



**Noise & Vibration
Guidance Note
CoPA 1974 Section 61 Consent
Applications**

Custodian

[Redacted]

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Abbreviations

BPM	Best Practicable Means
BS	British Standards
CCC	Crossrail Construction Code
CoPA	Control of Pollution Act 1974
CLRL	Cross London Rail Links
ES	Environmental statement
LA	Local Authority
NI	Noise insulation
s.61	Section 61
TRH	Temporary re-housing

1 Introduction

This paper sets out the guidance that Cross London Rail Links (CLRL) proposes that the nominated undertaker adopt when applying for section 61 consents for Crossrail construction works, and also sets out the level of information which will be provided in support of its s.61 applications. Included as appendices to this paper are templates for section 61 applications, dispensations and variations and an indicative timescale for the section 61 consents process.

Section 5.1 of the Crossrail Construction Code (CCC) sets out the context for this guidance, in terms of the approach the nominated undertaker will take to controlling and limiting noise and vibration levels, including application of Best Practical Means (BPM) as defined under Section 72 of CoPA 1974, and obtaining consents from the relevant local authority under s. 61.

This guidance is based upon similar arrangements made between Local Authorities and other major projects including the Channel Tunnel Rail Link (CTRL), East London Line Extension, Thameslink Programme, and the West Coast Route Modernisation projects, and is intended to form the basis of negotiations with the nominated lead local authority to agree a standard set of consent conditions, standard application, dispensation, variation and overrun templates.

This guidance is applicable to all Crossrail construction activities to which section 61 consents can apply, including surface and sub-surface works both for land and river based activities.

2 Approach to making a section 61 application

Applications for s.61 consents will consist of three stages:

- 1) Planning and preparation
- 2) Drafting
- 3) Formal application

A fourth stage for appeals may also be needed in the case of refusal of consent or imposition of unacceptable conditions.

- 4) Appeal

3 Planning and preparation

A complex application may require up to 9 months for planning, gaining s.61 consent, and putting in place all of the necessary mitigation to enable works to start. In order to make the most efficient use of the time and resources of all involved, it will be important to tailor the scope and content of s.61 consent

applications to suit the different packages of works. Crossrail construction sites will vary from small scale relatively low key works such as ground investigations, to large intensive construction packages such as the inner London stations.

3.1 Scoping of s.61 applications

Major construction sites such as the inner London stations, will involve multiple contractors and subcontractors working over an extended period of time often in densely populated areas. These sites will generate multiple s.61 consent applications and time and resources will be required by all parties involved in the s.61 process to plan, draft, review and determine each application.

For inner London stations and other major worksites it will be important to agree a strategy for s.61 consent applications with the relevant local authority at an early stage, to ensure that consents can be gained in an efficient and expeditious manner. If s.61 applications were to be made by many individual contractors on a major worksite, a large number of applications would be generated over a short period of time. It could prove difficult for local authorities to process the number of applications likely to be involved, and could also make it more difficult for CLRL to track and manage the application process effectively, all of which could result in delays in gaining consents.

Conversely, s.61 consent applications which cover a wide scope of the proposed work are likely to become voluminous and complex, and whilst these applications will be fewer in number they could also prove difficult to draft, determine, and monitor for compliance.

A programme of expected s.61 submissions will be issued to relevant local authorities at the appropriate stage.

To maximise efficiency in gaining section 61 consents on major construction sites it is likely that a principal contractor will be required to take responsibility for gaining section 61 consents and to co-ordinate an application strategy. This will provide the local authority with a single point of contact for a worksite and enable CLRL[and LUL] to more effectively manage s.61 applications, and ensure compliance with consent conditions.

For smaller less complex worksites it is likely that individual contractors will apply for section 61 consent for their own works.

It is proposed that s.61 applications will cover one or more discrete packages/phases of work (e.g. demolition, site clearance, diaphragm walling) or a number of activities or phases within a prescribed period, depending upon the nature of the work to be carried out, proximity of sensitive receptors and other determining factors.

Where s.61 applications are made which do not cover all of the Crossrail construction works taking place in one locality, supplementary information will

be supplied with the section 61 application including consideration of the combined noise effect: this will be provided for information purposes only.

Separate s.61 applications may be made where there is significant quantity of planned work outside of core hours (see 4.3), and for works which are required to operate 24 hours per day, 7 days per week. By separating applications for the more noise sensitive works, routine s.61 applications (i.e. for work within core hours) can be identified and processed quickly and efforts concentrated where required on the more noise sensitive applications.

This section describes the basic structure and content of a standard s.61 application: the flow chart in Appendix IV shows the typical stages of a section 61 application with an indicative timeline for gaining consent.

