

# Noise Assessments in support of Section 61 Consent Applications for the Railway Infrastructure Industry



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A construction contractor can apply to a Local Authority (LA) for 'prior consent' for works under Section 61 of the Control of Pollution Act 1974 by submitting, in advance, details of the proposed work and the expected impact of noise and vibration on nearby sensitive receptors.

## What is a Section 61 Application?

The application typically involves completing the sections within a standard form supplied by the LA with details of proposed working hours, equipment to be used and predicted noise levels at sensitive locations. Supporting information (e.g. stand-alone noise and vibration reports or calculations etc.) can be attached.

## When would a Section 61 application typically be used?

This type of application is often used when it is likely that the works will cause disturbance to residents but the contractor is willing to take the initiative in discussing the issues with the Local Authority and to establish the best practical means (BPM) for minimising intrusive noise and vibration. The alternative is that the Local Authority can use Section 60 of the Control of Pollution Act to impose its own criteria on the contractor, which may be more restrictive and therefore more likely to result in work being stopped or delayed if those criteria are exceeded.

Railway infrastructure projects (e.g. bridge replacements) often make use of Section 61 consents since the work will often involve heavy machinery and noisy activities close to residences. Further to this, whilst work is generally undertaken during the day where possible, any activities that require the cessation of rail traffic (where the contractor has to take 'possession' of the line) will generally be undertaken during the sensitive night-time and bank-holiday periods in order to minimise disruption to the transport system.

**S61 Application Template**  
**PROJECT:** \_\_\_\_\_  
**Control of Pollution Act 1974**  
**Application Form for Section 61 Prior Consent**

<b>Applicant's reference:</b> _____	<b>Application for Section 61 Consent for the works on site:</b> _____ _____ _____
<b>RBKC Reference:</b> _____	<b>From:</b> _____ <b>to:</b> _____

**To the Royal Borough of Kensington and Chelsea**

**We hereby make application** for prior consent in respect of works to be carried out on the \_\_\_\_\_ project, specified below, under Section 61 of the Control of Pollution Act 1974.



Bridge replacement works underway with housing nearby

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All of the above factors mean that the impact of noise and vibration is typically a major concern to the LA during such works and that it is therefore in the interests of the contractor to demonstrate that their responsibilities regarding noise and vibration mitigation are being taken seriously.

## What are the benefits of a Section 61 consent for the contractor?

The benefit of a Section 61 Consent to the contractor is that permission for the work is given in advance and, provided the consent remains in force and the terms of the consent are met throughout the works, a local authority cannot then take action under Section 60 of the Control of Pollution Act 1974 or Section 80 of the Environmental Protection Act 1990. A Section 61 consent can also be used in an appeal against a noise abatement notice, but compliance with the consent does not mean that nuisance action cannot be taken under Section 82 of the Environmental Protection Act 1990 or under common law.



## When should a Section 61 Application be submitted?

A Section 61 Application must be submitted at least 28 days prior to commencement of work since this is the allocated time frame within which the LA must respond.

## When should preparation of a Section 61 Application begin?

Spectrum would recommend that typically 4-8 weeks should be allowed for the preparation of the Section 61 Application since a significant amount of information and noise prediction work may be required, as described below.

## What is involved in the preparation of a Section 61 Application?

The following table summarises the information and activities typically required in the preparation of a Section 61 Application.

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Information typically required on a Local Authority Section 61 Application Form	Source of information	Spectrum comments
Name and address of Main Contractor	<b>Main contractor</b>	None
Address of proposed works	<b>Main contractor</b>	None
Site plan	<b>Main contractor</b>	None
Particulars of works to be carried out	<b>Main contractor</b>	List of the work phases to be carried out in chronological order
Methods to be used in each stage of the development	<b>Main contractor</b>	Description of how each work phase will be carried out
Programme of work	<b>Main contractor</b>	Schedule of dates and time periods (day/night) when each work phase will be carried out
Hours of work	<b>Main contractor</b>	Daytime and night-time as appropriate
Number, type and make of equipment and machinery (including heavy vehicles) stating Sound Power Levels	<b>Main contractor</b> via equipment supplier if noise data information available. Otherwise main contractor should select similar equipment and associated sound power level from BS5228 tables and identify the table and Ref. No. assumed and provide information to noise specialist	Typically attach as appendix or in separate noise report prepared by noise specialist. It is essential that this information is as accurate as possible in order for noise predictions to be meaningful
Proposed steps to minimise noise and vibration	Discussion between <b>main contractor and noise specialist</b>	Typically attach as appendix or in separate noise report prepared by noise specialist
Background Noise Levels (may or may not be required)	<b>Noise specialist</b>	If the LA requests a background noise survey it should be undertaken <b>before</b> any noise sources such as generators are installed on site, since these will influence the background noise levels
Predicted Noise Levels during works	<b>Noise specialist</b> (using information above)	Typically attach as appendix or in separate noise report prepared by noise specialist
Details of Noise and Vibration Monitoring to be undertaken during the works	Proposals for monitoring to be established following discussions between <b>main contractor, LA and noise specialist</b>	Typically this will involve noise and/or vibration logging equipment located at positions close to or representative of the nearest sensitive locations during the works. The measurements will typically be submitted on a weekly basis so that comparison can be made with predicted noise levels and additional mitigation measures incorporated where appropriate
List of attached information	<b>Main contractor</b>	When the main contractor submits the application any attachments should be listed so that the recipient LA can check that all relevant information has been received in order to avoid unnecessary delay in the processing of the application

Table 1: List of information typically required to complete a Section 61 Application

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## What input does the noise specialist typically have?

