

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/s61/0065

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:

18th November 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/s61/0065 Rev. No : 00 Date : 13/11/15
---	---------------------------------------	--

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

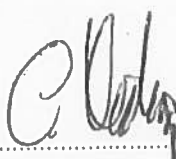
APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0065/Rev 00	TITLE: Finishing Works along new mainline
--	---

	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works associated with finishing works along the new mainline.	

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:13/11/2015.....



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0065
Rev. No : 00
Date : 13/11/15

1. Address or location of proposed works	Finishing works along the new mainline See Figures 1 & 2.
2. Name and address of main Contractor Responsible Person. Telephone No.	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB mick.gould@gallifordtry.co.uk T:07730900425
3. Particulars of works to be carried out	As part of the A380 permanent works, there are finishing works along the new mainline. This involves top soiling of verges and central reservations, protective barrier installation, and residual kerbing and earthworks. The works are anticipated to commence every Sunday until the middle of December (the final Sunday would be 20 th December). The works will be between 9am and 5pm. The justification for Sunday works is to catch up with delay in programme to ensure the new road is open on time; as well as completing works along mainline which cause disruption to normal working hour works along the haul route. There will also be works within close proximity to Hamlin Way; out of hour works will ensure safety to road and to site team workforce.
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 & 2
11. Consultees	Devon County Council Teignbridge District Council
12. Other Information	Galliford Try Public Liaison Team will notify all effected residents close to the works as soon as possible. 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 & 2



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0065
Rev. No : 00
Date : 13/11/15

APPENDIX A
- Method of Works

Finishing Works on new mainline and in close proximity to live carriageway

Overview of works

As part of the permanent works along the project, finishing works, involving verge and central reservation top soiling, protective barrier installation, and residual kerbing and earthworks are required. The locations of these works is shown in Figure 1 and 2. Some out of hour road traffic management may be required.

Outline working method

The work activities over road surfacing tie-in works is as follows:

Finishing Works on Mainline

- 21T, 14T, hand tools and 9T dumper completing top soil installation to verges and central reservation;
- Hand tools, delivery lorry and bolt tightening kit for protective barrier installation;
- Residual earthworks and kerbing along mainline.

All works will be within the mainline of the site with screening from the permanent false embankments and cuttings.

Proposed programme

The finishing works will be completed 9am to 5pm, every Sunday until mid-December, approximately the last Sunday will be 20th December. To minimise the nuisance as much as possible, the works will still be conducted as quickly as possible. Traffic management may be put in place where possible after 09:00 hours.



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0065
Rev. No : 00
Date : 13/11/15

Proposed Plant for Finishing Works

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
Verge/Central Reservation Top soil installation					
21T excavator	1	50	73	BS 5228-1:2009 Table C.5:11	
14T excavator	1	50	69	BS 5228-1:2009 Table C.2:25	
9T dumper	1	50	76	BS 5228-1:2009 Table C.4.4	
Hand tool	2	50	73	Average of BS 5228:1997 Table C.7:1-3	
Protective Barrier installation					
Bolt tightening kit	1	20	80	Measured	
Hand tool	2	30	73	Average of BS 5228:1997 Table C.7:1-3	
Delivery lorry	1	40	80	BS 5228-1:2009 Table C.6:21	
Residual Kerbing					
Small concrete mixer	1	50	61	BS 5228-1:2009 Table C.4:23	
Hand tools	2	50	73	Average of BS 5228:1997 Table C.7:1-3	
Delivery lorry	2	20	80	BS 5228-1:2009 Table C.6:21	
Residual Earthworks					
9T dumper	2	50	76	BS 5228-1:2009 Table C.4.4	
21T excavator	1	50	73	BS 5228-1:2009 Table C.5:11	
14T excavator	2	50	69	BS 5228-1:2009 Table C.2:25	
Bulldozer	1	20	83	BS 5228-1:2009 Table C.5:13	Limited use only.



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0065
Rev. No : 00
Date : 13/11/15

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. All generators and compressors plant will be super-silenced and inspected to ensure they are operating appropriately.
4. 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.



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0065
Rev. No : 00
Date : 13/11/15

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.

Table 1. Noise levels during finishing works

[insert table]

