

**TEIGNBRIDGE DISTRICT COUNCIL**  
**CONTROL OF POLLUTION ACT 1974, SECTION 61**  
**CONTROL OF NOISE ON CONSTRUCTION SITES:**  
**NOTICE IMPOSING REQUIREMENTS.**

**TO: Mr Chris Hastings**  
**Galliford Try**  
**A380 SDLR Kingskerswell Bypass**  
**Site Office**  
**Old Newton Road**  
**Kingskerswell, Newton Abbot**  
**Devon TQ12 5LB**

Whereas it appears to Teignbridge District Council that works to which Section 61 of the Control of Pollution Act 1974 applies namely:

Particulars of works to be carried out:

**as per the attached application from Galliford Try**  
**Reference Number: AR0001/s61/0051/Rev 00**

at the premises known as:

**South Devon Link Road**

NOTICE is HEREBY GIVEN that the following requirements must be complied with in connection with the carrying out of such works.

1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
3. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise shall be employed at all times.
4. Plant and machinery shall be properly silenced and maintained in accordance with the manufacturers' instructions.
5. Noise impact assessment and the predicted noise thresholds at key receptors are to be conducted over an LAeq(15 min) period.
6. During and following the completion of the works the sound level monitoring results to be available to be assessed by Teignbridge Environmental Health.
7. If complaints are received and justified by Teignbridge Environmental Health work the following night will be stopped, site out of hours working time reassessed and out of hours site work not to be restarted until the noise impact is reduced.

The consent does not of itself constitute any ground of defence against any proceedings instituted under Section 82 of The Environmental Protection Act 1990 (Section 61 (9))

You may appeal against this notice to the Magistrates' Court within 21 days of service of the notice upon you.

IN the event of an appeal this notice **SHALL NOT** be suspended until the appeal has been abandoned or decided by the Court as in the opinion of the Council the expenditure to be incurred would not be disproportionate to the public benefit from compliance.

Signed:



David Eaton  
 Environmental Protection Manager

Dated:

28<sup>th</sup> January 2015

## NOTES

The Control of Noise (Appeals) Regulations 1975 (SI 1975 No 2116) provide as follows: -

Appeals under section 61(7)

- 6.(1) The provisions of this regulation shall apply to an appeal brought by any person under sub-section (7) of section 61 (prior consent for work on construction sites) in relation to a conditional consent given by a local authority under that section or in relation to an authority's refusal or failure to give a consent within the period specified in subsection (6) of that section.
- (2) In this regulation, "conditional consent" means a consent given by a local authority under section 61 in respect of which the authority have attached any condition or imposed any limitation or qualification in pursuance of section 61(5)(a), (b) or (c); and "conditions" includes any limitation or qualification so imposed.
- (3) The grounds on which a person to whom a local authority give a conditional consent may appeal under the said subsection (7) may include any of the following grounds which are appropriate in the circumstances of the particular case:-
- (a) that any condition attached or imposed in relation to the consent (hereinafter referred to as "a relevant condition") is not justified by the terms of section 61;
- (b) that there has been some informality, defect or error in, or in connection with, the consent;
- (c) that the requirements of any relevant condition are unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of any relevant condition are to be complied with is not reasonably sufficient for the purpose.
- (4) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the consent, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (5) Where the appeal relates to a conditional consent given by a local authority, on the hearing of the appeal the court may-
- (a) vary the consent or any relevant condition in favour of the appellant in such manner as it thinks fit,
- or
- (b) quash any relevant condition, or
- (c) dismiss the appeal;
- and a consent or condition which is varied under sub-paragraph (a) above shall be final and shall otherwise have effect, as so varied, as if it had been given, attached or imposed in that form by the authority.



**A380 South Devon  
Link Road**

Doc.No: AR0001/s61/0051  
Rev. No : 00  
Date : 28/01/15

**s61 APPLICATION CONTROL OF POLLUTION ACT 1974**

**APPLICATION FORM FOR APPROVAL**

<b>Reference No :</b> AR0001/s61/0051/Rev 00	<b>TITLE:</b> Road Surfacing Works on Torquay Road.
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works associated with road surfacing works on Torquay Road, adjacent to Hanson's Concrete plant.	

We hereby submit this s61 Application covering the construction activities / works listed below in accordance with Appendix 1/9 to the Specification and certify that the methods, plant and steps to minimise noise (including vibration) are best practicable means in accordance with section 72 of the *Control of Pollution Act 1974* and section 79(9) of the *Environmental Protection Act 1990* and are fully in accordance with the Contract.

