

# NORTHUMBERLAND COUNTY COUNCIL

## CONTROL OF POLLUTION ACT 1974

### Sections 60 and 61

To Northumberland County Council

I/WE HEREBY MAKE APPLICATION for prior consent in respect of works to be carried out on the [construction] site specified below, under section 61 of the Control of Pollution Act 1974.

Signed+ ..... Date

.....

Name and address of applicant  
(in block letters please)

.....

.....

.....

Telephone no. ....

+ Where application made by a Company the signature should be of a Director or Secretary

1 Address or location of proposed works	
2 Name and address of main contractor  Telephone No.....	
3 Particulars of works to be carried out	
4 Methods to be used in each stage of development	
5 Hours of Work	

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6 Proposed steps to minimise noise	
7 Number, type and make of plant and machinery (including heavy vehicles) stating Sound Power Levels where known	
8 Approximate duration of contract	

### NOTES

1. The control of noise on construction sites applies to works of the following description, namely:
  - a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads:
  - b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal or works:
  - c) demolition or dredging work:
  - d) (whether or not also comprised in (a), (b) or (c) above), any work of engineering construction.
2. Where Building Control application is required, this must be done before or at the same time as this application.
3. Site layout plan to be provided with this application showing the proposed positions of plant and machinery in relation to dwellings, schools, hospitals, etc. (Minimum scale 1:500).
4. Supplementary sheets may be used for fuller descriptions and additional information as required.
5. If (a) the Council refuses consent or does not give consent within 28 days, or (b) the Council attaches any condition to a consent, the applicant may appeal to a magistrates' court within 21 days thereafter.

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6. The grounds on which a person to whom a local authority give a conditional consent may appeal, 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 extent, 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.
  
7. 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.
  
8. Where the appeal relates to a conditional consent given by a local authority, on the 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:and a consent or condition which is varied under subparagraph (a) above shall be final and shall otherwise have effect, as so varied, as if it had been given, attached or imposed in that form by the authority.
  
9. Where the appeal relates to a local authority's refusal or failure to give a consent within the period specified in section 61(6), on the hearing of the appeal the court shall afford to the appellant and to the authority an opportunity of making representations to it concerning the application under section 61(1) to which the appeal relates and concerning the terms and conditions of any consent which they consider to be appropriate thereto, and thereafter the court shall either-
  - a) adjourn the appeal to enable the appellant to submit to the authority a new application under section 61(1) relating to the matters which are the subject of the appeal, or
  - b) make an order giving consent to the application either unconditionally or subject to such conditions as it thinks fit, having regard to the provisions of section 61(4), (5) and (9), and any other matters which appear to it to be relevant,and any consent given by an order made under sub-paragraph (b) above shall be final and shall otherwise have effect for the purpose of Part III of the Act as if it were a consent given by the local authority under section 61.