

## 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/s61/0045/Rev 00**

at the premises known as:

**South Devon Link Road**

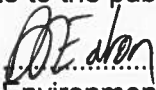
NOTICE is HEREBY GIVEN that the following requirements must be complied with in connection with the carrying out of such works.

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 5<sup>th</sup> 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/s61/0045  
Rev. No : 00  
Date : 4/11/14

**s61 APPLICATION CONTROL OF POLLUTION ACT 1974**


**APPLICATION FORM FOR APPROVAL**

<b>Reference No :</b> AR0001/s61/0045/Rev 00	<b>TITLE:</b> Road surfacing and associated tie-in works along Old Newton Road, Aller Road and Kingskerswell 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 a carriage way.	

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: Lee Humphries ..... Date: 4/11/14 .....



**A380 South Devon  
Link Road**

Doc.No: AR0001/s61/0045  
Rev. No : 00  
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<b>1. Address or location of proposed works</b>	Two weekend road closures plus one contingency weekend road closure to conduct road resurfacing tie-in and associated works at three locations; one across Old Newton Road, one across Aller Road and one across Kingskerswell Road. See Figure 1.
<b>2. Name and address of main Contractor</b>  <b>Responsible Person.</b> <b>Telephone No.</b>	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB  <a href="mailto:owen.joy@gallifordtry.co.uk">owen.joy@gallifordtry.co.uk</a> T: 07918 640447
<b>3. Particulars of works to be carried out</b>	Road resurfacing tie-in works, associated earthworks and kerbing/crash barrier works over two weekend road closures with one weekend contingency (scheduled Friday 7 <sup>th</sup> November-Monday 10 <sup>th</sup> November; Friday 14 <sup>th</sup> November-Monday 17 <sup>th</sup> November; and Friday 21 <sup>st</sup> November-Monday 24 <sup>th</sup> November) on Old Newton Road, Aller Road and Kingskerswell Road. All three road tie-ins will be constructed concurrently.  The works start at 19:00hrs on Friday evening and will finish 07:00 Monday morning. The works will be 24hr working in order to complete the works within the road closure. The justification for requiring a 24 hour weekend closure is to ensure safety to road users and site team. In order to minimise disturbance to local residents and disruption to road users, it was decided to complete the works in weekend road closures rather than consecutive week night road closures.  The dates provided are proposals and may be subject to change due to unforeseen issues; if there are any changes in dates, the Environmental Clerk of Works will notify Teignbridge District Council.
<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 are not considered to generate appreciable levels of vibration and therefore no assessment has been undertaken.
<b>10. Site Plan</b>	Figure 1 Resurfacing Location Plan
<b>11. Consultees</b>	Devon County Council Teignbridge District Council



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<b>12. Other Information</b>	Galliford Try Public Liaison Team will be delivering letters to 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.
<b>13. List of Plans and documents attached</b>	Figure 1 –Resurfacing Location Plan

## **APPENDIX A**

### **- Method of Works**

#### **Road resurfacing and associated works on live carriage ways**

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

As part of the Aller Cross Junction works, Old Newton Road, Aller Road and Kingskerswell Road tie-ins require road surfacing, associated earthworks, laying kerb lines and traffic switchover as part of the new permanent road re-alignment. The location of these works is shown in Figure 1. During the proposed works, the existing Aller Road, Old Newton Road and Kingskerswell Road will be closed.

As a consequence, where works require disruption to traffic flow we are only able to work on either evenings (1900 to 2100hrs), during night time periods or on Sundays. The justification for conducting these works over one weekend closure is purely to minimise traffic congestion to general users and also to reduce disruption to Decoy Industrial Estate deliveries and operation.

During the works, the road from the Kingskerswell-Old Newton Road junction to the Kingskerswell-Priory Road will be closed; as well as along Old Newton Road and Aller Road. The road will be re-opened on to the new alignment once road surface has been re-instated.

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

The work sequence at one road tie-in is as follows:

##### ***Phase 1 – Breaking/cutting & excavation of existing road to formation***

- Road cutting and breaking of existing road surface (to be completed between 08:00hrs-23:00hrs);
- 20T excavator excavating to new road formation level;

##### ***Phase 2 – Compact capping layer and laying kerb lines***

- Delivery lorry brings in capping layer material;
- 16T roller and Bomag roller compact capping layer;
- Meanwhile, teleporter, 20T excavator, concrete wagons & delivery lorries install kerb lines at tie-ins;

##### ***Phase 3 – Installing new permanent road surface***

- Plane existing tie-in involving planer and road saw (used between 08:00hrs-23:00hrs);
- Install new road surface involving paver, two 16T rollers;
- Road sweeper and line marking to finish;

##### ***Phase 4 – Installing crash barriers and traffic switchover (Phase 3 and 4 may occur concurrently depending on progress)***

- 8T excavator lift in crash barriers;
- Secured using a hydraulic tightening kit (to be used between 08:00hrs-23:00hrs)
- TM vehicle facilitating the traffic switchover.



