

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 SCLR 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/s61/0038/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.

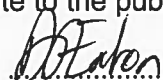
1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
3. The consent does not of itself constitute any ground of defence against any proceedings instituted under Section 82 of The Environmental Protection 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

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Environmental Protection Manager
 Housing and Health

Dated

23rd October 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/s61/0038
Rev. No : 00
Date : 16/10/14

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0038/Rev 00	TITLE: Out of hour works at Structure 11.
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works at Structure 11, both sides of Torbay railway line.	

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: 20/10/14

1. Address or location of proposed works	Structure 11, on both sides of Torbay railway line, near Torbay English Riviera roundabout.
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 <u>james.keogh@gallifordtry.co.uk</u> T: 07808776308
3. Particulars of works to be carried out	<p>Galliford Try have to construct an over bridge as part of the Aller Road Rail Overbridge. This over bridge is referred to as Structure 11 (S11).</p> <p>Structure 11 requires beam installation works within 5 m of Torbay railway line (see Figure 1). The beam installation involves lifting steel girder beams and concrete omnia-planks into place by mobile crane (during night possessions).</p> <p>The beam/Omnia-plank lift works are scheduled to start Saturday 8th November and take a three weekend railway possessions with an extra week contingency. The omnia-plank lift works are scheduled to start on the same night once the beams have been lifted and placed. The Saturday night possession will be undertaken on 11 hour shifts, between 22:15-09:00hrs. The works will run over three weeks with a fourth week of railway possessions required acting as contingency (Saturday 29th November) in the event of unforeseen issues. These works will be conducted during out of hour railway possessions.</p> <p>The justification for out of hour working is to ensure safety during the operations; Network Rail only permits interaction within 5m' of the track when trains are not operating. By doing this work within overnight railway possessions, it minimises travel disruption to road and rail.</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 are not considered to generate appreciable levels of vibration and therefore no assessment has been undertaken.

10. Site Plans	Figure 1 – Structure 11 Location Plan and Haul Route
11. Consultees	Devon County Council Teignbridge District Council
12. Other Information	Galliford Try Public Liaison Team to inform local stakeholders, emergency services and Community Liaison Group members. It will also be published on the South Devon Link Road website prior to works.
13. List of Plans and documents attached	Figure 1 – Structure 11 Location Plan and Haul Route

**APPENDIX A
- Method of Works****Beam/omnia-plank lift installation works within 5m of Torbay railway line*****Overview of works***

As part of the A380 project, Aller Road rail overbridge is to be constructed over Tor line close to Aller Orchard. Lifting beams and Omnia-planks on to the abutments by mobile crane is required in order to construct the bridge. The beam assembly crane will be situated on the East side of the Tor line. The Omnia-plank assembly crane will be situated on the West side of the Tor line. Due to the close proximity of works to the railway, Network Rail only allows construction when trains are not operating. This requires the works to be conducted during overnight railway possessions.

Outline working method

The out of hour work activities over one night possession are as follows:

- Delivery lorry with beams transported to lifting area;
- Crane to lift beams into position from East side;
- Crane to lift Omnia-planks into position from West side.

Figure 1 shows site lay out for Structure 11 works with closest to local resident properties. Acoustic screening will be erected at the top of embankment close to main works on East side and locally erected around consaw, hydraulic tightening and welding activities.



A380 South Devon Link Road

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Proposed Plant at Structure 11 works

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
Beam/Omnia-plank Installation					
1000T crane	1	75	71	BS 5228-1:2009 Table C.4:50	
100T crane	1	50	71	BS 5228-1:2009 Table C.4:50	
Mobile Elevated Working Platform (MEWP)	2	50	79	Measured	
Consaw	1	5	87	BS 5228-1:2009 Table C.5:36	Limited use only
Welding set	1	15	73	BS 5228-1:2009 Table C.3:31	
Hydraulic bolt tightening kit	1	15	80	Measured	
3kV generator	4	50	65	BS 5228-1:2009 Table C.4:83	
Haulage Lorry	2	50	79	BS 5228-1:2009 Table C.8:20	
Tower Lights	8	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only

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 tower lights will be super-silenced and inspected to ensure they are operating appropriately.
4. Acoustic screening will be erected locally screening any bolt tightening or welding activities from nearest residents to the South.
5. All plant will be promptly switched off as soon as the works have been completed.
6. Any idling plant will be turned off when not in use.
7. All operatives will be briefed on the measures within this plan and the sensitivity of surrounding properties to noise emissions.

All affected residents will be notified of the nature and need for 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. Allowance has been made for natural screening between the works and local receptors. The model takes into account land attenuation and reflection from properties.

Receptor Location	Floor	Façade	Construction Façade Noise Level dB L _{Aeq,1hr}
The Barn Owl	Ground	West	62.1
	First		62.7
Aller Orchard	Ground	North	60.4
	First		62.4
Priory Road	Ground	East	51.5
	First		52.9






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.



Royal Alder Vale Quarry
(Grade 3)

Acoustic barrier layout
screening high noise activities

KEY

-  Area of works in proximity to receptors
-  Acoustic barrier
-  Noise prediction stations
-  Noise prediction properties
-  Haulage Route

Rev	Details	Drawn	Date

Project
123213
A380 Bypass
Newton Abbot

Title
Structure 11 Location Plan



AAE Environmental Limited
Units 4 & 5
The Mill
Shipport, Abington
Oxton, Devon OX13 8HX
T: 01235 536042
F: 01235 523848
info@aae.com
www.aae.com

Scale	Date	Drawn	Checked	Drawn	Date	Rev.
1:200 @A3	Oct'14	JNT	ML	Figure 1		A