Galliford Try Representative

Signed: 

Name: Chris Hastings ..... Date: 28/1/15 .....



**A380 South Devon  
Link Road**

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Rev. No : 00  
Date : 28/01/15

<b>1. Address or location of proposed works</b>	Torquay Road, adjacent to Hanson's concrete station. See Figure 1.
<b>2. Name and address of main Contractor</b>	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB
<b>Responsible Person. Telephone No.</b>	<a href="mailto:adrian.farry@gallifordtry.co.uk">adrian.farry@gallifordtry.co.uk</a> T: 07776993185
<b>3. Particulars of works to be carried out</b>	<p>The works involve emergency road surfacing repairs at the tie-in between new switchover re-alignment and existing road along Torquay Road. Specifically, this will involve planing out the existing road, re-surfacing and compacting new road surface level. The works are scheduled to start 19:00hrs to 01:00hrs on Thursday 29<sup>th</sup> January; with Friday 30<sup>th</sup> January and Monday 2<sup>nd</sup> to Friday 6<sup>th</sup> February as contingency in case of inclement weather and/or unforeseen issues.</p> <p>The justification for conducting these works out of hours is to minimise traffic disruption in and around the junction; and ensure safe working conditions for the site team.</p> <p>The same noise calculations are being used from A380-s61-0042 as a worst case scenario. The works are further away from the works completed in A380-s61-0042 therefore these works are not anticipated to exceed the levels presented.</p>
<b>4. Methods to be used in each stage of development</b>	Refer to Appendix A.
<b>5. Duration and hours of works</b>	Refer to Appendix A
<b>6. Number, type and make of plant and machinery</b>	Refer to Appendix A.
<b>7. Proposed steps to minimise noise and vibration</b>	Refer to Appendix B.
<b>8. Predicted Noise Levels</b>	Refer to Appendix C.
<b>9. Predicted Vibration Levels</b>	The equipment to be used in these activities is not considered to generate appreciable levels of vibration and therefore no assessment has been undertaken.
<b>10. Site Plan</b>	Figure 1 Road Surfacing Location Plan
<b>11. Consultees</b>	Devon County Council Teignbridge District Council
<b>12. Other Information</b>	Galliford Try Public Liaison Team will notify key stakeholders, like Community Liaison Group. It will also be published on the South Devon Link Road website.



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**13. List of Plans and  
documents attached**

Figure 1 – Road Surfacing Location Plan

## **APPENDIX A**

### **- Method of Works**

#### **Road Surfacing on a live carriage way**

##### ***Overview of works***

As part of the temporary works along the project, emergency road surfacing work along Torquay Road, near Hanson's concrete plant is required. The location of this work is shown in Figure 1. This involves planing existing Torquay Road and tie in with the new temporary road alignment; then reinstating road surface removing the pot holes. The works require out of hour works due to the close proximity to a live carriageway.

During the proposed works, Torquay Road junction will be on a stop/go system. The traffic management system will be removed once the road surface has been re-instated.

As a consequence, where works require disruption to traffic flow we are only able to work in the evening (1900 to 2100 hrs), night time or on Sundays. The justification for conducting these works over one week night is to minimise traffic congestion on the A380 and to minimise health and safety risk to workforce.

##### ***Outline working method***

The work activities over road surfacing works is as follows:

##### ***Traffic Management (TM) commencing at 19:00hrs***

- TM vehicle and operatives moving cones/road signs into place.

##### ***Road planing and asphalt removal (finished by 23:00hrs)***

- 1m planer, road saw (limited use only) and pneumatic drill (limited use only) remove existing road layer;
- Planings will be placed in haulage lorries and stored on site;
- Tank sprayer will follow on after to put down black adhesive.

##### ***Road surface reinstatement (finished by midnight)***

- The paver will lay down asphalt to finished level;
- The asphalt will be delivered by lorry then rolled by one roller;
- The finished road will be swept by road sweeper.

##### ***Proposed programme***

The road surfacing works will be undertaken 19:00hrs to 01:00hrs on Thursday 29<sup>th</sup> January; Friday 30<sup>th</sup> January and the following week will be used as contingency. This period is much longer than set out in the outline working method above to ensure contingency allowance; and the operation to be conducted safely and diligently during the night. To minimise the nuisance as much as possible, the works will still be conducted as quickly as possible. Traffic management for moving southbound lane will be put in place where possible after 19:00 hours.



