



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART III

#### NOISE

##### *Construction sites*

#### **61 Prior consent for work on construction sites.**

- (1) A person who intends to carry out works to which the preceding section applies may apply to the local authority for a consent under this section.
- (2) Where approval under building regulations [<sup>F1</sup>under Part II of the <sup>M1</sup>Public Health Act 1936], or in Scotland a [<sup>F2</sup>building warrant] under [<sup>F3</sup>section 9] of the Building (Scotland) Act [<sup>F4</sup>2003 (asp 8)], is required for the carrying out of the works, the application under this section must be made at the same time as, or later than, the request for the approval under building regulations or, as the case may be, the application for a [<sup>F2</sup>building warrant] under the said Act of [<sup>F5</sup>2003].
- (3) An application under this section shall contain particulars of—
  - (a) the works, and the method by which they are to be carried out; and
  - (b) the steps proposed to be taken to minimise noise resulting from the works.
- (4) If the local authority considers that the application contains sufficient information for the purpose and that, if the works are carried out in accordance with the application, it would not serve a notice under the preceding section in respect of those works, the local authority shall give its consent to the application.
- (5) In acting under this section a local authority shall have regard to the considerations set out in subsection (4) of the preceding section and shall have power to—
  - (a) Attach any conditions to a consent; and
  - (b) limit or qualify a consent to allow for any change in circumstances; and
  - (c) limit the duration of a consent,

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and any person who knowingly carries out the works, or permits the works to be carried out, in contravention of any conditions attached to a consent under this section shall be guilty of an offence against this Part of this Act.

- (6) The local authority shall inform the applicant of its decision on the application within twenty-eight days from receipt of the application; and if the local authority gives its consent to the application it may if it thinks fit publish notice of the consent, and of the works to which it relates, in such way as appears to the local authority to be appropriate.
- (7) If—
- (a) the local authority does not give a consent within the said period of twenty-eight days; or
  - (b) the local authority gives its consent within the said period of twenty-eight days but attaches any condition to the consent or limits or qualifies the consent in any way,
- the applicant may appeal to a magistrates' court within twenty-one days from the end of that period.
- (8) In any proceedings for an offence under section 60(8) of this Act it shall be a defence to prove that the alleged contravention amounted to the carrying out of the works in accordance with a consent given under this section.
- (9) A consent given under this section shall contain a statement to the effect that the consent does not of itself constitute any ground of defence against any proceedings instituted under <sup>F6</sup> ... [<sup>F7</sup>section 82 of the Environmental Protection Act 1990].
- (10) Where a consent has been given under this section and the works are carried out by a person other than the applicant for the consent, it shall be the duty of the applicant to take all reasonable steps to bring the consent to the notice of that other person; and if he fails to comply with this subsection he shall be guilty of an offence against this Part of this Act.

#### Textual Amendments

- F1** Words repealed (E.W.) by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**
- F2** Words in s. 61(2) substituted (S.) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **Sch. 6 para. 10(a)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F3** Words in s. 61(2) substituted (S.) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **Sch. 6 para. 10(b)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F4** Words in s. 61(2) substituted (S.) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **Sch. 6 para. 10(c)(i)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F5** Word in s. 61(2) substituted (S.) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **Sch. 6 para. 10(c)(ii)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F6** Words in s. 61(9) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 15(3)**

#### Modifications etc. (not altering text)

- C1** S. 61 modified (9.11.2001) by [S.I. 2001/3682](#), **art. 32**
- C2** S. 61 modified (18.7.2001) by [S.I. 2001/2870](#), **art. 21**
- C3** S. 61 modified (18.12.1996) by 1996 c. 61, **s. 29**
- C4** S. 61 modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 20**