**Proposed programme**

The proposed dates for the weekend closures are Friday 7<sup>th</sup> November-Monday 10<sup>th</sup> November; Friday 14<sup>th</sup> November-Monday 17<sup>th</sup> November; and Friday 21<sup>st</sup> November-Monday 24<sup>th</sup> November (contingency weekend). The proposed plan is to conduct all three tie-ins during one weekend closure to minimise disturbance to local residents. To minimise the nuisance as much as possible, the works will still be conducted as quickly as possible. Traffic management for road closure will be put in place where possible after 1800 hours.

**Proposed Plant at each location**

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<b>Phase 1</b>					
20 tonne excavator	1	75	73	BS 5228-1:2009 Table C.5:11	
+ breaker attachment	1	10	88	BS 5228-1:2009 Table C.5:1	To be avoided where possible
Road saw	1	25	87	BS 5228-1:2009 Table C.5:36	To be avoided where possible
Volvo Dumper	2	50	76	BS 5228-1:2009 Table C.4.4	
8 wheel lorry	2	25	79	BS 5228-1:2009 Table C.8:20	
Lighting tower and generator	3	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Only to be used during evening and night time hours.
<b>Phase 2</b>					
20 tonne excavator	1	75	73	BS 5228-1:2009 Table C.5:11	
16T roller	1	75	81		
8 wheel lorry	2	20	79	BS 5228-1:2009 Table C.8:20	
8T roller	1	75	75	BS 5228-1:2009 Table C.5:20	
Telehandler	1	25	77	Measured	
Concrete wagon	1	15	80	BS 5228-1:2009 Table C.4:20	
Lighting tower and generator	3	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Only to be used during evening and night time hours.
<b>Phase 3</b>					
1m road planer	1	50	82	BS 5228-1:2009 Table C.5:7	
20T excavator	1	10	73	BS 5228-1:2009 C.5:11	
+ breaker attachment	1	5	90	BS 5228-1:2009 Table C.1:9	
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	
Paving machine	1	50	77	BS 5228-1:2009 Table C.5:31	
Bomag Roller	1	50	75	BS 5228-1:2009 Table C.5:25	
Roller	1	50	73	BS 5228-1:2009 Table C.2:38	
Road lining vehicle	1	20	70	Estimated	
Road sweeper	1	10	76	BS 5228-1:2009 Table C.4:90	
Lighting tower and generator	3	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Only to be used during evening and night time hours.
<b>Phase 4</b>					
8T excavator	1	50	71	BS 5228-1:2009 Table C.4:17	
Hydraulic tightening kit	1	20	80	Measured	
TM vehicle	1	20	62	Measured	
16T roller	1	10	81	BS 5228-1:2009 Table C.5:22	
6T roller	1	10	75	BS 5228-1:2009 Table C.5:25	
Lighting tower and generator	3	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. All operatives will be briefed on the measures within this plan and the sensitivity of surrounding properties to noise emissions.
4. Noisy activities, mainly the road cutting and breaking out in Phase 1 will be limited to 08:00hrs-23:00hrs minimising the noisiest activity to the least sensitive time period.
5. Acoustic screening will be erected facing nearest receptors at area of work located along Aller Road and Old Newton Road.
6. Drop heights for excavated material will be minimised where ever possible.
7. All generators and compressors plant will be super-silenced and inspected to ensure they are operating appropriately.
8. 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 LAeq 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 between the works. The model takes into account land attenuation and reflection from properties.

**Table 1. Noise levels during resurfacing works**

Receptor Location	Floor	Façade	Construction Façade Noise Level dB L <sub>Aeq,1hr</sub>											
			Location 1 - Kingskerswell Road Area				Location 2 - Aller Orchard Area				Location 3 - Old Newton Road Area			
			Ph1	Ph2	Ph3	Ph4	Ph1	Ph2	Ph3	Ph4	Ph1	Ph2	Ph3	Ph4
The Barn Owl	Ground	South West	36.5	35.0	37.9	28.8	40.4	38.9	41.8	32.7	34.8	33.3	36.2	27.1
	First		41.1	39.6	42.5	33.4	45.0	43.5	46.4	37.3	39.5	38.0	40.9	31.8
Aller Orchard	Ground	South West	53.4	51.9	54.8	45.7	56.1	54.6	57.5	48.4	49.0	47.5	50.4	41.3
	First		54.4	52.9	55.8	46.7	56.9	55.4	58.3	49.2	52.1	50.6	53.5	44.4
Priory Road	Ground	South	54.3	52.8	55.7	46.6	48.1	46.6	49.5	40.4	47.0	45.5	48.4	39.3
	First		55.3	53.8	56.7	47.6	49.4	47.9	50.8	41.7	48.3	46.8	49.7	40.6
Elmcroft	Ground	North	50.3	48.8	51.7	42.6	48.9	47.4	50.3	41.2	51.7	50.2	53.1	44.0
	First		51.4	49.9	52.8	43.7	50.1	48.6	51.5	42.4	52.2	50.7	53.6	44.5
Treetops	Ground	North	49.0	47.5	50.4	41.3	54.0	52.5	55.4	46.3	60.5	59.0	61.9	52.8
	First		52.3	50.8	53.7	44.6	55.0	53.5	56.4	47.3	61.7	60.2	63.1	54.0

N.B. Acoustic screening allowance to Aller Orchard, Elmcroft and Treetops.

From predictions, nearest residential properties are not 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.





