

TEIGNBRIDGE DISTRICT COUNCIL

CONTROL OF POLLUTION ACT 1974, SECTION 61

CONTROL OF NOISE ON CONSTRUCTION SITES:

NOTICE IMPOSING REQUIREMENTS.

TO: Mr Lee Humphries
 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/s61/0043/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.

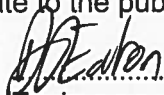
1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
3. The consent does not of itself constitute any ground of defence against any proceedings instituted under Section 82 of The Environmental Protection Act 1990 (Section 61 (9))
4. 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.
5. Plant and machinery shall be properly silenced and maintained in accordance with the manufacturers' instructions.
6. Noise impact assessment and the predicted noise thresholds at key receptors are to be conducted over an LAeq(15 min) period.
7. During and following the completion of the works the sound level monitoring results to be available to be assessed by Teignbridge Environmental Health.
8. 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


 Environmental Protection Manager
 Housing and Health

Dated

5th November 2014

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/s61/0043
Rev. No : 00
Date : 3/11/14

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0043/Rev 00	TITLE: Drainage works along Torquay Road
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works associated with drainage works along Torquay Road	

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: James K Wat

Name: Jim Watson Date: 03/11/14



A380 South Devon Link Road

Doc.No: AR0001/s61/0043
Rev. No : 00
Date : 3/11/14

1. Address or location of proposed works	Along Torquay Road, adjacent to St Luke's Road, Aller Brake Road junction and Aller Park Road. See Figure 1.
2. Name and address of main Contractor	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB
Responsible Person. Telephone No.	adrian.farry@gallifordtry.co.uk T: 07776993185
3. Particulars of works to be carried out	<p>As part of the A380 project, permanent drainage is to be installed along the existing Torquay Road. The works involve road cutting at all three sections, breaking at Section 1 and 3, excavating road layer to formation depth; laying the carrier drainage; and finally backfilling to road level. The works are scheduled to be completed in three sections, as per Figure 1.</p> <p>The road cutting for Section 2 will take place on Tuesday 4th November; Section 3 on Wednesday 5th November; and Section 1 on Thursday 6th November These week nights are scheduled to start at 19:00hrs and finish by 00:00hrs.</p> <p>Section 2, adjacent to Aller Brake Road junction, will take place first over a weekend starting Saturday 8th November 07:00hrs and finishing Sunday 9th November at 19:00hrs, plus one night contingency. Section 2 road breaking will occur during normal working hours on the Saturday.</p> <p>Section 3, adjacent to St Luke's Road, scheduled for 4 nights (Monday 10th November- Wednesday 12th November; plus one night contingency). Section 1, adjacent to Aller Park Road, will take 4 nights (Monday 17th-Wednesday 19th November; with one night contingency). The time period of a week night working will be 19:00-06:00hrs. If there are changes in the dates of these works, the Environmental Clerk of Works will notify Teignbridge Environmental Health Officer as soon as possible.</p> <p>All road cutting at Section 1, 2 and 3 will be done during separate week night works to complete the activity in the least sensitive out of hours therefore minimising disturbance to local residents. The justification for completing the other phases during night is because: 1) the excavator's tracks must sit parallel above the excavation requiring the existing Torquay Road to be narrowed; and 2) the 2 metre excavation must be backfilled once pipework is laid for road safety purposes.</p> <p>The justification for conducting these works out of hours is to minimise traffic disruption to Torquay Road; and ensure safe working conditions for the site team and road users.</p>
4. Methods to be used in each stage of development	Refer to Appendix A.
5. Duration and hours of works	Refer to Appendix A

6. Number, type and make of plant and machinery	Refer to Appendix A.
7. Proposed steps to minimise noise and vibration	Refer to Appendix B.
8. Predicted Noise Levels	Refer to Appendix C.
9. Predicted Vibration Levels	The equipment to be used in these activities is not considered to generate appreciable levels of vibration and therefore no assessment has been undertaken.
10. Site Plan	Figure 1 Drainage Works Location Plan
11. Consultees	Devon County Council Teignbridge District Council
12. Other Information	Galliford Try Public Liaison Team will notify all effected residents nearby to the works. Key stakeholders, like Community Liaison Group, will be notified of the works. It will also be published on the South Devon Link Road website prior to works.
13. List of Plans and documents attached	Figure 1 – Drainage Works Location Plan

APPENDIX A

- Method of Works

Drainage Works within close proximity to live carriage way

Overview of works

As part of the permanent works along the project, permanent drainage is to be installed beneath the existing Torquay Road. There are three sections which require out of hour works to accommodate the current Torquay traffic switch over realignments. The three sections are approximately 20-30m, adjacent to St Luke's Road, Aller Brake Road junction and Aller Park Road. The location of this work is shown in Figure 1. This involves road cutting on separate nights at all three locations; road breaking at Section 1 and 3; excavating to formation; laying pipe work and backfilling to existing road level. The road breaking will be done during Saturday normal working hours at Section 2.

