

TEIGNBRIDGE DISTRICT COUNCIL

CONTROL OF POLLUTION ACT 1974, SECTION 61

CONTROL OF NOISE ON CONSTRUCTION SITES:

NOTICE IMPOSING REQUIREMENTS.

TO: Mr C 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
 Variation Reference Number: AR0001/s61/0043/Rev C**

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.

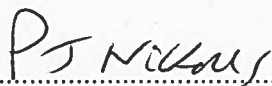
1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned or TDC Environmental Protection Officer without delay.
3. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise 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



Food, Health and Safety Manager

Dated

7th January 2015



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0043
Rev. No : C
Date : 11/12/14

S61 APPLICATION CONTROL OF POLLUTION ACT 1974

Variation from section 61 consent.

Description of works programme.	Out of hour works involving drainage works at Section 1 along Torquay Road.
Contractor section 61 reference:	AR0001/s61/0043
Local Authority section 61 reference:	14/31723/ECNCON
Date of works requiring variation	Monday 12 th – Friday 16 th January and Monday 19 th – Friday 23 rd January (contingency week).
Duration of works requiring variation	No change in work hours.
Variation reference.	AR0001/s61/0043 Rev B

Description of the works for which the variation is being sought.

Brief description of proposed work.	<p>Torquay drainage works at Section 1 (see Figure 1) involving excavation to formation depth, laying mainline drainage and backfilling to road level and resurfacing, as per approved A380-s61-0043. The works will be conducted over night, with the anticipated start Monday 12th January through to Thursday 15th with Friday as contingency for that week. The following week will act as contingency in case of unforeseen circumstances.</p> <p>Plant list for the drainage works is the same as original consented application and is in Appendix A plant list.</p>
State reasons why works cannot be done under terms of original consent.	<p>The justification for changing the dates of Section 1 works is due to new road layout meaning that the works can be carried out more efficiently and quicker than previously planned.</p> <p>The justification for conducting the works during out of hours is to maintain safety to workforce and road users and minimise traffic along Torquay Road.</p>
Describe any changes to hours of working.	No change.
Describe BPM noise mitigation measures.	Same measures set out in Appendix B.
Predicted Noise and Vibration Levels	Noise levels are set out in Appendix C.

	For [Contractor]	Approved by [Local authority]
Name:	Chris Hastings	
Signature:		
Date:	15/12/14	

Condition



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0043
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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 is one section remaining which require out of hour works to accommodate the current Torquay traffic switch over realignments. The section is approximately 20-30m, adjacent to St Luke's Road. The location of this work is shown in Figure 1. The road cutting phase has been completed.

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 is scheduled to begin Monday 12th January until Friday 16th January between 19:00hrs-06:00hrs. Friday will act as contingency for that week. The following week will act as contingency in case of unforeseen circumstances. 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 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 has been completed; 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.

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 _{Aeq,1hr}			
			Section 1			
			Traffic Management	Road Cutting	Excavation to formation	Road Surface Reinstatement
1 Aller Brake Road	Ground	South West	<30	58.2	55.7	54.6
	First	South West	<30	59	56.5	55.4
2 Aller Park Road	Ground	South West	<30	58.7	56.2	55.1
	First	South West	<30	59.6	57.1	56
1 Aller Park Road	Ground	South West	<30	46.3	43.8	42.7
	First	South West	<30	48.7	46.2	45.1
31 Addison Road	Ground	South	<30	59.2	56.7	55.6
	First	South	32.4	62.2	59.7	58.6
23 St Lukes Road	Ground	South West	38.5	68.3	65.8	64.7
	First	South West	42.2	72	69.5	68.4
10 Aller Park Road	Ground	South West	<30	56	53.5	52.4
10 Aller Park Road	First	South West	<30	57	54.5	53.4

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.

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.

Map

- Outline Works
- Outline of Works
- Mobile Measurement Stations
- Mobile Prediction Properties
- Acoustic Screening Barrier



Project	2024/25	Week	1	Date	15/01/2025
<p>TESELE Public Spaces Highway Agency</p>					
<p>Construction Works Location Plan</p>					
<p>AAE An Acoustic Assessment Company Ltd Highway Agency 1000000000 1000000000 1000000000</p>					
Scale	1:1000	North	0°	Sheet	1

