

Keep it down

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Martin Raisborough addresses the need to control noise and vibration from construction or demolition works

Noise and vibration from construction sites can be extremely disruptive and intrusive, and is not covered by Building Regulations or any other statutory instrument. While there is always a desire to get work done as quickly and efficiently as possible, there is also a need to protect the people affected, particularly in dense urban areas.

Where noise or vibration is likely to be an issue, local authorities will often highlight the risk during the planning stage, engaging with developers to outline the measures that should be implemented.

For low-risk sites, this may simply entail a statement of what the local authority considers appropriate methods for reducing noise, for example, restricting working hours and standard measures such as site screening or hoarding.

The local authority may also encourage the developer to produce a community engagement plan as part of its stakeholder engagement process, to ensure that the affected, noise-sensitive properties are made aware when disruptive works will be undertaken and how long these works will last.

Most reputable contractors are members of the [Considerate Constructors Scheme](#), which was founded in 1997 to improve the image of the industry. One of the key aims of the scheme is to minimise environmental impacts, including noise and vibration. The scheme promotes best practice, with individual sites and companies independently monitored on an ongoing basis.

Significant impacts

When these measures are implemented it is rare for significant issues to arise. But if a complaint is received by a local authority, it is usually dealt with by the environmental health team, which will seek to reach an amicable solution through liaison with the contractor and relevant parties.

There are, however, occasions where construction or demolition noise or vibration have significant impacts on sensitive nearby properties ? normally dwellings, places of worship or education facilities ? and where the environmental health team is unable to agree an outcome through discussions with the contractor.

In these instances the local authority has powers under Part III, section 60 of the [Control of Pollution Act 1974](#) to serve a notice on a developer or contractor that imposes restrictions on construction works. These restrictions may include specifying the type of plant that can be

employed, the times of the day when certain plant or activities might be undertaken, the hours of general site operation, or the level of noise that is permissible from the site.

If the notice is contravened, there is likely to be a financial penalty. The notice may also prescribe alternative methods, plant or machinery that a local authority believes would minimise noise to an acceptable level and allow works to continue.

As the act is primary legislation, any appeals to a notice served under [section 60](#) must be made via a magistrates' court. If an appeal is pursued, delays to a project should be expected.

Section 61

While section 60 of the act provides a vehicle for local authorities to impose noise or vibration restrictions on a developer or contractor, it also describes a process for applying to authorities for formal consent before works commence under [section 61](#).

If there are a high number of sensitive properties or one particularly sensitive property in close proximity to a development site, abnormally high noise levels are expected, or a developer or contractor simply wishes to protect themselves against any potential noise or vibration issues during construction, an application to the local authority under section 61 may be an attractive option.

The developer or contractor and the local authority enter into a consent in respect of noise or vibration, based on the exact details provided in the application. So long as the construction site operates as specified in the application, the local authority cannot serve a section 60 notice.

While the act only requires a small amount of information be submitted with a section 61 application, some local authorities request varying levels of detail. This often means that the process needs to be initiated 2 to 3 months before works start.

The act obliges developers to minimise noise to acceptable levels wherever possible; the interpretation of acceptable noise levels considers the baseline noise climate before construction, and how work is carried out.

The former requires an early programme of noise monitoring on and around the construction site, while the latter requires consideration of "best practicable means", elaborated in [section 72](#) as "having regard among other things to local conditions and circumstances, to the current state of technical knowledge and the financial implications".

A well-developed and negotiated section 61 consent provides developers and contractors with relative certainty that their works can continue uninterrupted. It is also advantageous to the local authority, allowing it to engage with developers and contractors at an early stage.

This establishes good lines of communication and reassurance that due consideration is being given to the potential for noise disturbance. In turn, this has the added benefit of minimising the likelihood of costly programme delays arising from imposition of noise restrictions by the local authority.

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Further information

- Related competencies include [Health and safety](#)
- This feature is taken from the RICS [Building control journal](#) (November/December 2017)
- Related categories include: [Feasibility and planning](#) ; [Environmental monitoring and control](#); [Health and safety in construction](#)