3.2 *Method statement*

For each application a construction method statement will be produced, identifying the rationale for the work, proposed working practices, working hours, a breakdown of construction methodology, a list of plant and equipment used for each stage of the construction, noise data of plant (sound power levels or activity L_{Aeq} levels at 10 metres), % on times, site location maps, site layout and the likely impacts upon sensitive receptors taking into account the Crossrail Construction Code, and noise and vibration mitigation scheme IPD9.

3.3 *Working hours*

Core Hours

Core working hours will be from 0800 to 1800 on weekdays and 0800 to 1300 on Saturday. Only non-disturbing preparatory work, repairs or maintenance will normally be carried out on Saturday afternoons or Sundays between 0900 and 1700. CLRL will adhere to these core working hours for each site as far as reasonably practicable and where feasible, operations anticipated to cause disturbance would be limited to these hours.

Except in the case of emergency, any work required to be undertaken on a Sunday on sites without 24 hour activity will be highlighted and justified in the section 61 application. There are certain exceptions to the core working hours, which are described in section 3.2 of Crossrail Construction Code - CR/QMS/P/0302.

Shoulder Hours

In order to maintain core working hours a period of up to one hour before and up to one hour after core works will be required for start up and close down of activities. The activities to be undertaken during this period may include: deliveries to and from site; loading; unloading; arrival and departure of workforce and staff at site and movement to and from place of work; general refuelling; site inspections and safety checks prior to commencing work; site meetings; site clean up; site maintenance; and maintenance and checking of

plant and machinery. Start-up and shut-down activities should be planned as close to normal working hours as reasonably practicable.

The start up and close down period is not considered an extension of core working hours.

Working outside of core hours

All planned activities within and outside of core hours will be identified in the section 61 application. Justification for extended hours will be included in the s.61 application for any activity not listed in paragraphs 3.2.6 to 3.10 inclusive, of the Crossrail Construction Code (CCC).

Justification will comprise of an explanation as to why the works cannot be completed within core working hours, the consequences of not being able to work out of hours and the mitigation which will be put in place to minimise noise and vibration from the work. Justifications will take into account safety considerations and engineering constraints, e.g. works on operational railway land will fall under the railway possession regime and rules of the route. The desire to catch up on programme will not normally be regarded as an acceptable reason for seeking to extend working hours.

24 hour seven day per week activities

Works which will normally be undertaken on a 24hour, 7 day per week, basis are listed under paragraphs 3.2.6 to 3.10 of the CCC. The s.61 method statement will describe all such work and, will explain which of the activities under the relevant paragraph of the CCC the work will be in support of.

3.4 Baseline noise levels

Local authorities will be consulted regarding the siting, timing and duration of baseline noise monitoring in order to ensure that representative baseline noise levels are obtained. Baseline noise data will be made available to the relevant local authority. Surveys will be identified and conducted in accordance with Crossrail Baseline noise and vibration guidance note.

3.5 Predicted noise and assessed vibration levels

The predicted noise and assessed vibration levels from construction works at the nearest sensitive receptors will be reported as part of the section 61 application. Predictions will also consider the possibility of cumulative effects of other Crossrail works.

The range of times in equivalent continuous sound pressure level (L_{eq}), over which airborne noise predictions will be required, will be dependent upon the proposed hours of work and are shown in the table below:

Time	Working Time Period	L _{Aeq} (hours)
Monday to Friday	07:00 – 08:00	1 hr
	08:00 – 18:00	10 hr
	18:00 – 19:00	1 hr
	19:00 – 22:00	3 hr
	22:00 – 07:00	1 hr
Saturday	07:00 – 08:00	1 hr
	08:00 – 13:00	5 hr
	13:00 – 14:00	1 hr
	14:00 – 22:00	3 hr
	22:00 – 07:00	1 hr
Sunday and Public Holidays	07:00 – 21:00	1 hr
	21:00 – 07:00	1 hr

Sufficient information will also be provided to the local authority in the form of electronic calculation spreadsheets or model¹ files for validation of the predictions including, noise sources, source levels, source and receiver heights, ground correction, distance and screening data and corrections, façade correction, angle of view corrections, percentage on-time and any other necessary information to facilitate the validation process.

Where works are of a percussive or impactful nature (e.g. driven piling) it may be appropriate, in discussion with the relevant local authority) to include L_{Amax,F} and vibration data as well as L_{Aeq,T} data, particularly to assess the potential for sleep disturbance during night-time working.

3.6 Mitigation

Appropriate and effective mitigation measures will be identified in a section 61 application for each worksite with reference to BPM.

