

## NOTICE OF MOTION – CLLR L LYONS – CONSTRUCTION SITE NOISE LIMITS

### Executive Summary

At its meeting on 11 February 2021, the Council referred the following Notice of Motion to the Executive.

#### Councillor L Lyons

“In accordance with the Control of Pollution Act (Noise) 1974, construction sites operating in Woking must currently limit site noise to the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday and not at all on Sunday, with no noise permitted to be audible from the site boundary outside of those hours.

- (i) These times are to be confirmed as a matter of Council policy, and any review of, or amendments to, these times must be determined by the Council.
- (ii) Any permission to vary from these times may only be granted to an applicant with the permission of the Planning Committee.
- (iii) Any such permission by the Planning Committee will only be granted in exceptional circumstances, and for a limited and specified period.
- (iv) Permission to vary these times on a single occasion, for a maximum period of one day, may be granted by relevant Officers under delegated powers. Subsequent applications, or applications for longer than one day, must be considered by the Planning Committee.
- (v) On all such instances of permission to vary from these times being granted, residents likely to be affected will be notified by post.
- (vi) Works deemed to be an emergency will continue to be exempt from these restrictions.”

#### Officer Comment

“The Control of Pollution Act 1974 gives provision to serve a notice on a construction site imposing requirements on the way works are carried out, including the times that noisy operations are permitted.

The times quoted are not within the legislation, so are guidance only, but they are normally used by Local Authorities. Where complaints are received from residents that noisy works are causing disturbance outside of these hours, this is investigated and a notice considered which limits noisy operating times. This does not restrict all operating, but primarily noisy works outside of the times quoted.

A developer may also apply for prior consent requesting permission in advance to carry out noisy works outside of these normal times. All applications are considered, including any complaints already received, and reasons for the request, such as safety due to access of public, mobilising cranes when roads are quieter, catching up with delayed works due to weather, etc. Where a prior consent request asks for noisy works outside hours for a long period we consider a shorter permission so that we can review after a suitable period if necessary and depending on any complaints received. Part of the requirements of the developer is to notify nearby residents and businesses of hours and intended works. This is normally by letter drop or notices within flats.

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The Environmental Health Service investigates noise complaints and issues Notices and Prior Consents. There are delegated powers for this within the Council's Constitution.

Emergency works fall outside of this legislation.

On occasion permitted construction times are included in a planning application condition. The government has currently extended this time to be 9pm throughout Monday to Saturday due to Covid 19, so that construction work missed earlier in the pandemic can be caught up with."

**Background Papers:** None.

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