

A good practice guide for environmental noise control for Out of Hours (OOH) working

Introduction

It is well recognised that out of hours (OOH) working can represent a challenge. Nevertheless, it is accepted that some works can only happen outside normal working hours due to their network impact and/or public safety concerns. However, permitting construction/street works to be carried out of hours can have a significant environmental health impact on residents and businesses. Noise levels resulting from out of hours working can cause annoyance and sleep disturbances to residents resulting in noise complaints.

Residents' and business noise complaints may cause Environmental Health Officers to suspend out of hours work and restrict it to normal working hours to safeguard public health and business interests. This can cause major issues due to the nature of works e.g., if services are being installed or reinstated by utility companies, and the impact that road closures might have on traffic flow during normal working. Permitting works during out of hours can be a feasible option but requires an effective public liaison and application of Best Practicable Means (BPM) for noise control.

What is expected from works promoters/contractors planning to work out of hours in Westminster?

This guide provides minimum requirements for environmental noise control and management that works promoter/contractor will need to follow for out of hours working. It also provides details on the OOH working application processes for works to be carried out within the boundaries of the City of Westminster. *Please note that this guide does not cover construction sites managed under the Code of Construction Practice (CoCP). For OOH working arrangement for CoCP sites, please follow CoCP procedures. For details see CoCP section [here](#).*

Disclaimer:

The recommended best practicable means listed herein are by no means exhaustive but serves as a minimum guide for good practicable measures that can be applied to control noise for out of hours working. Please note that following this guidance does not constitute a legal defence for the use of Best Practicable Means, and that the specific guidance presented in BS5228: 2009 'Noise and Vibration Control on Construction and Open Sites' should be consulted.

Communication between Westminster and works promoters/contractors

Works should be planned, co-ordinated and permitted with the intention of minimizing impact on both network users and the local neighbourhood and allow enough time for notification and liaison **(see process flow)**.

Permission is required for all noisy works carried out during the following times:

- Monday to Friday, **before** 8:00 hrs or **after** 18:00 hrs; or
- Saturday, **before** 8:00 hrs or **after** 13:00 hrs; or
- **Any time** on Sundays and Bank Holidays (*not encouraged)

Early engagement is essential between Westminster City Council (WCC) and the work promoter/contractor should ensure that:

- The impact of works is understood;
- Proposed working arrangements are agreed with the Council, considering the complexity of local circumstances;
- Best practical means for the works are identified and agreed;
- OOH working approval constraints and provisions for out of hour working are understood by work promoter/contractor;
- Enough time is allowed for the approval process, so that works are permitted in time and can be delivered safely and effectively;
- There is enough time allowed for early, clear, and effective communication with local stakeholders.

Public liaison

Early consultation can significantly reduce the likelihood of complaints from affected stakeholders. Timely public consultation is a crucial part for the implementation of **Best Practicable Means (BPM)** to control noise and to minimise noise impact to residents and noise sensitive business.

Scope and extend of public liaison

The scope and extent of liaison depends on the nature of works, the anticipated scale and duration of OOH working and the potential for noise disturbance to neighbours. Public liaison should be part of OOH working planning and clear details about the planned liaison should be provided as part of the application process. As a minimum, the following strategies to public liaison and consultation are recommended:

Major Works (including street works):

- Public meeting (for major schemes);
- Contact details in case of complaints;
- Early written notification, 2 weeks before works start;
- Written confirmation, 3 working days before start.

Standard Works (including scaffolds, cranes, and cleansing works, etc):

- Targeted area letter drops, 3 working days before works start (copies to be attached to OOH working application form).
- Contact details in case of complaints;

Minor Works (including Utility works and any other street works):

- Targeted area letter drops 1 working day before start.

Emergencies

- Inform environmentalsciences2@westminster.gov.uk as soon as possible or latest by 10:00 am
- Provide Justification and noise control measures that were /are to be employed.
- After which responsible officer/s may advise on any further mitigation measures needed for ongoing or future works.

Information to be provided to the public:

- Changes to programme should be passed on as soon as reasonably practical;
- Complaints should be responded to quickly
- Work details, times, and phasing of works
- Methodology summary
- Possible environmental impact if any
- Confirmation of best practical means
- Details of local consultation, negotiation & agreement
- Site contact details (for site supervisors, especially out of hours contacts)
- Reason for OOH working

WCC to assess & confirm:

- Extent of local liaison required
- Assist with the identification of the location of noise sensitive premises (**GIS map**)
- Environmental impact and adequacy of proposed BPM
- Working window for noisy works

Who should be notified of the works?

