



Woking Borough Council
Civic Offices
Gloucester Square
Woking
Surrey
GU21 6YL

21/00296/NPLANT

Notice Control of Pollution Act 1974, section 60

Control of Noise on Construction Sites: Notice Imposing Requirements

Recipient

Name
Farrans Construction Limited

Address
99 Kingsway
Dunmurry
Belfast
BT17 9NU

Relating to Carriageway widening and junction adaptation of Lockfield Drive (A324), junction with Victoria Way (A320), Woking, Surrey

Intended Construction Works It appears to Woking Borough Council the Council', that works to which section 60 of the Control of Pollution Act 1974 applies namely [the erection, construction, alteration, repair or maintenance of buildings, structures or roads] [breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal or works] [work of engineering construction] [are being] carried out on the site described as [junction of Lockfield Drive (A324) and Victoria Way A320), Woking, Surrey].

Requirements Take notice that, under the provisions of the above-mentioned legislation, 'the Council', requires you to comply with the following in connection with the carrying out of such works:

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 08.00 and 18.00 on Mondays to Fridays and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays, public holidays and bank holidays.
2. 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
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
4. Any emergency deviation from these conditions shall be notified to the Environmental Health team without delay.

This notice applies to all contractors and sub-contractors.

Effect of an Appeal [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 expenditure which would be incurred by any person in carrying out works in compliance with this notice before

any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance].

Appeal

You may appeal against this Notice to a magistrates' court within 21 days from the date of service.

Officer

Signature:



Name:

Janine Knighton

Title:

Deputy Environmental Health Manager

Date:

11 February 2021

Contact address:

Woking Borough Council
Civic Offices
Gloucester Square
Woking
Surrey
GU21 6YL

Email:

Environmental.Health@woking.gov.uk

Telephone:

01483 743840

Warning

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 to a fine together, in any case, with a further fine not exceeding £50 for each day on which the offence continues after conviction.

Advice

If you do not understand the contents of this notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact Citizens Advice, Housing Aid Centre, Law Centre or solicitor.

Notes**The Control of Noise (Appeal) Regulations 1975****Appeals under section 60(7)**

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

(2) The grounds on which a person served with such a notice 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 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, the notice;

- (c) That the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the notice 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 purpose;
- (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 have not had regard to some or all of the provisions of section 60(4).

(3) 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.

(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 an appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.

(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 sections 58, 60, or 66 and

- (a) The noise to which the notice relates is 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.

(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 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.

(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.