The use of BPM is a requirement of all section 61 consent applications. BPM will be applied as defined under Section 72 of the Control of Pollution Act 1974, to all activities.

Crossrail will adopt the recommendations set out in Annex B of BS 5228 'Noise Control on Construction and Open Sites' and sections 7.3 and 9.2 of Part 4 of BS 5228 with regard to noise and vibration mitigation options. Alternative mitigation options may be agreed with local authorities in place or in addition to those listed in the Crossrail Construction Code.

¹ A noise model such as Sitenoise produced by WS Atkins or similar models may be used to carry out construction noise predictions.

After BPM has been applied to the construction works methodology, noise predictions will be used to identify the need for any further mitigation in the form of noise insulation or temporary re-housing under the Crossrail noise and vibration mitigation scheme described in information paper D9. Properties eligible for NI or TRH under that scheme will be identified and reported in the section 61 consent.

3.7 Noise and vibration monitoring

Where relevant, and in consultation with the relevant local authority an appropriate noise and vibration monitoring regime will be identified and submitted along with other supplementary information to the section 61 application.

Records of monitoring results will be made available upon request to the local authority and will be kept for 3 months following the expiration of the section 61 consent.

3.8 Consultation and notification

Interested parties will be notified as appropriate in advance of any works in agreement with the local authority.

Local residents/occupants will be notified where practicable at least 2 weeks in advance of any works taking place. Notification will be by letter including the start date, nature and duration of the works, and will specify occurrences of night and weekend works, and the Crossrail helpline details.

A sample notification letter will be included as part of the s.61 application.

4 Drafting an application

The local authority will be consulted at an early stage in the s.61 application process to ensure issues that may arise from the planned works are identified, and addressed, where appropriate in a draft section 61 application. The timescales will depend on the complexity of the proposed application, with an expectation that more lead-in time will be given for the larger, more complex applications.

The contractor will ensure that all applications address the requirements set out in this document.

Whilst the local authority is under no legal obligation to respond to any draft application, it is anticipated that a suitable response time can be agreed to allow for the applicant to consider any comments prior to the formal application submission. Based upon other projects a response time of two to four weeks for local authorities to respond to a draft application is suggested, where a

substantial redraft is required a further two to four weeks may be required in order to respond to a resubmission.

Where works span the boundaries of more than one local authority, consent applications will be submitted to each of the relevant authorities. Where the Local Authorities agree, a lead authority approach may be taken in respect of the cross boundary works.

Where works are wholly within the borders of one local authority but impact upon another, the draft application will be submitted to the relevant authority and a copy of the draft application will be forwarded to any adjoining authority. In advance of any s.61 application, notification by letter will be provided to the relevant local authority of the person(s) authorised to sign s.61 applications.

5 Formal application

The formal section 61 applications will be sent by post and will include all acceptable and relevant requirements identified in consultation with the relevant local authority, and any other relevant requirements or mitigation as appropriate with reference to BPM.

Where works span the boundaries of more than one local authority, applications will be submitted to each of the relevant authorities.

Where works are wholly within the borders of one local authority but impact upon others, the applications will be submitted to the relevant authority and a copy forwarded to adjoining authorities.

6 Appeals and non-determination

In the event of non-determination, i.e. the local authority has not responded within of the statutory 28-day period given in CoPA 1974, the applicant will enquire as to the nature of the delay.

Where it is clear that difficulties remain with the local authority in issuing the consent, the appeals procedure may be invoked.

An appeal on the grounds of non-determination or disagreement on conditions of the consent must be lodged with the Secretary of State² within 21 days of the expiry of the 28 day statutory determination period.

The Secretary of State may vary the consent, quash any condition or dismiss the appeal.

²Appeals are normally lodged with a magistrate's court however under the Crossrail Act 2008 determination of section 61 appeals will fall to the Secretary of State. DfT has entered into a MoU with DEFRA under which the DEFRA Secretary of State will handle such appeals.

7 Implementing the consent

7.1 Notification

All parties affected by noise and vibration from Crossrail construction works will be notified as detailed in the s. 61 consent.

7.2 Commencement of works

Works will not normally commence until the relevant section 61 consent has been obtained.

7.3 Noise and vibration monitoring

The results of any noise and vibration monitoring will be made available as required, to relevant local authorities. Access to the sites will be facilitated at all reasonable times for inspection or taking noise measurements by the local authority environmental health personnel, following appropriate site specific induction and or health and safety training. Network Rail's prior permission must be obtained to gain access to any operational railway land.

