

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. It is accepted that some works can only happen outside normal working hours due to their network impact and/or public safety concerns. Permitting construction/street works to be carried out of hours can have a significant environmental health impact on residents and businesses. However, it can be a feasible option but requires an effective public liaison and application of Best Practicable Means (BPM) for noise control.

Residential and commercial noise complaints received as a result of work you are carrying out may lead to a suspension of out of hours work to safeguard public health and business interests.

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

This guide provides minimum requirements for environmental noise control and management that works contractor will need to follow. It also provides details on the OOH working application processes for works to be carried out. ***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 <https://www.westminster.gov.uk/code-construction-practice>***

Communication between Westminster and 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.

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

Early engagement is essential between Westminster City Council (WCC) and the contractor to 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 contractors;

- 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.

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;
- Utility contractors carrying out street works need to inform residents in writing 3 working days before work commences.

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

- Notification to the out of hour's mailbox (OOHrequests@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

Updates and changes during the Works

- The contractor should keep residents and businesses informed of changes, overruns /extensions, incidents & complaints relating to the site.
- WCC should be informed email at: OOHrequests@westminster.gov.uk.
- Regular update meetings to review the progress of major works may also be required.

Who should be notified of the works?

- Liaison should at minimum include all noise sensitive premises occupiers **at least within 100 m-150 m of your site;**
- Sensitive premises can be identified using the **GIS map available at the link below**
- <https://lbhf.maps.arcgis.com/apps/webappviewer/index.html?id=dc05fa0482fc41eda61ab3a88bf8ec18>
- **Logon details: Username: [streetnoise_wcc](#) Pass word: [OutofHours2](#)**

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.

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 works should be completed by 11 pm.
- Noisy works should be kept to a minimum on weekends to allow respite to resident and noise sensitive business units
- 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
 - Dropping materials.
 - The use of loud radios
- Regular equipment maintenance to minimise 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.

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.

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

Lead response times

The completed OOH working application form should be submitted to the OOH mail box (oohrequest@westminster.gov.uk) for approval at least **ten (10)** working days for planned **major** and **standard** works and **three (3)** working days for **minor** works, prior to commencement.

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

A section 61 prior consent will be required for all OOH building work lasting longer than 3 days. Please take note that S61 application response is provided within 28 working days, after application date. Railway related works will also require s61 prior consent.

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

https://www.westminster.gov.uk/sites/default/files/section_61_copa_prior_consent_application_form.docx