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- S. 61 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 13(3)**
- S. 61(7) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 13(2)**
- C5** S. 61 applied (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **36(1)(a)(i)**
- C6** S. 61 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 27 para. 1(1)**
- C7** S. 61 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 26 para. 1(1)**
- C8** S. 61(9) excluded (9.11.2001) by S.I. 2001/3682, **art. 31(2)(a)**
- C9** S. 61(9) restricted (18.7.2001) by S.I. 2001/2870, **art. 22(2)(a)**
- C10** S. 61(9) applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 22**
- C11** S. 61(9) restricted (18.12.1996) by 1996 c. 61, **s. 30(2)**
- C12** S. 61(9) excluded (20.8.1999) by S.I. 1999/2336, **art. 23(2)**
- C13** S. 61(9) excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 43(2)(a)**
- C14** S. 61(9) excluded (28.4.2003) by Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **35(2)(a)** (with art. 40)
- C15** S. 61(9) excluded (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), arts. 1, **33(2)(a)** (with art. 38)
- C16** S. 61(9) excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **50(2)(a)** (with art. 50(3))
- C17** S. 61(9) excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **73(2)** (with arts. 65, 66)
- C18** S. 61(9) excluded (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **20(2)(a)**
- C19** S. 61(9) excluded (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **48(2)(a)** (with arts. 3(5), 15(3))
- C20** S. 61(9) excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **46(2)(a)** (with arts. 43, 46(3))
- C21** S. 61(9) excluded (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **36(2)(a)** (with arts. 34, 35(2))
- C22** S. 61(9) excluded (30.5.2007) by The Mersey Docks and Harbour Company (Seaforth River Terminal) Harbour Revision Order 2007 (S.I. 2007/1440), arts. 1(1), **17(2)(a)** (with arts. 19, 20)
- C23** S. 61(9) excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **41(2)(a)** (with arts. 3(6), 12(3), 41(3))
- C24** S. 61(9) excluded (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **26(2)(a)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C25** S. 61(9) excluded (13.11.2007) by The Felixstowe Dock and Railway Harbour Revision Order 2007 (S.I. 2007/3219), arts. 1, **21(2)(a)** (with arts. 24, 25)
- C26** S. 61(9) excluded (8.5.2008) by The Teesport Harbour Revision Order 2008 (S.I. 2008/1160), arts. 1(1), **16(2)(a)** (with arts. 19, 20)
- C27** S. 61(9) excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **27(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C28** S. 61(9) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 21(3)(a)**
- C29** S. 61(9) excluded (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **40(2)(a)** (with art. 36(3))
- C30** S. 61(9) excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **78(2)(a)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)
- C31** S. 61(9) excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **38(2)(a)**

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- C32** S. 61(9) excluded (17.3.2010) by The Harwich Parkeston Quay Harbour Revision Order 2010 (S.I. 2010/626), arts. 1, **16** (with art. 20)
- C33** S. 61(9) excluded (13.4.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), arts. 1(2), **26(2)(a)** (with arts. 18, 19)
- C34** S. 61(9) excluded (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **26(2)(a)**
- C35** S. 61(9) excluded (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), arts. 1(1), **10(2)(a)** (with art. 10(3))
- C36** S. 61(9) excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **50(2)(a)** (with art. 51, Sch. 10 paras. 68, 85)
- C37** S. 61(9) excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 70(2)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, Sch.
- C38** S. 61(9) excluded (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **41(2)(a)**
- C39** S. 61(9) excluded (16.3.2012) by The Dover Harbour Revision Order 2012 (S.I. 2012/416), arts. 1(1), **16(2)(a)** (with arts. 18, 19, Sch. para. 7)
- C40** S. 61(9) excluded (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **52(2)(a)** (with arts. 46-48, Sch. 8 para. 18)
- C41** S. 61(9) excluded (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **29(2)** (with art. 26(2))
- C42** S. 61(9) excluded (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **38(2)** (with art. 35(2))
- C43** S. 61(9) excluded (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **38(2)(a)** (with art. 42(2))
- C44** S. 61(9) restricted (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 9(2)**
- C45** S. 61(9) restricted (13.3.2013) by The Brechfa Forest West Wind Farm Order 2013 (S.I. 2013/586), arts. 1, **9(3)**
- C46** S. 61(9) excluded (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **12(2)** (with arts. 48, 68, 79)
- C47** S. 61(9) restricted (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **38(2)**
- C48** S. 61(9) excluded (31.7.2013) by The East Northamptonshire Resource Management Facility Order 2013 (S.I. 2013/1752), arts. 1, **6(2)**
- C49** S. 61(9) excluded (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **8(2)** (with art. 30)
- C50** S. 61(9) excluded (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **31(2)(a)**
- C51** S. 61(9) excluded (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **40(2)(a)**
- C52** S. 61(9) excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **46(2)(a)** (with arts. 42, 43)
- C53** S. 61(9) excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **33(2)**
- C54** S. 61(9) excluded (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **30(2)** (with arts. 27(2), 39, Sch. 10 para. 4)
- C55** S. 61(9) excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **63(2)(a)** (with arts. 57, 58, Sch. 11 para. 19)
- C56** S. 61(9) excluded (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **15(2)**
- C57** S. 61(9) excluded (11.3.2014) by The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 (S.I. 2014/310), arts. 1, **25(2)(a)** (with art. 25(3))
- C58** S. 61(9) excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **37(2)** (with art. 34(2))

