

Statutory nuisance

Construction sites that generate dust, noise, fumes, vibration, heavy traffic movements and artificial light all have the potential to cause nuisance to neighbours. This must be managed effectively to avoid local authority or individual intervention, which could delay or stop the works.

There are three types of nuisance: statutory, where a particular nuisance has been recognised in statute law; and public and private, which are based on precedent within common law (rulings on similar previous cases).

Effective planning of site activities should take place to ensure that certain construction activities are limited, so that potential nuisances are minimised and do not cause annoyance to neighbours or impact wildlife, trees or plants.



Before any work starts on site

- Works must be assessed to identify noise and vibration impacts on local neighbours, wildlife (animals and vegetation) and buildings.
- Working methods must be designed and reviewed to use equipment that reduces noise and vibration (such as pile jacking and chemical bursting).
- There must be continuous communication and liaisons with local stakeholders who may be affected by nuisance, and a procedure put in place to deal with any issues or complaints.
- Local environmental health officers and neighbours must be consulted, and warned of any programmed out-of-hours or major, disruptive activities.
- A Section 61 notice under the Control of Pollution Act 1974 must be applied for and consent put in place, while site working hours must be clearly defined to restrict noisy operations to certain times of day.
- Site deliveries must be planned to suit the local area, avoid impact on local neighbours, and restricted to certain times of day.

When work has started on site

- The company (or site) environmental policy must be available and displayed on site, with responsibilities and relevant requirements for environmental management clearly defined, allocated, highlighted and communicated at site inductions and displayed on site noticeboards.
- A suitable and sufficient monitoring regime must be in place to ensure that environmental requirements are being met (such as relevant energy monitoring and environmental inspections for oil and waste storage, protected areas, water quality, noise and dust).
- All site personnel (including sub-contractors) must be made aware of the environmental issues and standards through site inductions, briefings and toolbox talks. Method statements must include sufficient control measures for environmental management.
- All plant and vehicles must be in good working order, with up-to-date maintenance or service logs. Vehicles that remove granular or dusty materials must have sheeted covers, and public roads must be regularly cleaned using a sweeper or vacuum.
- Haul roads must be located away from sensitive areas (such as rivers and ditches), with site vehicle speed limits controlled to reduce dust. On dry, windy days dust on site haul roads and material stockpiles must be dampened down adequately.
- Appropriate dust suppression techniques must be used to minimise air pollution from timber cutting or planing, stone or block cutting and crushing. Material stockpiles or spoil heaps must be protected and stored away from sensitive areas (such as drains, rivers and ditches).
- Cement and concrete must be mixed in enclosed areas to prevent dust, and enclosed chutes and covered skips used for lowering dusty demolition or waste materials.
- Dust and emission monitoring arrangements must be in place, and records maintained where there are risks of nuisance or environmental damage to sensitive receptors.
- Noisy plant must be kept as far as possible from sensitive receptors: noise screens must be used to reduce noise transmission, and haul routes must be well maintained to prevent vehicle noise and vibration.
- Noise screens and hoardings must be checked regularly and kept well maintained, with no holes or gaps. Lighting must be positioned to avoid nuisance at night, when all non-essential lighting must be switched off.
- Noise levels must be recorded to ensure that levels are kept within the limits of the Section 61 consent.
- Environmental records must be maintained to facilitate good auditing processes (such as waste transfer notes, consignment notes, noise and water monitoring), and a process must be in place to review ongoing performance and identify areas for improvement.

CITB has made every effort to ensure that the information contained within these documents is accurate. The content should be used as guidance only and not as a replacement for current regulations, existing standards or as a substitute for legal advice and is presented without any warranty, either express or implied, as to their accuracy. In no event will CITB be liable for any damages arising from reliance upon the content.