

Prior Consent in respect of Works on Construction Sites:

To: The Company Secretary
Gilbert Ash
Unit N6 Lympne Industrial Estate
Otterpool Lane
Lympne
Hythe
CT21 4LR

WHEREAS you have made application dated 06 December 2021, for prior consent under section 61 (1) of the Control of Pollution Act 1974 in respect of works intended to be carried out at †

O/S 91 Bunyard Drive, Sheerwater, Woking, Surrey, GU21 5NX

CONSENT is hereby GIVEN by the Woking Borough Council
[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 08.00hrs and 18.00hrs Monday to Friday and 08.00hrs and 13.00hrs on Saturdays.

In addition: From 08:00 to 17:00 on Saturdays and 09:00 to 16:00 on Sundays between 04 January 2021 - 14 February 2021 (total of 6 weekends)

2. 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
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 undersigned without delay
5. Telephone numbers for emergency use have been provided for the contactors working out of hours: Gerard Mullan (07814448183)
6. Permissible noise levels are not specified.
7. This consent will remain valid until 13 February 2022 (16.00hrs).

8. Carry out written consultation with residents and local businesses, providing a programme of works and appropriate 'out of hours' site contact details, prior to the commencement of work.

N.B. - The person served with this notice may appeal against the notice to a magistrates' court within 21 days from the date of service of the notice. (See notes overleaf.)

Woking Borough Council

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 applicant to any 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 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 24 December 2021

(Signed) 

Emma Bourne

Environmental Health Manager

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL - address to which all communications should be sent to.

Notes

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

Appeals under section 61(7)

6. (1) (a) The provision of this regulation shall apply to an appeal brought by any person under subsection (7) of section 61 (prior consent for work on construction sites) in relation to a conditional consent given by a local authority under the section or in relation to an authority's refusal or failure to give a consent within the period specified in subsection (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 consent;
- (c) that the requirements of any relevant condition are unreasonable in character or extend, or are unnecessary
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of any relevant condition 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 consent, 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;

a consent or condition which is carried 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.

Suspension of Notices

10.— (1) Subject to paragraph (2) of this regulation, where an appeal is brought against a notice served under section 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.