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- C59** S. 61(9) excluded (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **40(2)**
- C60** S. 61(9) excluded (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **7(2)** (with arts. 37, 38, Sch. 9 para. 19)
- C61** S. 61(9) excluded (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **14(2)** (with arts. 12, 13, Sch. 12)
- C62** S. 61(9) excluded (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **28(2)(a)** (with arts. 28(3), 31(2))
- C63** S. 61(9) excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **32(2)**  
S. 61(9) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **7(2)**
- C64** S. 61(9) excluded (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **8(2)** (with art. 13, Sch. 8)
- C65** S. 61(9) excluded (2.10.2014) by The Cloacaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **9(3)** (with art. 33)
- C66** S. 61(9) applied (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **36(2)**
- C67** S. 61(9) excluded (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **8(2)**
- C68** S. 61(9) excluded (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), art. **51(2)** (with arts. 30(4), 53)
- C69** S. 61(9) excluded (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **8(2)** (with arts. 38, 39)
- C70** S. 61(9) excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **43(2)(a)** (with art. 43(3), Sch. 8 para. 45)
- C71** S. 61(9) excluded (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **31(2)** (with arts. 37, 38)
- C72** S. 61(9) excluded (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **30(2)**
- C73** S. 61(9) excluded (10.1.2015) by The Lerwick Harbour Revision Order 2015 (S.S.I. 2015/4), arts. 1(1), **18(2)** (with arts. 22-24)
- C74** S. 61(9) excluded (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeh Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **8(2)**
- C75** S. 61(9) excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **36(2)**
- C76** S. 61(9) excluded (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **36(2)**
- C77** S. 61(9) excluded (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **12(2)** (with arts. 12(3), 40, 41, Sch. 12 Pt. 1 paras. 4, 9(2), 10, Sch. 12 Pt. 2 paras. 4(2)(3), 19, Sch. 12 Pt. 4 paras. 3, 4, 16)
- C78** S. 61(9) excluded (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **9(2)** (with Sch. 8 para. 10)
- C79** S. 61(9) excluded (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **34(2)** (with art. 36(2))
- C80** S. 61(9) excluded (21.4.2015) by The Crossrail (Plumstead Sidings) Order 2015 (S.I. 2015/781), arts. 1, **17(2)(a)** (with art. 17(3))
- C81** S. 61(9) excluded (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **18(2)** (with art. 5)
- C82** S. 61(9) excluded (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **39(2)**

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- C83** S. 61(9) excluded (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **8(2)** (with arts. 51, 53)
- C84** S. 61(9) excluded (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **6(2)** (with art. 44)
- C85** S. 61(9) excluded (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **35(2)**
- C86** S. 61(9) excluded (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, **34(2)**
- C87** S. 61(9) excluded (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **13(2)** (with arts. 13(3), 40, 41)
- C88** S. 61(9) excluded (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **18(3)**
- C89** S. 61(9) excluded (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), arts. 1, **36(2)(a)**
- C90** S. 61(9) excluded (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **8(2)** (with art. 26)
- C91** S. 61(9) excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **34(2)** (with art. 34(3))
- C92** S. 61(9) excluded (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **36(2)**
- C93** S. 61(9) excluded (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **38(2)** (with art. 32)
- C94** S. 61(9) excluded (12.2.2016) by The Palm Paper Mill Generating Station Order 2016 (S.I. 2016/166), arts. 1, **8(2)**
- C95** S. 61(9) excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **35(2)** (with art. 37)
- C96** S. 61(9) excluded (E.W.) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **10(2)** (with art. 39)
- C97** S. 61(9) excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **39(2)** (with arts. 4, 5(3))
- C98** S. 61(9) excluded (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **49(2)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C99** S. 61(9) excluded (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **9(2)**
- C100** S. 61(9) excluded (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **33(5)** (with arts. 35, 36)
- C101** S. 61(9) excluded (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **34(2)** (with art. 35)
- C102** S. 61(9) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **5(2)** (with arts. 37, 38)
- C103** S. 61(9) excluded (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **8(2)** (with art. 43)
- C104** S. 61(9) excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **38(2)**
- C105** S. 61(9) excluded (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **7(2)** (with arts. 39, 40, Sch. 8 para. 19)
- C106** S. 61(9) excluded (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **16(2)** (with art. 37)
- C107** S. 61(9) excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **49(2)** (with arts. 43, 44, 49(3))
- C108** S. 61(9) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 27 para. 4(a)**