7.4 Checking BPM

BPM and all conditions of the relevant section 61 consent must be adhered to at all times. Compliance will be monitored through regular audits, site inspections, and checks as appropriate in accordance with the Crossrail EMS.

7.5 On-going liaison with the local authority

Effective exchange of information is essential for maintaining a good working relationship with local authorities and local residents. Where appropriate regular liaison meetings with relevant local authorities will be arranged: these may be stand alone or co-ordinated with other consultation meetings.

8 Modifying a consent

Changes to Section 61 consents can be sought once construction works are under way. Depending on the nature of the change this will take the form of a dispensation or variation to the consent.

8.1 Dispensations & variations

Dispensations apply to material changes (ie those predicted to result in increased noise effects) to working methods. This may be a revision to working hours, work duration, persistent overrun, or major changes to the proposed construction methodology e.g. changes to major items of plant. There is no formal provision for dispensations in CoPA 1974 (except by making a new

section 61 application), but in similar previous projects local authorities have facilitated procedures for them, typically as follows:

Dispensations will be applied for by post at least 14 days in advance of applying the proposed modified methods and copied to the Local Authority by e-mail.

Where rescheduling relates to work of a critical nature (such as key activities likely to delay other key activities) applications will be made where practicable at least 48 hours in advance and at least 7 days in advance if the work is expected to last for a period of 5 days or more. A **dispensation** will be sought by means of an application setting out the revised construction programme or method and the relevant noise calculation using the template in Appendix II. Regard will be also made to any noise insulation/temporary housing issues as a result of the revised works in accordance with the Crossrail Noise and Vibration Mitigation scheme.

Variations apply to minor changes to a s.61 consent which will not change the overall predicted impacts of the works, for example a change to the timing of an activity within agreed hours and working period, or minor changes to working methodologies.

Variations will be applied for by email where practicable 7 days but at least 48hr in advance of applying the modified methods, using the template in Appendix III, Local Authorities will respond by email or fax.

Both agreed **dispensations** and **variations** will be signed by an appropriate officer from the Local Authority.

8.2 *Notification of modifications*

Where such working outside normal hours has been discussed and accepted, nearby sensitive receptors will be informed as soon as reasonably practicable regarding the nature and likely duration of the revised work.

8.3 *Overruns*

There are likely to be circumstances where overruns to planned working hours will occur either for reasons of health and safety or engineering practicalities. Should an overrun occur the local authority will be informed by phone with a reason for the occurrence followed by confirmation by email. Examples of the type of work envisaged would include where pouring concrete takes longer than planned due to equipment failure.

9 **Emergency works**

In the case of work required in response to an emergency or which if not completed would be unsafe or harmful to the permanent works, the relevant

local authority will be informed as soon as reasonably practicable of the reasons for, and likely duration of, the works. The local authority will be asked to provide a telephone number and nominate an officer to receive such notification, which will be regularly reviewed.

Appendix I Section 61 consent application template

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CONTROL OF POLLUTION ACT 1974

Application for section 61 consent

**Tick as appropriate*

Works outside of core hours.

Works 24 hours per day, 7 days per week.

Noise levels predicted to trigger noise insulation/temporary re-housing.

To [Name and address of local authority]

WE HEREBY MAKE APPLICATION for prior consent in respect of works to be carried out as specified below under section 61 of the Control of Pollution Act, 1974.

Signed..... Date.....

(Signed by authorised person)

Name of applicant

[Name of contractor]

Registered office of applicant

[Address of contractor]

Telephone number

Fax number

<p>1. Address/location of proposed works.</p>	<p><i>Site location</i></p> <p><i>Include a site plan in Appendix IV, and a site location map.</i></p>
<p>2. Name and address of main contractor.</p> <p>Telephone number Fax Number</p>	<p><i>Provide the registered head office of the applicant.</i></p> <p><i>The relevant contact name and telephone contact numbers should also be provided here for any public inquiries or complaints.</i></p>
<p>3. Particulars of works to be carried out.</p>	<p><i>Outline the scope of the application and the main elements of the construction works that are proposed.</i></p>
<p>4. Methods to be used in each stage of development.</p>	<p><i>APPENDIX I</i></p> <p><i>Outline construction methodology for the main phases of the works as described in 3.</i></p> <p><i>If works are to be undertaken outside of core working hours and or noise insulation/ temporary re-housing is predicted to be required, then a description shall be provided of possible quieter alternative methods with a justification of why they do not constitute best practicable means.</i></p> <p><i>Describe all works which are to be undertaken on 24/7 hour basis, give the purpose of the activity and which category under paragraphs 3.2.6 to 3.2.10 of the CCC the work is in support of. i.e. tunnelling works, track laying, surface support for underground activity etc</i></p>

