

MEMORANDUM OF UNDERSTANDING BETWEEN LISTED POLLUTION CONTROL (NOISE) LOCAL AUTHORITY SERVICES WITHIN KENT AND KENT COUNTY COUNCIL HIGHWAY SERVICES IN RELATION TO APPLICATIONS FOR ROADWORKS THROUGHOUT THE COUNTY.

PURPOSE

The purpose of this Memorandum of Understanding (MoU) is to prevent as far as possible unnecessary disturbance being caused by roadworks carried out in Kent.

ENFORCEMENT RESPONSIBILITIES

Kent County Council (KCC) as permit authority have the responsibility to coordinate all applications that involve the breaking up of the Highway within the County such that the minimum disruption is caused by congestion, pollution etc. It does this by using powers under the Traffic Management Act 2004. Anyone who wishes to work on the highway (the promoter) must apply for a permit before work starts.

Environmental Protection Services within Local Authorities have a legal obligation to prevent statutory nuisance from pollutants including noise. They therefore have a specific responsibility to ensure work on the highway is carried out using 'best practicable means' which includes the use of the quietest available techniques at the most reasonable time of the day. The local authority can formally require best practice to be adopted by using powers within section 60 of the Control of Pollution Act 1974. Equally, under section 61 of the Control of Pollution Act 1974, the promoter can apply for a consent from the Local Authority prior to the works being carried out. Details on how this can be done may be obtained by liaising with the relevant contacts listed at the end of this document.

PROCEDURE

It is accepted that in the course of a year throughout Kent there will be many thousands of applications for permits covering this type of work. The vast majority of these will be small scale and carried out during normal working hours and therefore the Environmental Protection Services of Local Authorities will not need to be made aware of them. For the remaining, more significant, works a procedure is required whereby Environmental Protection Services within Local Authorities are notified in good time prior to the works being carried out to ascertain whether formal Control of Pollution powers as described in above are necessary.

To ensure consistent notification is received by all Local Authorities throughout Kent the following procedure is to be adopted:

Where KCC are advised of proposed works on the highway which are to take place:

1. Outside the hours of 7am to 7pm Monday to Friday.

NB This is provided that operations between 7am to 8am and 6pm to 7pm are low noise operations so as not to cause a nuisance and as defined below

- Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- Refuelling of plant and machinery
- Deliveries and unloading
- Site inspections, safety checks and site set up
- Arrival and departure of workforce
- Site meetings.
- Site clean up.

Or

2. Outside the hours of 8am to 1pm Saturdays

Or

3. At any time on a Sunday or Public Holiday

They will ensure that the promoter has contacted the Environmental Protection Service of the relevant Local Authority to provide the reasons for why the work needs to take place outside normal working hours and to discuss whether Control of Pollution powers are necessary.

KCC will not issue a permit for these schemes without the promoter having provided to them satisfactory evidence that such a contact has been made to the relevant local authority within the following timescale:

Type of permit	Minimum period ahead of proposed start date for promoter to contact Environmental Protection Service of the relevant Local Authority
Major (for activities with duration of 11 working days or more or any activity that requires a temporary traffic regulation order, e.g. road closure)	At Least 28 Days
Standard (all activities other than major that have a planned duration of between 4 and 10 working day inclusive)	10 Working Days
Minor (for activities where the planned duration is 3 working days or less)	3 Working Days

Appendix 1 contains the relevant contact details for each local authority.

It is accepted that there will be emergency situations where works in sensitive locations have to take place without the promoter being able to give the required prior notice. In cases where this happens, and complaints are made to an Environmental Protection Service of a Local Authority they can contact KCC the next working day on 03000 41 81 81 to pass on the details of the complaint to them for KCC to contact as necessary.

Appendix 1

Local Authority	KCC Streetworks Area	Email Address	Telephone Number
Ashford	East Kent	Envhealth@ashford.gov.uk	01233 331111
Dover	East Kent	Envhealth@dover.gov.uk	01304 872428
Folkestone & Hythe	East Kent	Environmental.services@folkestone-hythe.gov.uk	01303 853660
Thanet	East Kent	Environmental.health@thanet.gov.uk	01843 577274
Canterbury	Mid Kent	Envhealth@canterbury.gov.uk	01227 862202
Maidstone	Mid Kent	Customerservices@maidstone.gov.uk	01622 602202
Tonbridge & Malling	Mid Kent	Environmental.protection@tmbc.gov.uk	01732 844522
Swale	Mid Kent	EPteam@midkent.gov.uk	01795 417850
Dartford	West Kent	Customer.services@dartford.gov.uk	01322 343374
Gravesham	West Kent	Health.admin@gravesham.gov.uk	01474 337334
Sevenoaks	West Kent	Environmental.protection@sevenoaks.gov.uk	01732 227000
Tunbridge Wells	West Kent	Envprotection@tunbridgewells.gov.uk	01892 526121