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*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 61. (See end of Document for details)*

- C109** S. 61(9) excluded (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **9(2)**
- C110** S. 61(9) excluded (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **9(2)** (with art. 31)
- C111** S. 61(9) excluded (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **8(2)**
- C112** S. 61(9) excluded (S.) (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **40(2)** (with art. 37)
- C113** S. 61(9) excluded (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **8(2)**
- C114** S. 61(9) excluded (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **37(2)** (with art. 22)
- C115** S. 61(9) excluded (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **7(2)** (with arts. 36, 37, Sch. 8 para. 34)
- C116** S. 61(9) excluded (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **s. 40(2)** (with art. 40(3), Sch. 8 para. 20)
- C117** S. 61(9) excluded (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **29(2)** (with arts. 29(3), 32(2))
- C118** S. 61(9) excluded (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **42(2)** (with arts. 4, 37)
- C119** S. 61(9) excluded (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **63(2)** (with arts. 55-57, Sch. 8 para. 13)
- C120** S. 61(9) excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **62(2)** (with arts. 58, 59, 62(3))
- C121** S. 61(9) excluded (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **30(2)(a)** (with arts. 24(8), 30(3), 33(2))
- C122** S. 61(9) excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **63(2)**
- C123** S. 61(9) excluded (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **29(2)** (with art. 31(2))
- C124** S. 61(9) excluded (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **22(2)** (with art. 22(3))
- C125** S. 61(9) excluded (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **38(2)** (with arts. 3(3), 5)
- C126** S. 61(9) excluded (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **37(2)** (with arts. 6, 42)
- C127** S. 61(9) excluded (S.) (1.3.2019) by The Stornoway Port Authority Harbour Revision Order 2019 (S.S.I. 2019/76), arts. 1(1), **28(2)** (with art. 31)
- C128** S. 61(9) excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **49(2)** (with arts. 55, 56)
- C129** S. 61(9) excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **35(2)**
- C130** S. 61(9) excluded (26.4.2019) by The Tees Combined Cycle Power Plant Order 2019 (S.I. 2019/827), arts. 1, **9(2)**
- C131** S. 61(9) excluded (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **8(2)**
- C132** S. 61(9) excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **37(2)**
- C133** S. 61(9) excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **39(2)**
- C134** S. 61(9) excluded (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **41(2)** (with Sch. 13 Pt. 1 para. 19)
- C135** S. 61(9) excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **43(2)** (with art. 3(1))

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- C136** S. 61(9) excluded (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **50(2)** (with arts. 47, 48, Sch. 10 para. 19)
- C137** S. 61(9) excluded (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **34(2)** (with art. 7)
- C138** S. 61(9) excluded (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **39(2)** (with arts. 5, 44)
- C139** S. 61(9) excluded (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **38(2)**, (with art. 7)
- C140** S. 61(9) excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **56(2)** (with arts. 51, 57)
- C141** S. 61(9) excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **42(2)** (with art. 37)
- C142** S. 61(9) excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **39(2)** (with arts. 5, 44)
- C143** S. 61(9) excluded (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **7(2)** (with art. 37)
- C144** S. 61(9) excluded (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **8(2)** (with arts. 41, 42, Sch. 16 para. 66)
- C145** S. 61(9) excluded (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **39(2)** (with art. 5)
- C146** S. 61(9) excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **36(2)** (with Sch. 9 para. 144)
- C147** S. 61(9) excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **61(2)**
- C148** S. 61(9) excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **41(4)** (with art. 32, Sch. 9 para. 36)
- C149** S. 61(9) excluded (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), arts. 1, **8(2)**
- C150** S. 61(9) excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **7(1)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)
- C151** S. 61(9) excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **42(2)** (with art. 5, Sch. 27 para. 36)
- C152** S. 61(9) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 26 para. 4**
- C153** S. 61(9) excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **41(2)** (with arts. 4, 47)
- C154** S. 61(9) excluded (15.3.2021) by The Wheelabrator Kemsley K3 Generating Station Order 2021 (S.I. 2021/173), arts. 1, **13(3)**
- C155** S. 61(9) excluded (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **24(2)** (with Sch. 8 para. 48)
- C156** S. 61(9) excluded (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **38(2)** (with arts. 15, 50, Sch. 11 para. 29)
- C157** S. 61(9) excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **8(2)** (with arts. 41, 42, Sch. 17 para. 66)
- C158** S. 61(9) excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **8(2)** (with arts. 41, 42, Sch. 16)
- C159** S. 61(9) excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **9(2)** (with Sch. 8 Pt. 6 para. 19)
- C160** S. 61(9) excluded (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **62(2)** (with art. 55)
- C161** S. 61(9) excluded (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **7(2)** (with arts. 40, 41)