During the proposed works, the existing Torquay Road will be made narrower overnight to accommodate the drainage works. The road will be widened 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 consecutive week nights is to minimise traffic congestion on the A380 and to minimise health and safety risk to workforce.

Outline working method

The work activities over drainage works is as follows:

Traffic Management (TM) commencing at 19:00hrs

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

Excavate to formation depth and lay pipework

- 21T excavator excavate material to formation depth (use of breaker limited to road breaking which will be completed before 23:00hrs);
- Material will be taken by delivery lorry to another area of site;
- Pipework will be placed in by excavator (consaw will be used to cut pipe work, if necessary).

Road surface reinstatement

- Backfill excavation with material using excavator;
- Compaction of backfill using 2no. wacker plates.

Proposed programme

The drainage works will start with Section 2 road cutting on a week night scheduled for Tuesday 4th November between 19:00hrs-00:00hrs. Followed by Section 3 on Wednesday 5th November and Section 1 on Thursday 6th November. Section 2, adjacent to Aller Brake Road junction, will take one weekend starting 07:00hrs Saturday 8th November to 19:00hrs on Sunday 9th November; plus one night contingency. Section 3, adjacent to Aller Park Road, will take 4 nights starting on Monday 10th November- Wednesday 12th November; with one night contingency. Finally Section 1 will be completed Monday 17th November-Wednesday 19th November; with one night contingency. 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.

Proposed Plant for Drainage Works along Torquay Road

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
Traffic Management					
TM vehicle	1	25	62	Measured	
Road cutting at all three sections					
Road saw	1	75	87	BS 5228-1:2009 Table C.5:36	
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.
Excavation to formation					
21 tonne excavator	1	80	73	BS 5228-1:2009 Table C.5:11	
+ breaker attachment	1	15	88	BS 5228-1:2009 Table C.5:1	Only required at Section 1 and 3
Concrete saw	1	10	87	BS 5228-1:2009 Table C.5:36	Limited use only; if necessary
Delivery lorry	2	30	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.
Road Surface Reinstatement					
21 tonne excavator	1	50	73	BS 5228-1:2009 Table C.5:11	
Delivery lorry	2	30	79	BS 5228-1:2009 Table C.8:20	
Wacker plate	2	50	80	BS 5228-1:2009 Table C.2:41	
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. Road breaking will be conducted during normal working hours at Section 2 and will be completed before 23:00hrs at Section 1 and 3; minimising the noisiest activity to the least sensitive period.
4. Acoustic screening will be erected to screen drainage works from receptors located to the East as per Figure 1.
5. Drop heights for excavated material will be minimised where ever possible.
6. All generators and compressors plant will be super-silenced and inspected to ensure they are operating appropriately.
7. 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.