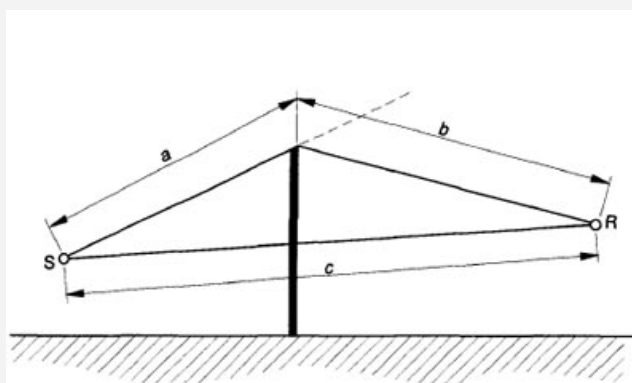
The activities described in Table 1 that may involve the use of a noise specialist are described in more detail below:

**Background noise survey:** The LA may request a background noise survey and if this is a requirement then it should be undertaken in the absence of any noise generating equipment or activities associated with the site. This will therefore by necessity usually require the survey to be undertaken early in the project and will typically involve noise and/or vibration measurements being taken over 24 hrs under calm and dry weather conditions. The survey may be either attended or un-attended depending upon circumstances, and if the survey is un-attended then noise and/or vibration equipment will be typically left at a secure location over 24 hrs.

**Noise control recommendations:** The noise specialist can discuss the likely benefits of the available noise and vibration mitigation measures with the main contractor and this should be done well in advance of the commencement of the works in order that the practicalities and logistics of the proposed mitigation measures can be allowed for. BS 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 1: Noise* provides recommendations on typical noise mitigation measures that should be considered.

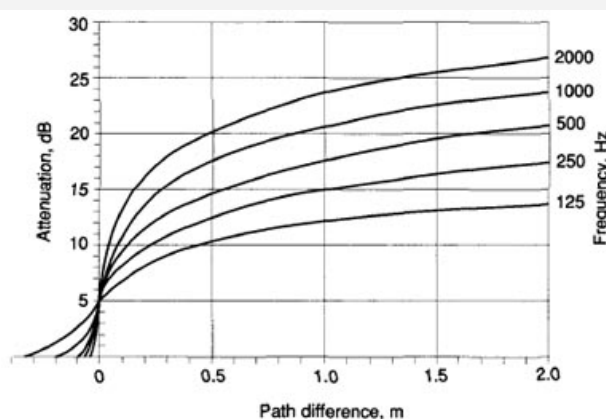


Noise logging equipment at a secure location



NOTE. S = source  
R = receiver

a) Illustration of path difference (a+b-c) introduced by a barrier



b) Barrier attenuation at different frequencies of sound  
Figure D.3 Screening effect of barriers

Temporary acoustic barriers are one of several noise mitigation measures recommended for consideration in BS5228

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**Noise and vibration predictions:** The noise specialist will use information on construction equipment noise levels and location, provided by the main contractor, to predict noise and vibration levels at sensitive locations using methods described in BS 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 1: Noise* and BS 5228-2:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 2*.

Predicted levels can be provided numerically but also as noise contours for each phase of the works. Noise contours provide an instantaneous visual indication of the area that will be affected by noise from the works and are therefore often favoured by the LA.

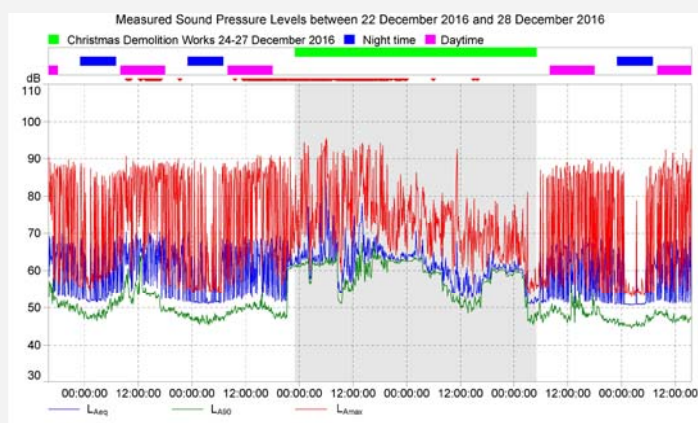


Noise Contour Map showing predicted noise levels during part of a bridge replacement project

**Noise and vibration assessment report preparation:** The noise specialist will prepare a noise assessment report including the background noise survey, noise mitigation recommendations and noise predictions for the works. This report can then be submitted as part of the Section 61 Application and will include all of the noise and vibration information required, such that the form itself need only reference relevant parts of the report as advised by the noise specialist.

**Noise and vibration monitoring:** In addition to the noise predictions issued as part of the Section 61 Application, the LA may also require noise monitoring to be undertaken whilst the work is being undertaken. The purpose of this would typically be to highlight any activities that are generating more noise than expected so that investigations can be made and noise levels reduced where possible.

Measured data may also be used to validate the predictions and to provide valuable information for future projects.



Graphical representation of measured environmental noise levels

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## Summary of main points

A Section 61 consent from an LA can help avoid the prospect of construction work being halted due to noise complaints from nearby residents

A Section 61 Application requires likely noise levels during the proposed works to have been predicted and may therefore require the assistance of a noise expert

A Section 61 Application should be submitted at least 28 days prior to the proposed start date or delays may be imposed

Discussions with the LA should be undertaken 4-8 weeks before the submission is made so that necessary surveys and calculations can be undertaken in time

Noise and/or vibration measurements may be required during the works and these would normally be carried out by the noise expert

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