- Sensitive premises can be identified using the **GIS map available at the link below**
- [Noise App \(Final\) \(spatialdays.com\)](#)
- You can login to the above system with the following information:
- Username: viewuser@spatialdays.com
- Password: Streetworks01!
- Liaison should at minimum include all noise sensitive premises occupiers identified using the GIS map.

Best Practicable Means (BPM) to minimise noise disturbance

It is important that best practicable means for noise control are put in place to reduce the risk of noise disturbance on local noise sensitive places. To achieve this, there is a need for works promoter/contractors to understand **what BPM looks like for out of hours** within

WCC and to appreciate the impact that noise resulting from works might have on residents and noise sensitive business such as Hotels.

BPM is defined in Section 72 of the Control of Pollution Act 1974. As part of BPM, noisy activities should be programmed to reasonable hours. **The types of BPM that contractors should consider in order to reduce noise impact on local stakeholder may include but not limited to:**

- The noise control measures to be adopted are dependent upon the nature of proposed works and the risk of noise disturbance as well as the location of noise sensitive places. Thus, the considerations for control measures should accounts for:
 - Type of machinery/tools used and Sound power levels of each Plant
 - Location of noise sensitive places
 - Nature of street works activities
 - Vehicle Activity.
 - Length of working times and extend of working period (evening/night)
 - Extend of public Liaison
- Restricting disruptive activities to early hours of the evening and all noisy work should be completed by 11 pm.
- To allow respite to resident and noise sensitive business units, no noisy work is allowed for weekend working beyond permitted working hours for Saturday.
- Arrival of operatives to the site to be done quietly.
- Deliveries to the site and removal of material from the site should only take place during permitted working hours.
- Giving Neighbours advance warning of any work being carried out and letting them know how long it will last
- Using less noisy methods and equipment
- Not allowing vehicles to be left idling
- Reversing alarm switched off and use banksman
- Reducing transmission and propagation of noise, e.g.:
 - Providing acoustic screens / noise enclosures or acoustic barriers
 - Super silenced compressors/resilient matting

- Cutting materials off site to minimise noise levels on site as well as site air quality or prefabricate structure offsite or temporary shop frontage.
- Using well-maintained, quiet machinery
- Avoiding unnecessary noise e.g.
 - Shouting
 - Use of foul language
 - Dropping materials.
 - The use of loud radios
- Regular equipment maintenance to minimize noise emissions
- Sufficient training and supervision of employees to ensure staff:
 - i. Understand and appreciate the need for BPM
 - ii. Are fully briefed on how to implement BPM for the particular job
 - iii. Use the correct equipment in the correct way at the correct time
 - iv. Are aware of agreed start & finish times for the works, and any other special measures
- Appropriate management & supervision of the works to ensure best practical means are planned & implemented

Avoiding and managing noise complaints

The Council will investigate all noise complaints associated with out of hours working. The investigating Officer will consider whether the works were agreed upon and whether BPM had been applied. If works are deemed unreasonable, works may be stopped, restricted and enforcement actions under the provisions of the Control of Pollution Act 1974 and the Environmental Protection Act 1990, may be taken.

Out of Hours (OOH) working permit process

A formal application process for OOH working has been devised to guide OOH working requests, management and regulation of works with the aim of reducing the environmental health impact. All OOH working requests works should be done using the [online](#) OOH

working application form. Applications will only be processed if it is completed in full and has supporting documentation (sample letter drop, site layout, indicating site boundary).

Lead response times

Standard processing times vary according to the type of OOH works.

- For planned minor and standard street or utility works, we aim to respond within 3 working days.
- For all other works, we aim to respond within 10 working days.

Note: Highways/Street works Team will not grant permits for street works/ scaffolding or cranes license out of hours unless Environmental Health Team have provided prior approval. You will receive a reference number which will need to be submitted to Highways/Street works Team.

Need for section 61 prior consent under the control of pollution act 1974

Works promoters planning OOH working that meet the following criteria should submit a section 61 (S61) consent application.

Noisy works to be carried out beyond standard working hours, lasting longer than three (3) consecutive nights. Please take note that S61 application response is provided within 28 working days, after application date. [Railway related works will also require s61 consent.](#)

Please find application for section 61 prior consent at the link below:

https://www.westminster.gov.uk/sites/default/files/section_61_prior_consent_template.pdf

Section 61 notices should be considered for weekend works that occur over several consecutive weekends.