<p>5. Hours of work.</p>	<p><i>List intended hours of work, including shoulder hours.</i></p> <p><i>List all works proposed to be undertaken outside of core working hours.</i></p> <p><i>List all works which will take place on a 24 hour seven day per week basis</i></p>
<p>6. Number, type and make of equipment and machinery stating sound power levels or activity L_{Aeq} levels.</p>	<p>APPENDIX II</p> <p><i>All plant should be listed and either DEFRA 2005 published plant data, the manufacturer's data or appropriate alternative data should be referenced giving the sound power levels for each item of plant. In addition confirm that the construction equipment details meet the relevant EC directive.</i></p>
<p>7. Proposed steps to reduce noise and vibration.</p>	<p><i>All mitigation measures should be included with reference to</i></p> <p><i>Best practicable means,</i></p> <p><i>Compliance with controls contained in [relevant codes etc]</i></p> <p><i>Compliance with recommendations BS 5228 'Noise Control on Construction and Open Sites' and sections 7.3 and 9.2 of Part 4 of BS 5228 with regard to noise and vibration mitigation options.</i></p> <p><i>Where relevant provide an outline of the proposed noise and vibration monitoring programme.</i></p> <p><i>Detail method of public notification, including addresses of those to be notified (highlight streets on a printed map and include with this section application)</i></p>
<p>8. Programme of works.</p>	<p>APPENDIX III</p> <p><i>Include a programme of works, describing start and end date for the works covered in the section 61, list activities with proposed working hours and durations.</i></p>

9. Site plan.	SEE APPENDIX IV <i>Site plans must show site in relation to sensitive receptors.</i>
10. Predicted noise levels.	<i>Predict noise levels at sensitive receptors and list in Appendix VI.</i>
11. Details of properties qualifying for noise insulation.	<i>Include addresses of properties qualifying for noise insulation, include predicted noise levels.</i>
12. Details of properties qualifying for temporary re-housing.	<i>include addresses of properties qualifying for temporary re-housing; include predicted noise at the property and duration of temporary re-housing.</i>
13. List of plans and documents attached.	Appendix I Method statements Appendix II Plant requirements Appendix III Programme of works Appendix IV Site plan Appendix V Baseline noise levels Appendix VI Noise predictions Appendix VII Monitoring regime <i>Any further relevant information should be included.</i>

Appendix II Dispensation from s.61 consent, template.

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Dispensation from section 61 consent.

To [Name and address of local authority]

WE HEREBY MAKE APPLICATION for a dispensation in respect of works to be carried out as specified under section 61 consent of the Control of Pollution Act, 1974.

Signed..... Date.....

(Signed by authorised person)

Name of applicant

[Name of contractor]

Registered office of applicant

[Address of contractor]

Telephone number

Fax number

Description of works programme.	
Contractor section 61 reference:	
Local Authority section 61 reference:	
Dispensation reference.	
Duration of works requiring dispensation	
Date of works requiring dispensation	

Description of works

Brief description of additional works/changes to working methodology.	
State reasons why works cannot be done under terms of original consent.	
Describe any changes to hours of working.	
List additional or plant and equipment.	
Describe BPM noise mitigation measures.	
State revisions to predicted noise levels, including reassessment for noise insulation or temporary re-housing.	

When and how residents are to be notified. (copy of letter attached)	
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Appendix III Variation from s.61 consent, template.

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Variation from section 61 consent.

Description of works programme.	
Contractor section 61 reference:	
Local Authority section 61 reference:	
Date of works requiring variation	
Duration of works requiring variation	
Variation reference.	

Description of works for which the variation is being sought.

Brief description of proposed work.	
State reasons why works cannot be done under terms of original consent.	
Describe any changes to hours of working.	
Describe BPM noise mitigation measures.	

	For [Contractor]	Approved by [Local authority]
Name:		
Signature:		
Date:		

Subject to the following conditions

Appendix IV Notification of overrun template

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NOTIFICATION OF OVERRUN

[Contractor]

Contractor Section 61 Reference:	
Local Authority Section 61 Consent Reference:	
Date:	
Overrun Reference:	

Brief Description of Overrun (including Reason)

Location of works:	
Date and period of overrun:	
Details justifying need to work outside normal working hours:	
Equipment to be used:	
Person in charge of out of hours works:	
Direct site contact telephone of number for person in charge:	

	For [Contractor]	Received by [Local authority]
Name:		
Signature:		
Date:		

Appendix V Indicative timescales for section 61 process.

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Indicative timescales for gaining section 61 consent

