

**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/s61/0063**

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:

12<sup>th</sup> June 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/s61/0063  
Rev. No : 00  
Date : 12/06/15

**s61 APPLICATION CONTROL OF POLLUTION ACT 1974**

**APPLICATION FORM FOR APPROVAL**

<b>Reference No :</b> AR0001/s61/0063/Rev 00	<b>TITLE:</b> Excavation Works along the top of Old Newton Road
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works associated with excavation works on a live 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: Chris Hastings ..... Date: .....12/06/2015.....



## A380 South Devon Link Road

Doc.No: AR0001/s61/0063  
Rev. No : 00  
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<b>1. Address or location of proposed works</b>	Permanent excavation works across carriage way at the top of Old Newton Road, adjacent to Torquay Road. See annotated Figure 1.
<b>2. Name and address of main Contractor</b>	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB
<b>Responsible Person. Telephone No.</b>	<a href="mailto:adrian.farry@gallifordtry.co.uk">adrian.farry@gallifordtry.co.uk</a> T: 07776993185
<b>3. Particulars of works to be carried out</b>	<p>Permanent earth works over one night; with one night for contingency. The works involve excavating to new roundabout formation. The backfill and resurfacing works will be completed on the Saturday (normal working hours) and Sunday (activities at location covered within A380-s61-0054). Contingency within the total road closure runs Sunday night to Monday morning.</p> <p>The excavation works are scheduled to take place on Friday 19<sup>th</sup> June. The contingency weekend is (26-28<sup>th</sup> June – therefore the excavation works may occur on Friday 26<sup>th</sup> June due to unforeseen circumstances). The works are anticipated to start at 19:00hrs and finish at 05:00hrs.</p> <p>The justification for conducting out of hour works is to ensure safety to workforce and road users; whilst minimising traffic disruption along Old Newton Road and Torquay Road.</p>
<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. Noise calculations are worst case and have been taken from approved A380-s61-0027 where works were much closer to key receptors. The works are not anticipated to exceed the calculations provided in 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 Annotated Earthworks Location Plan
<b>11. Consultees</b>	Devon County Council Teignbridge District Council
<b>12. Other Information</b>	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.



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**13. List of Plans and documents attached**

**Figure 1 –annotated Earthworks Location Plan**

**APPENDIX A**  
**- Method of Works****Earthworks on a carriage way*****Overview of works***

As part of the permanent works for the new Aller roundabout, the remaining plug of existing carriageway is to be removed. The works will be completed under a road closure. The works are anticipated to take one night until approximately 05:00.

As a consequence, where works require disruption to traffic flow we are only able to work in evening (19:00 to 21:00 hours), night time or on Sundays. The justification for conducting these works over one week night is purely to minimise traffic congestion and ensure completion of works programmed over the weekend road closure.

The location of these works is shown in annotated Figure 1.

***Outline working method***

The work sequence over one night is as follows:

***Phase 1 – road cutting, asphalt removal & excavation to formation***

- Excavate asphalt and road formation layer to required depth and place on site for re-use;
- Although it will be minimised as far as practicable, a breaker may need to be deployed to remove any asphalt obstruction encountered (as determined necessary);
- Haulage of material will be by Old Newton Road using 8 wheel lorry to site compound positioned in an isolated position near Langford roundabout.

***Proposed programme***

The date is scheduled for Friday 19<sup>th</sup> June between 19:00hrs and 05:00hrs. Friday 26<sup>th</sup> June is in place as contingency. To minimise the nuisance as much as possible, the works will still be conducted as quickly as possible. Traffic management for road diversion/priority flow will be put in place where possible before 19:00hrs.



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#### Proposed Plant for Earthworks

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<b>Phase 1</b>					
22 tonne excavator	2	75	71	BS 5228-1:2009 Table C.4:17	
+ breaker attachment	2	10	88	BS 5228-1:2009 Table C.5:1	To be avoided where possible
8 wheel lorry	5	25	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.

**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. Noisy activities, mainly breaking out in Phase 1 will be limited to finishing by 22:00hrs minimising the noisiest activity to the least sensitive period of the night time period.
4. Drop heights for excavated material will be minimised where ever possible.
5. Use of 8 wheel lorries on road instead of earthworks dumpers to minimise duration and intensity of noise;
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.

**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.





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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 between the works. The model takes into account land attenuation and reflection from properties.

**Table 1. Noise levels during earthworks**

Receptor Location	Floor	Façade	Construction Façade Noise Level dB L <sub>Aeq,1hr</sub>
			Phase 1
The Barn Owl	Ground	West	68.0
	First		72.7
Aller Orchard	Ground	North	63.2
	First		67.1
Bramber Cottage	Ground	North	62.5
	First		64.2

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**

- Area of Works
- Noise Prediction Properties
- ▬ Noise Prediction Stations
- + Noise Prediction Stations



Project 123213 A380 Bypass	Date: 12/01/04	Drawn: RC	Scale: 1:200 @ A3	Title: Figure 1
<b>DRAINAGE LOCATION PLAN.</b>				
AA Environmental Ltd Units 4 & 5 The Mill Skipton Road Gannock, Devon OX13 8JX T: 01399 630013 F: 01399 630018 www.aaenv.com				