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



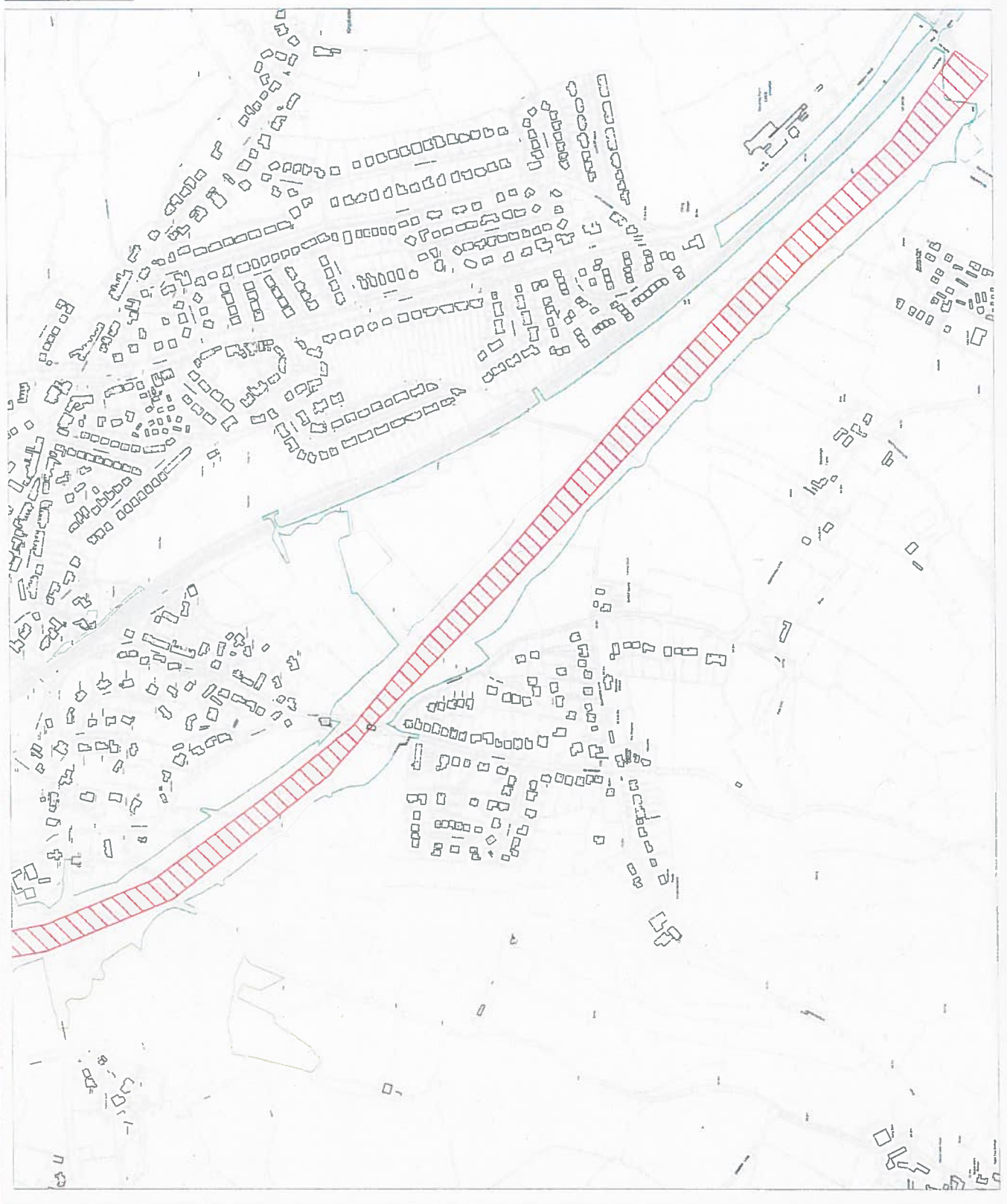
Area of Works



Noise Prediction Stations

Rev.	Details	Drawn	Chkd.	Date
Project 123213 A380 Bypass Newton Abbot				
Title Residual Finishing Works Location Plan				
 AAE Environmental Limited Unit 4 1st Croxwell Court Shipton Abington Oxon OX11 8JF T 01235 330042 F 01235 330043 info@aae.co.uk www.aae.co.uk				
Scale 1:1000 @ A3	Date Nov '15	Drawn EB	Dep. No. ML	Rev. Figure 1





KEY

Area of Works

Noise Prediction Stations

Rev.	Details	Drawn	Date
		CHUL	
Project 123213 A380 Bypass Newton Abbot			
Title Residual Finishing Works Location Plan			
 AAE Environmental Limited Units 4 to 6 Goswell Court Goswell Road Orem OX3 9JX T: 01235 52842 F: 01235 52849 info@aae-lp.com www.aae-lp.com			
Scale	Date	Drawn	Rev.
1:5000 @A3	Nov '15	EB	
Dwg. No.		Figure 2	
		ML	

Receptor Location	Floor	Façade	Range of Construction Façade Noise Levels dB L _{Aeq,T}			
			<i>Verge/Central Reservation Top soil installation</i>	<i>Protective Barrier installation</i>	<i>Residual Kerbing</i>	<i>Residual Earthworks</i>
The Barn Owl	Grd	West	<40 to 53.8	<40 to 54.8	<40 to 55	<40 to 57.7
Aller Orchard	Grd	West	<40 to 61.1	<40 to 62.1	<40 to 62.3	<40 to 65
Treetops	Grd	West	<40 to 60.1	<40 to 61.1	<40 to 61.3	<40 to 64
Kynance	Grd	West	<40 to 63.3	<40 to 64.3	<40 to 64.5	<40 to 67.2
Foredown House	Grd	West	<40 to 59	<40 to 60	<40 to 60.2	<40 to 62.9
Rock House	Grd	West	<40 to 60.3	<40 to 61.3	<40 to 61.5	<40 to 64.2
5 Greenhill Road	Grd	West	<40 to 62.7	<40 to 63.7	<40 to 63.9	<40 to 66.6
1 Greenhill Gardens	Grd	West	<40 to 57.7	<40 to 58.7	<40 to 58.9	<40 to 61.6
Church	Grd	West	<40 to 70.4	<40 to 71.4	<40 to 71.6	<40 to 74.3
1 Huxnor Road	Grd	North	<40 to 58.5	<40 to 59.5	<40 to 59.7	<40 to 62.4
10 Huxnor Road	Grd	North	<40 to 57.1	<40 to 58.1	<40 to 58.3	<40 to 61
Homestead	Grd	East	<40 to 53.6	<40 to 54.6	<40 to 54.8	<40 to 57.5
47 Manor Drive	Grd	South West	<40 to 49.8	<40 to 50.8	<40 to 51	<40 to 53.7
20 Stadium Drive	Grd	South West	<40 to 60.5	<40 to 61.5	<40 to 61.7	<40 to 64.4