

## Introduction

This information leaflet has been prepared by the Environmental Protection Unit (EPU) of Birmingham City Council (BCC), to assist contractors and developers in understanding the restrictions which apply to construction/demolition work. These restrictions are put in place to protect nearby residents and businesses.



Construction and demolition activities can generate emissions of noise and dust. Adhering to the simple rules enclosed in this leaflet will help to reduce local air pollution, complaints from neighbouring residents and businesses, and reduce the likelihood of possible legal action by BCC.

To make sure that your site is compliant, please ensure that all staff and subcontractors working at your site are made aware of the information contained within this leaflet. You are advised that you can make unlimited copies of this leaflet for distribution at site, a pdf is available for download from [www.birmingham.gov.uk](http://www.birmingham.gov.uk) and further copies can be obtained from the Environmental Protection Unit at the address shown on the back cover.

## Burning Waste

Section 2 of the Clean Air Act 1993, (Prohibition of dark smoke from industrial or Trade premises).

You must not burn at any time any material that will create dark smoke, for example plastic and cable. BCC does not have to witness the burning of materials or an emission of dark smoke from your site to prove an offence has been committed.

If evidence is found at your site indicating that materials have been burnt that are likely to create dark smoke, then this is deemed suitable evidence to prove an offence has been committed. Committing an offence under Sec 2 may result in legal action and a fine of up to £50,000 or 6 months in prison.

## Noise Pollution

### Concrete Power Floating

Concrete power floating cannot always be undertaken within preferred hours of operation for noisy activities, and because of this BCC receive a high number of complaints. BCC strongly advises that these noisy works are NOT carried out whilst residents are sleeping, if however there is no other option, EPU must be notified and local residents informed in writing and provided with a contact telephone number for them to call should they have any queries or problems.



Sections 60, 61, 71 and 72 of the Control of Pollution Act 1974 (COPA)

Section 60 of COPA gives BCC the power to serve a notice imposing requirements as to the way in which construction works are to be carried out. BCC serve such notices usually when a noise complaint has been made about activities at the site, however BCC can serve such notices before any works have started.

BS5228 (Noise Control on Construction and Open Sites) provides guidance to enable compliance with Section 60. Part 1 of this guide considers basic information and procedures for noise and vibration control, as approved under Section 71 of COPA.

Section 61 allows the person intending to carry out construction works to apply for consent to operate prior to any activity commencing at a site. The consent must detail the methods by which all noisy activities are to be carried out.

**Under Sec 72 a contractor must use "Best Practicable Means" to control noise on the site.**

### The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

The aim of the Regulations is to reduce noise levels of each individual machine used on construction/demolitions sites by requiring various types of new construction site equipment for example concrete breakers, excavators, welders and generators to meet specific noise levels. The noise levels within the Regulations relate to sound power levels (Lw), therefore please ensure the sound power level is specified on any outdoor equipment you use.

## Nuisance

Environmental Protection Act 1990 – Statutory Nuisance affecting residential properties only.

Section 79 lists potential statutory nuisances including smoke, dust, noise, odours, accumulations of waste and artificial light. BCC is required to investigate any such complaint and assess whether a statutory nuisance exists. If a nuisance does exist under Section 80, BCC will serve an abatement notice to prohibit or restrict the occurrence or recurrence of this nuisance, BCC can also require works to be carried out to abate the nuisance. Under Section 82 a local resident can apply to a Magistrates Court on grounds that activities on site amount to a statutory nuisance.

## Do's and Don'ts

- **Do** consult BCC prior to commencing any work giving contact details.
- **Do** advise local residents in writing that work is to take place, and provide a contact telephone number for them.
- **Do** adhere to the following hours of operation for works audible at the site boundary:

Monday to Friday	8am to 6pm
Saturday	8am to 1pm
Sunday and Bank Holidays	No work

- **Do** consult BCC for prior approval if you want to operate outside these hours.
- **Do** try to operate noisy equipment in the middle of the day only.
- **Do** carry out piling operations using the quietest methods available.
- **Do** keep noisy deliveries to the middle of the day especially skip and cement deliveries.
- **Do** ensure all materials are carefully loaded and unloaded to avoid unnecessary noise. They should not be deliberately dropped.
- **Do** locate noisy static plant e.g diesel generators away from residential properties.
- **Do** ensure noisy plant is adequately insulated/ screened.
- **Do** ensure equipment is properly maintained.
- **Do** ensure mobile crushers and screeners carry the appropriate permit under the Environmental Permitting Regulations 2010, if in doubt call the EPU.
- **Do** ensure you create and maintain a site waste management plan where required.
- **Do** screen noisy activities that cannot be moved away from noise sensitive premises.
- **Do** ensure you adhere to your duty of care with regard to waste disposal.
- **Do** ensure asbestos is removed and disposed of safely by a licensed waste carrier.

- **Do** keep dust to a minimum on site by:
  - o Management of stockpiles of dusty materials.
  - o Spraying dusty parts of the site with water.
  - o Keeping access roads clean, use wheel washers for vehicles leaving the site if required.
  - o Cover wagons and skips containing dusty materials.
- **Do not** play amplified music on the site.
- **Do not** use vehicles with reversing alarms before 8am.
- **Do not** leave noisy equipment/ vehicles running unnecessarily e.g. at night or early deliveries.
- **Do not** burn waste on site or anywhere else.

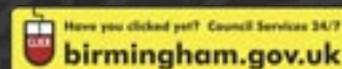
Compliance with this guide does not constitute exemption from legal action.

## Temporary Road Closures

Please apply to Highways Services [highways@birmingham.gov.uk](mailto:highways@birmingham.gov.uk) for permission to close a road. Sunday closures are preferred when roads are not busy, please ensure BCC Environmental Protection Unit and local residents are made aware of any closures.

**Environmental Protection Unit**  
**581 Tyburn Road,**  
**Birmingham B24 9RX**  
**Telephone: 0121 303 9938**  
**Fax: 0121 303 9901**

*Please contact EPU as early as possible if you are to carry out major construction or demolition works that may affect nearby noise sensitive premises, or if you require further advice.*



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# Advice to Building Contractors on Noise and Dust from Construction and Demolition Works.