## A380 South Devon Link Road

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### Proposed Plant for Resurfacing Works at Torquay Road

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<b>Traffic Management</b>					
TM vehicle	1	25	62	Measured	
<b>Road planning &amp; asphalt removal</b>					
Pneumatic drill	1	10	85	BS 5228-1:2009 Table C.4:69	
Compressor	1	10	65	BS 5228-1:2009 Table C.5:5	
1m road planer	1	20	82	BS 5228-1:2009 Table C.5:7	To be avoided where possible
12 tonne excavator	1	10	70	BS 5228-1:2009 Table C.2:7	
+ breaker attachment	1	5	90	BS 5228-1:2009 Table C.1:9	To be avoided where possible
Road saw	1	5	87	BS 5228-1:2009 Table C.5:36	
Concrete saw	1	5	87	BS 5228-1:2009 Table C.5:36	
Road sweeper	1	10	76	BS 5228-1:2009 Table C.4:90	
Delivery lorry	3	60	79	BS 5228-1:2009 Table C.8:20	
Lighting tower and generator	2	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Only to be used during evening and night time hours.
<b>Road Surface Reinstatement</b>					
Paving machine	1	50	77	BS 5228-1:2009 Table C.5:31	
Bomag Roller	2	30	75	BS 5228-1:2009 Table C.5:25	
Delivery lorry	2	60	79	BS 5228-1:2009 Table C.8:20	
Wacker plate	1	50	80	BS 5228-1:2009 Table C.2:41	
Compressor	1	50	65	BS 5228-1:2009 Table C.5:5	
Roller	1	50	73	BS 5228-1:2009 Table C.2:38	
Road lining vehicle	1	10	70	Estimated	
Road sweeper	1	10	76	BS 5228-1:2009 Table C.4:90	
Lighting tower and generator	2	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Only to be used during evening and night time hours.

## **APPENDIX B**

### **- Methods to reduce noise**

#### **Methods to minimise nuisance**

1. Prior to works commencing any preparatory engineering works will be undertaken in normal working hours.
2. Prior to the out of hour works, mobilisation and demobilisation of materials and plant will occur during normal working hours, minimising activity in sensitive periods i.e. only those activities that have to occur out of hours will be undertaken.
3. Noisy activities, mainly the road planing and any limited road saw/pneumatic drill use will be limited to finishing by 23:00hrs minimising the noisiest activity to the least sensitive period of the night time period.
4. Drop heights for excavated material will be minimised where ever possible.
5. All generators and compressors plant will be super-silenced and inspected to ensure they are operating appropriately.
6. Any idling plant will be turned off when not in use.

All affected residents will be notified of the works.

#### **Noise/Vibration Monitoring Programme**

Galliford Try will carry out monitoring at regular intervals during these works and on start-up of any equipment or new work areas. Attended noise monitoring will be undertaken as close as possible to the receptors identified in Appendix C to assess compliance periodically on each day. 15 minute  $L_{Aeq}$  readings will be taken at the predefined monitoring receptors, weather and dominant noise source recorded.

To note, the receptor locations on Figure 1 are noise prediction stations. Noise monitoring will be undertaken at compliance points within the site which are as close to the properties as practicably possible.

In addition the works will be assessed by the monitorer to ensure they are being undertaken in accordance with the s61 Application.