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- C162** S. 61(9) excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **7(2)** (with arts. 40, 41)
- C163** S. 61(9) excluded (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **7(2)**
- C164** S. 61(9) excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **38(2)**
- C165** S. 61(9) excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **43(2)** (with arts. 6, 34)
- C166** S. 61(9) excluded (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **43(2)** (with arts. 5, 36)
- C167** S. 61(9) excluded (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **42(2)** (with arts. 4, 50)
- C168** S. 61(9) excluded (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), arts. 1, **29(2)** (with Sch. 10 paras. 21, 43)
- C169** S. 61(9) excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **12(2)** (with arts. 62, 76, 87)
- C170** S. 61(9) excluded (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **43(2)** (with arts. 4, 53)
- C171** S. 61(9) excluded (8.9.2022) by The Manston Airport Development Consent Order 2022 (S.I. 2022/922), arts. 1, **38(2)** (with arts. 5, 40)
- C172** S. 61(9) excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **46(2)**
- C173** S. 61(9) excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **41(2)** (with art. 41(4))
- C174** S. 61(9) excluded (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **44(2)** (with arts. 4, 52, Sch. 9 para. 82)
- C175** S. 61(9) excluded (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **45(2)** (with art. 51)
- C176** S. 61(9) excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **40(2)** (with art. 5)
- C177** S. 61(9) excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **44(2)** (with art. 4)
- C178** S. 61(9) excluded (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **40(2)** (with art. 32, Sch. 10 paras. 26(2), 68)
- C179** S. 61(9) excluded (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **32(2)** (with arts. 32(4), 34(2), Sch. 12 paras. 5, 47, 79)
- C180** S. 61(9) excluded (13.2.2023) by The East Northamptonshire Resource Management Facility Order 2023 (S.I. 2023/110), arts. 1, **17(2)** (with art. 9)
- C181** S. 61(9) excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **43(2)** (with arts. 4, 50)
- C182** S. 61(9) excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **7(2)**
- C183** S. 61(9) excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **44(3)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C184** S. 61(9) excluded (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), arts. 1, **27(2)** (with art. 42)
- C185** S. 61(9) excluded (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **7(2)** (with arts. 42, 43, Sch. 9)
- C186** S. 61(9) excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **53(2)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C187** S. 61(9) excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **43(2)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C188** S. 61(9) excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **8(2)** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)

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- C189** S. 61(9) excluded (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **36(2)** (with art. 43, Sch. 12 paras. 5, 24)
- C190** S. 61(9) excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **50(2)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
- C191** S. 61(9) excluded (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **40(2)** (with arts. 42, 43, Sch. 12)
- C192** S. 61(9) excluded (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **40(2)** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)
- C193** S. 61(9) excluded (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **47** (with arts. 18, 35, Sch. 9)
- C194** S. 61(9) excluded (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **43(4)** (with art. 44, Sch. 15)
- C195** S. 61(9) excluded (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **9(4)** (with arts. 21, 41, Sch. 10)
- C196** S. 61(9) excluded (25.4.2024) by The Network Rail (Church Fenton Level Crossing Reduction) Order 2024 (S.I. 2024/526), arts. 1, **28(2)** (with art. 28(4))
- C197** S. 61(9) excluded (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **7(2)** (with arts. 35, 36, Sch. 14)

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#### **Marginal Citations**

**M1** 1936 c. 49.

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**Changes to legislation:**

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