal;
 and a consent or condition which is varied under sub-paragraph (a) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.