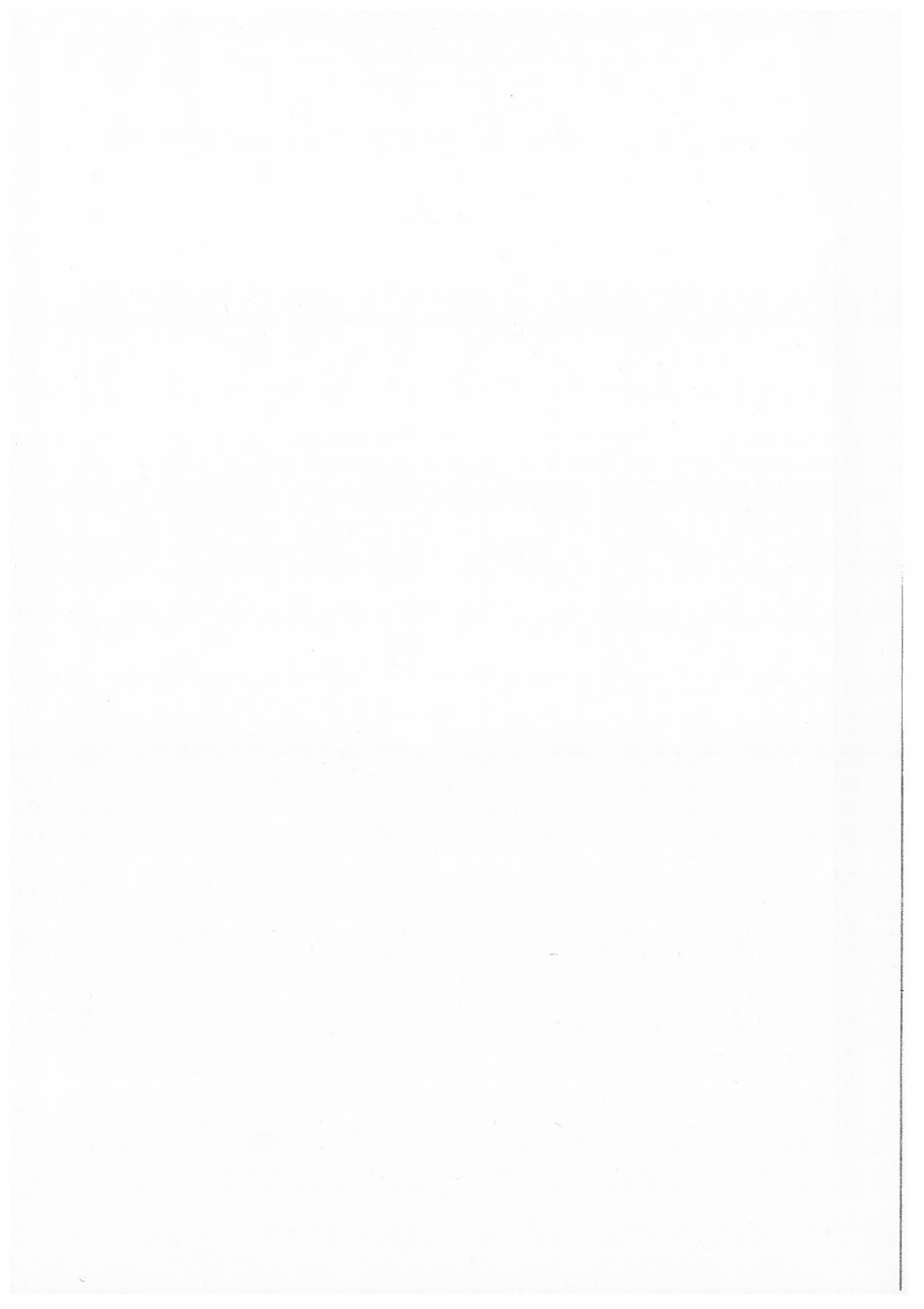
## APPENDIX C

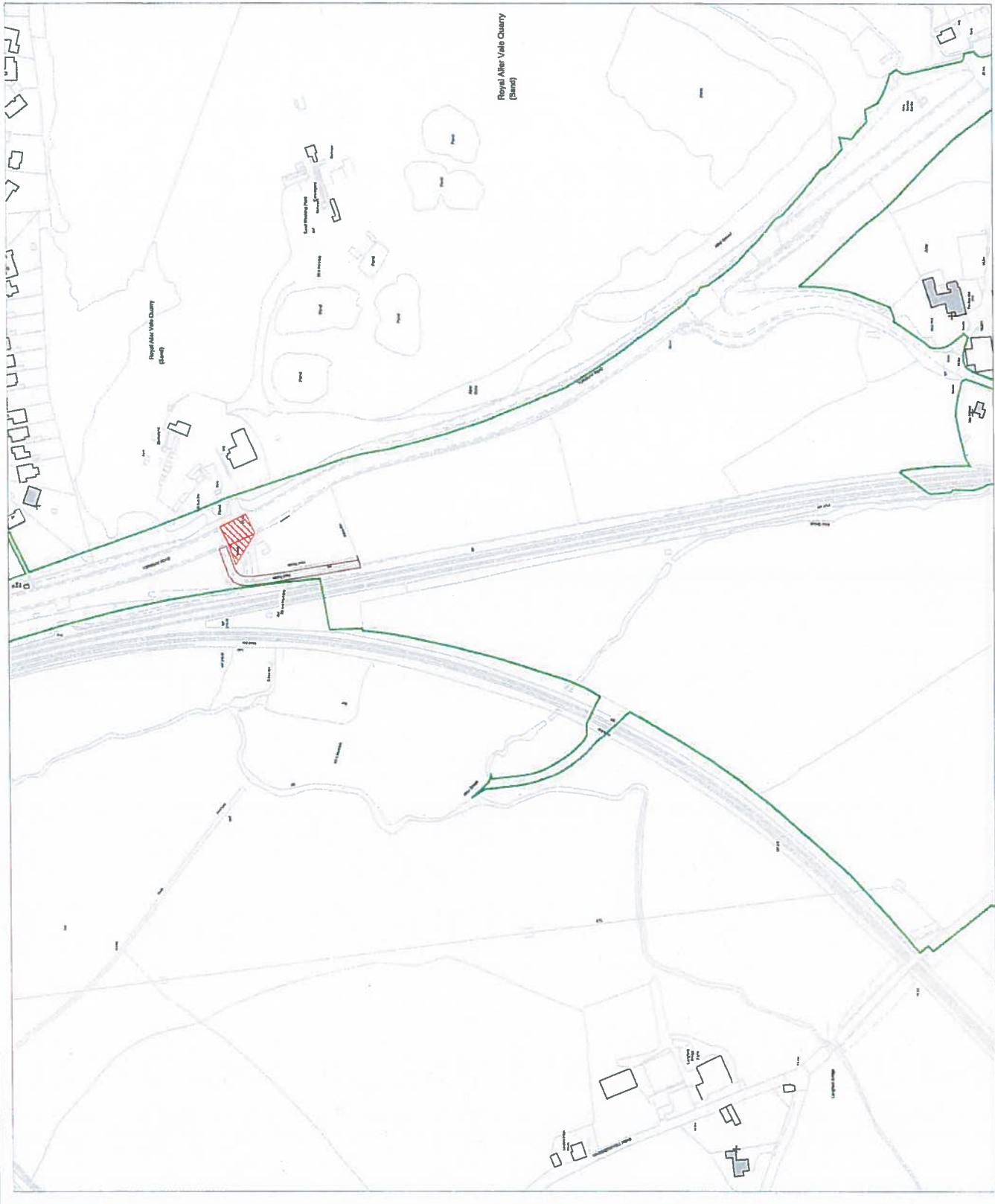
### - Predicted noise thresholds at key receptors

Predictions have been undertaken using SiteNoise module of NoiseMap Enterprise version 2.7.1. This software follows the construction noise calculation procedure in British Standard 5228 Code of Practice for Noise and Vibration Control on Construction and Open Sites: 2009. No allowance has been made for natural screening or manmade structures (except buildings) between the works. The model takes into account land attenuation and the façade reflection from properties.

Receptor Location	Floor	Façade	Construction Façade Noise Level dB LAeq,1hr		
			Traffic Management	Road planning & asphalt removal	Road planning & asphalt removal
1 Aller Brake Road	Ground	South West	50.8	67.9	66.6
1 Aller Brake Road	First	South West	50.8	73.8	72.5
2 Aller Park Road	Ground	South West	52.2	69.6	68.3
2 Aller Park Road	First	South West	52.2	75.5	74.2
1 Aller Park Road	Ground	South West	45.0	63.1	61.8
1 Aller Park Road	First	South West	45.0	66.3	65.0
31 Addison Road	Ground	South	30.0	50.0	48.7
31 Addison Road	First	South	30.0	50.2	48.9

From predictions, nearest residential properties are anticipated to exceed the defined thresholds. Noise insulation will be offered where there are 10 exceedances in any 15 consecutive days. A cumulative number of exceedances will be maintained by the site team.





**KEY**

 Area of works in proximity to receptors  
 Noise prediction stations

Rev.	Details	Drawn	Checkd.	Date
	Project 123213 A380 Bypass Newton Abbot			
	Title Torquay Road Resurfacing Location Plan			
 <p>AAE Environmental Limited          11 Shipway Alington          Chiswick Uxbridge          Middlesex UB8 3PH          T: 01235 530042          F: 01235 530009          www.aae-ly.com</p>				
Scale 1:200 @ A3	Date Oct'14	Drawn PH	Checkd. ML	Rev. Figure 1