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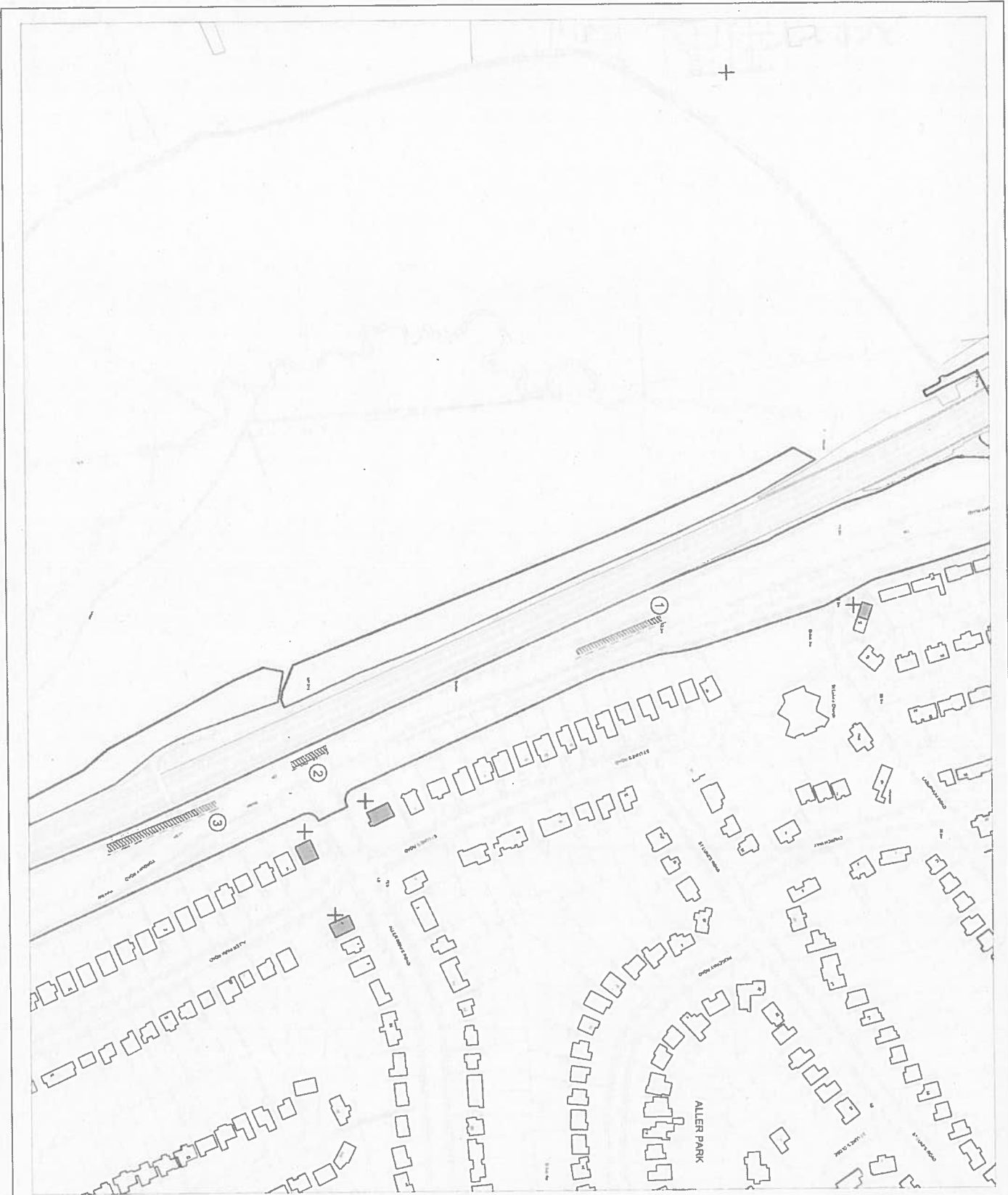
APPENDIX C

- 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 L _{eq,1hr}												
			Section 1			Section 2			Section 3			Section 3			
			Traffic Management	Road Cutting	Excavation to formation	Road Surface Reinstatement	Traffic Management	Road Cutting	Excavation to formation	Road Surface Reinstatement	Traffic Management	Road Cutting	Excavation to formation	Road Surface Reinstatement	Traffic Management
1 Aller Brake Road	Ground	South West	<30	58.2	55.7	54.6	35.4	65.2	62.7	61.6	<30	58.3	55.8	54.7	
	First	South West	<30	59	56.5	55.4	39.1	68.9	66.4	65.3	31.6	61.4	58.9	57.8	
2 Aller Park Road	Ground	South West	<30	58.7	56.2	55.1	37.8	67.6	65.1	64	35.2	65	62.5	61.4	
	First	South West	<30	59.6	57.1	56	41.3	71.1	68.6	67.5	38.6	68.4	65.9	64.8	
1 Aller Park Road	Ground	South West	<30	46.3	43.8	42.7	32.2	62	59.5	58.4	<30	50.1	47.6	46.5	
	First	South West	<30	48.7	46.2	45.1	32.9	62.7	60.2	59.1	<30	52.5	50	48.9	
31 Addison Road	Ground	South	<30	59.2	56.7	55.6	<30	59.7	57.2	56.1	<30	52.3	49.8	48.7	
	First	South	32.4	62.2	59.7	58.6	<30	59.7	57.2	56.1	<30	53.4	50.9	49.8	
23 St Lukes Road	Ground	South West	38.5	68.3	65.8	64.7	34.3	64.1	61.6	60.5	<30	56.5	54	52.9	
	First	South West	42.2	72	69.5	68.4	34.3	64.1	61.6	60.5	<30	57.5	55	53.9	
10 Aller Park Road	Ground	South West	<30	56	53.5	52.4	40	69.8	67.3	66.2	38.3	68.1	65.6	64.5	
	First	South West	<30	57	54.5	53.4	40	69.8	67.3	66.2	42	71.8	69.3	68.2	

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

- Drainage Works
- Order of Works
- Noise Measurement Stations
- Noise Prediction Properties
- Acoustic Screening Barrier

Rev.	Details	Drawn	Check	Date

Project
123213
A380 Bypass
Newton Abbot

T16
Drainage Works Location Plan



AA Environmental Ltd
 Unit 10, The Mill
 Clifton Road
 Clifton, Bristol
 BS2 9EJ
 T: 01274 350042
 F: 01274 350043
 E: info@aa-e.com
 www.aa-e.com

Scale	Date	Drawn	Check	Drawn	Check
1:200 @ A1	Oct'14	PH	ML	Figure 1	

