



Wilkinson Cowan Partnership  
Stanley House  
15 Ladybridge Road  
Cheadle Hulme  
Cheshire  
SK8 5BL  
Dear Sir

**Our reference:** 17/00095/DEMLA  
**Your reference:**  
**Please ask for:** Chris Myler  
**Direct line:** 01942 489166  
**Date:** 25th July 2017

**Walkden House 26 Priory Road Ashton-In-Makerfield**

I thank you for your letter giving notice of your intention to demolish the above mentioned building.

As required by Section 81 of the Building Act 1984, I am counter-serving notice together with certain conditions controlling work on site. The statutory notice is enclosed herewith.

The notice requires that the boundaries of the site/area of demolition activities be enclosed with fencing to the requirements of Guidance Note GS7. A copy of the Guidance Note is therefore enclosed for your information.

I am also enclosing a guidance note from the Health and Safety Executive setting out contractors' responsibilities and duties under Health and Safety Law.

Prior notification of the demolition will be required under the Planning Acts. If you not already submitted a planning application you should email my Development Management Team for advice quoting our reference number 17/00095/DEMLA to [planningrepresentations@wigan.gov.uk](mailto:planningrepresentations@wigan.gov.uk).

Burning of materials, hours of work etc should be carried out in accordance with the enclosed Code of Practice. Should you require advice on this matter, please contact Julie Searing, telephone (01942) 489329.

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Please reply to: Chris Myler  
Places Directorate: Economy and Skills, Building Control  
Wigan Council, PO Box 100, Wigan WN1 3DS  
Phone: 01942 489000 Fax: 01942 404222  
E-mail: [c.myler@wigan.gov.uk](mailto:c.myler@wigan.gov.uk)  
[www.wigan.gov.uk](http://www.wigan.gov.uk)

**Wigan Council**

**Building Act 1984, Section 81**

**Notice to person undertaking demolition**

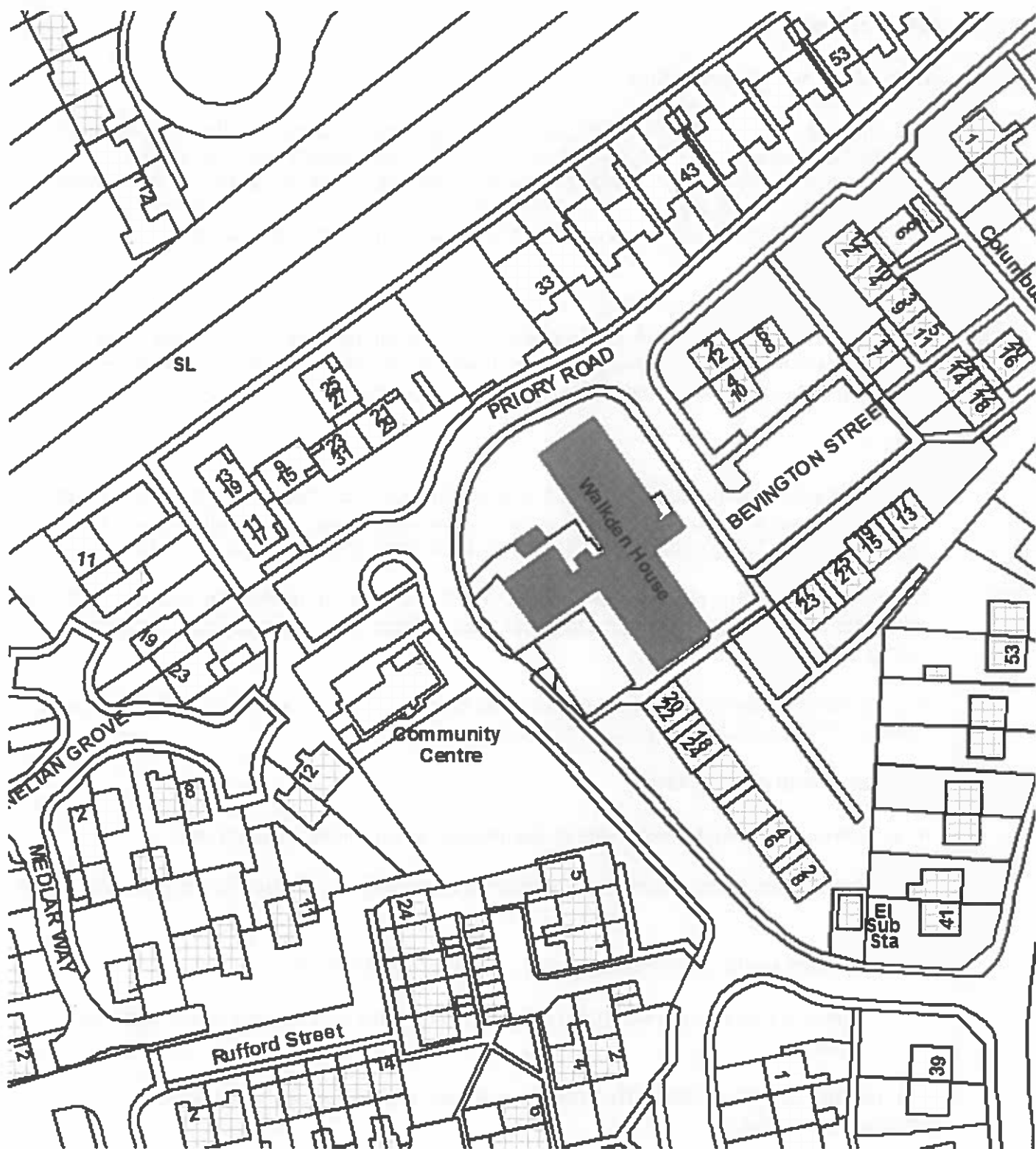
**To: Wilkinson Cowan Partnership Stanley House 15 Ladybridge Road Cheadle Hulme  
Cheshire SK8 5BL**

**Whereas the Wigan Borough Council (hereinafter referred to as "the Council") is satisfied that you are the person/one of the persons who appears to be undertaking or about to undertake the demolition of the building/buildings situated and known as:-**

**Walkden House 26 Priory Road Ashton-In-Makerfield**

**in the Borough of Wigan (hereinafter referred to as "the Building") the Council in exercise of their powers under Section 81 of the Building Act 1984 ("the Act") hereby give you notice that they require you or your servants or agents (the person/persons undertaking the demolition of the said building/buildings) to take the following action, namely:-**

- (a) If applicable, to shore up all buildings adjacent to the property being demolished as soon as possible after the work of demolition has commenced, and in any event, within 14 days after the said commencement of demolition.**
- (b) If applicable, to weatherproof any surfaces of any adjacent buildings which are exposed by the demolition, and in any event, within 21 days after such surfaces are so exposed. The weatherproofing to be carried out in accordance with the schedule to this notice (Note one).**
- (c) To repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it.**
- (d) To remove material or rubbish resulting from the demolition and clearance of the site, as the work of demolition proceeds, and in any event, within 14 days after the Building has been demolished.**
- (e) To disconnect and seal, at such points as the Council may reasonably require, any sewer or drain in or under the said building(s) to be demolished as soon as possible after the work of demolition has commenced or after being so required, and in any event, within 14 days after the building has been demolished.**
- (f) To remove any sewer or drain in or under the said building(s) to be demolished which the Council may require to be removed; and seal any sewer or drain with which the sewer or drain to be removed is connected as soon as possible after being so required, and in any event, within 7 days after the work of demolition has been completed.**
- (g) To make good, to the satisfaction of the Council, the surface of the ground disturbed by anything done in paragraph (e) or paragraph (f) of this Notice within 14 days after the completion of the work done under the said paragraphs.**
- (h) To make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building.**



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This plan is representative only, to indicate the site in relation to its surroundings.



- (3) Before a person complies with a requirement under paragraph (e), (f) or (g) of sub-section (1) he shall give to the local authority -
- (a) at least 48 hours notice, in the case of a requirement under paragraph (e) or (f), or
  - (b) at least 24 hours notice in the case of a requirement under paragraph (g),
- and a person who fails to comply with this sub-section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by an enactment to carry on an undertaking for the supply of electricity, gas or water.
- (5) Without prejudice to the generality of sub-section (4) above, this section does not exempt a person from -
- (a) the obligation to obtain any consent required under Section 67 of Schedule 3 to the Water Act 1945 (interference with valves and other apparatus) or Section 68 of that Schedule (alterations to supply pipes and other apparatus),
  - (b) criminal liability under any enactment relating to the supply of gas or electricity or
  - (c) the requirements of regulations under Section 31 of the Gas Act 1972 (public safety).
- (6) Section 99 below applies in relation to a notice given under Section 81 (1) above.

#### **Appeal against notice under Section 81**

83(1) Section 102 below applies in relation to a notice given under Section 81 above.

- (2) Among the grounds on which an appeal may be brought under Section 102 below against such a notice are -
- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building that is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up,
  - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.
- (3) Where the grounds on which an appeal under Section 102 below is brought include a ground specified in sub-section (2) above -
- (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
  - (b) on the hearing of the appeal the court may make such order as it thinks fit -

- (2) If and insofar as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (3) The appellant -
- (a) shall, where the grounds upon which the appeal is brought include a ground specified in sub-section (1) (e) or (f) above, serve copy of this notice of appeal on each other person referred to, and
  - (b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question,

and on the hearing of the appeal the court may make such order as it thinks fit with respect to -

- (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
  - (ii) the proportions in which any expenses that may become recoverable by the local authority are to be borne by the appellant and such other person.
- (4) In exercising its powers under sub-section (3) above, the court shall have regard -
- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required, and
  - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (5) This section has effect subject to any modification specified in the provision under which the notice is given.

## **DUST CONTROL**

In general it is an offence to cause a statutory nuisance from dust arising from the site which is prejudicial to health or a nuisance. Best practicable means must be taken to prevent any statutory nuisance.

In addition the crushing, grinding or other size reduction of bricks, tiles or concrete using mobile plant, is a prescribed process as defined by the Environmental Protection Act 1990, and therefore requires an authorisation to operate.

Mobile plant should be authorised by the Local Authority in which area the company's principal office is located. The authorisation will contain detailed conditions primarily related to the control and minimisation of dust emissions from these processes, a breach of these conditions may lead to a maximum fine of £20,000.

## **NOISE CONTROL**

The Contractor must employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from his operations on demolition sites and shall have regard to the British Standard BS 5228: 1997 (Code of Practice for Noise and Vibration Control on Construction and Open Sites).

Under the Control of Pollution Act 1974, Section 61, the person intending to carry out the demolition works may apply in advance for Consent as to methods by which the works are to be carried out. Section 60 of the Act gives local authorities the power to serve a notice imposing requirements as to the way in which demolition works are to be carried out.

## **DUTY OF CARE**

Sections 33 and 34 of the Environmental Protection Act 1990 place a duty of care, made under regulations, for any producer or carrier of waste to ensure that the method of disposal does not cause pollution. A breach of the duty of care regulations is an offence and may lead to a maximum fine of £20,000.

## **PART B. DUST CONTROL**

1. Avoid emissions of dust by use of water spraying and other dust suppression techniques on stock piles and vehicles.
2. Vehicles removing dusty material from site should be adequately sheeted.
3. If mobile plant is to be used on site to crush, grind or reduce the size of material you should ensure that the operator has an authorisation to carry out the process.

## **PART C. NOISE CONTROL**

Best practicable means to minimise noise and vibration from the site shall be employed at all times and special consideration shall be given to Part 1 Section 5 of British Standard 5228: 1997 Noise and Vibration Control on Construction and Open Sites especially:-

1. Work programmed to minimise noise at unreasonable hours.
2. Noisy plant and equipment shall be sited as far as possible from noise sensitive buildings; use of barriers, e.g soil mounds, site huts acoustic partitions, etc, to deflect noise away from noise sensitive buildings shall be employed wherever possible.
3. Quiet types of plant, vehicles and equipment shall be used where practicable; plant, vehicles and equipment shall where possible be fitted with silencers, acoustic hoods or covers which should be kept in good order and used at all times.
4. Plant, vehicles or equipment used intermittently should be shut down or throttled down to a minimum when not in use.
5. Care should be taken when loading or unloading vehicles, dismantling scaffolding, etc to minimise impact noise.
6. Access to the site should be so sited to minimise disturbance to persons in noise sensitive buildings by vehicles entering or leaving the site.
7. Any pneumatically operated percussive tools shall be fitted with approved mufflers or silencers which shall be kept in good repair.
8. To maintain good public relations and minimise the noise impact on residents living in the vicinity of the site, notification should be given of the proposed works.

**NB**

### **YOU MUST**

Ensure that you and any subcontractor you employ comply with the above legislation and, if employed by Wigan Council, carry out the points listed in the "Code of Practice".

Failure to observe the requirements of the relevant legislation and the "Code of Practice" could prejudice any future contract with Wigan Council.

It is advisable that any contractor, not employed by the council, should also observe the Code of Practice recommendations in order that they may meet their legal obligations.

## **A MESSAGE TO DEMOLITION CONTRACTORS**

**FROM**

**THE HEALTH AND SAFETY EXECUTIVE (HSE)**

You have duties to secure the safety of yourself, your workers and the public, during demolition work. HSE enforces health and safety law and can help you by providing you with advice and information.

### **The Construction Design and Management Regulations 1994 (CDM) CDM applies to all demolition work**

They set out what needs to be done by all parties to manage the work.

In brief, CDM requires:-

- The Client** to appoint a **Planning Supervisor** and a **Principal Contractor**  
- this could be you

- The Planning Supervisor** and **Principal Contractor** to be competent

- A Health and Safety Plan** to be drawn up **before** work starts

- Projects** to be **notified** to the HSE by the Planning Supervisor if they may last more than 30 days or involve more than 500 person days of work

### **THE CONSTRUCTION (HEALTH, SAFETY AND WELFARE) REGULATIONS 1996 (CHSW)**

**CHSW applies to everyone involved in demolition work**

CHSW sets out some steps you should take to reduce and control risks during work on site.

#### **Controlling the risks**

You need to think about the risks to workers and the public **before** work starts. You should aim to avoid putting anyone at risk. If risks cannot be avoided, then all steps should be taken to minimise them. HSE's leaflet "5 steps to risk assessment" available free from HSE Books, telephone 01787 881165 provides further advice.

HSE's comprehensive booklet "Health and Safety in Construction" HS (G) 150, (ISBN 0717611434) available on sale from HSE Books and good booksellers, provides essential guidance to help you.

#### **Further Information**

You can call the HSE Infoline on 0541 545 500 for free advice and information. You can also contact your local HSE office for advice on any aspect of construction health and safety.