TEIGNBRIDGE DISTRICT COUNCIL

CONTROL OF POLLUTION ACT 1974, SECTION 61

CONTROL OF NOISE ON CONSTRUCTION SITES:

NOTICE IMPOSING REQUIREMENTS.

TO: Mr Ian Yelf
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
The Application Reference Number: AR0001/s61/0052 Rev C

at the premises known as:

South Devon Link Road

NOTICE is HEREBY GIVEN that consent is given to the Application subject to compliance with the following requirements:

1. That the works are carried out in accordance with the Application.
2. Any emergency deviation from these requirements shall be notified to the undersigned without delay.
3. 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 on demand to be assessed by Teignbridge Environmental Health.
7. If complaints are received and considered 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: .....
Sue Aggett
Business Lead
Housing and Health

Dated: 28th May 2015

GallifordTry	**A380 South Devon Link Road**	Doc.No: AR0001/s61/0052 Rev. No : C Date : 28/05/2015

S61 APPLICATION CONTROL OF POLLUTION ACT 1974

Variation from section 61 consent.

Description of works programme.	Out of hour work involving removal of cantilever and installation of parapets at Structure 11
Contractor section 61 reference:	AR0001/s61/0052 Rev B
Local Authority section 61 reference:	15/06312/ECNCON
Date of works requiring variation	Weekend possession Saturday 30th May and Saturday 13th June with the following weekend (Saturday 20th June) acting as contingency in case of unforeseen circumstances.
Duration of works requiring variation	22:00-09:00hrs
Variation reference.	AR0001/s61/0052 Rev C

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

Brief description of proposed work.	Removal of cantilever and installation of parapet units at Structure 11, as per approved A380-s61-0052. The works will be conducted over 3 weekends of night possessions; commencing on Saturday 30th May; Saturday 13th June; and Saturday 20th June (contingency). Further dates may be required depending on agreement with Network Rail. Environmental Clerk of Works will notify Teignbridge Environmental Health of dates as soon as confirmed. Any further dates will be covered by this section 61 provided the activity is the same. Plant list for the construction works is the same as original consented application and is in Appendix A plant list.
State reasons why works cannot be done under terms of original consent.	The justification for conducting the works during out of hours is to maintain safety to workforce and rail users and minimise disruption along the Tor railway line.
Describe any changes to hours of working.	22:00-09:00 hours.
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:	Ian Yelf	
Signature:	Ian Yelf	
Date:	28/05/2015	

Condition:

APPENDIX A
- Method of Works

Residual out of hour railway possession works at S10 & S11

Overview of works

As part of the A380 project, there is a 270m railway tunnel and over bridge to be constructed over the Tor line. The main works have been completed. The residual works involve parapet installation along S10 and S11 bridge deck; S10 construction of in-tunnel pathway and drainage; S11 back of wall drainage; S10 removal of scaffolding protection; in-tunnel remedial works to retaining walls; and S11 under parapet sealant and bolt hole filling.

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 at Structure 10 are as follows:

Parapet installation

- Deliver concrete parapets to Structure 10 (east side);
- 150T crane to lift parapets in to place at North and South extent of structure.

Construction of in-tunnel pathway & drainage

- 7T excavator within the tunnel with dumpers transporting material;
- 20T excavator on site at well screened North West extent of works loading dumpers with material for in-tunnel works.

Remove scaffolding protection

- Removal of scaffolding using hand tools and delivery lorry;

Remedial works to walls (well screened within the tunnel)

- Operatives using hand tools and limited hand-held scabbling equipment within the Structure 10 tunnel.

The out of hour work activities at Structure 11 are as follows:

Parapet installation

- Deliver concrete parapets to Structure 10 (east side);
- 200T crane to lift parapets in to place at North and South extent of structure.

Construction of back of wall drainage

- 7T excavator within the tunnel with dumpers transporting material;
- 20T excavator on site at well screened North West extent of works loading dumpers with material for in-tunnel works.

Under parapet sealant and bolt hole filling

- Operatives, in a MEWP, using hand tools sealing parapets and filling in bolt holes;

Figure 1 shows location plan for Structure 10 & 11 works with closest residential properties.

Proposed Plant at Structure 10 & Structure 11 works

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
Structure 10 parapet installation					
150T crane	1	80	78	BS 5228-1:2009 Table C.4:38	
Consaw	1	5	87	BS 5228-1:2009 Table C.5:36	To be avoided where possible
Hand tools	1	50	73	Average of BS 5228:1997 Table C.7:1-3	
3kV generator	2	50	65	BS 5228-1:2009 Table C.4:83	
Haulage Lorry	2	30	79	BS 5228-1:2009 Table C.8:20	
Tower Lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Structure 10 in-tunnel pathway and drainage construction (in-tunnel works)					
7T excavator	1	80	71	BS 5228-1:2009 Table C.4:17	
20T excavator	1	40	75	BS 5228-1:2009 Table C.4:64	
3T dumper	2	50	77	BS 5228-1:2009 Table C.4:9	
Tower lights	2	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Remove scaffold protection					
Hand tools	1	50	73	Average of BS 5228:1997 Table C.7:1-3	
3kV generator	2	50	65	BS 5228-1:2009 Table C.4:83	
Haulage Lorry	1	30	79	BS 5228-1:2009 Table C.8:20	
Tower Lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Remedial works to walls (in-tunnel works)					
Hand tools	1	50	73	Average of BS 5228:1997 Table C.7:1-3	
Mobile Elevated Working Platform (MEWP)	2	50	67	BS 5228-1:2009 Table C.4:57	
3kV generator	2	50	65	BS 5228-1:2009 Table C.4:83	
Scabbling compressor and pneumatic chipper	1	35	83	BS 5228-1:2009 Table D.6:45	To be avoided where possible
Tower Lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Structure 11 parapet installation					
200T crane	1	80	78	BS 5228-1:2009 Table C.4:38	
Consaw	1	5	87	BS 5228-1:2009 Table C.5:36	To be avoided where possible
Hand tools	1	50	73	Average of BS 5228:1997 Table C.7:1-3	
3kV generator	2	50	65	BS 5228-1:2009 Table C.4:83	
Haulage Lorry	2	30	79	BS 5228-1:2009 Table C.8:20	
Tower Lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Structure 11 back of wall drainage construction					
7T excavator	1	80	71	BS 5228-1:2009 Table C.4:17	
20T excavator	1	40	75	BS 5228-1:2009 Table C.4:64	
3T dumper	2	50	77	BS 5228-1:2009 Table C.4:9	
Tower Lights	2	100	63	Average of BS 5228-1:2009 Table C.4:76-87	Night time only
Structure 11 under parapet sealant & bolt hole filling					
Hand tools	4	50	73	Average of BS 5228:1997 Table C.7:1-3	
Mobile Elevated Working Platform (MEWP)	2	50	67	BS 5228-1:2009 Table C.4:57	
Tower Lights	4	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. All plant will be promptly switched off as soon as the works have been completed.
5. Any idling plant will be turned off when not in use.
6. 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

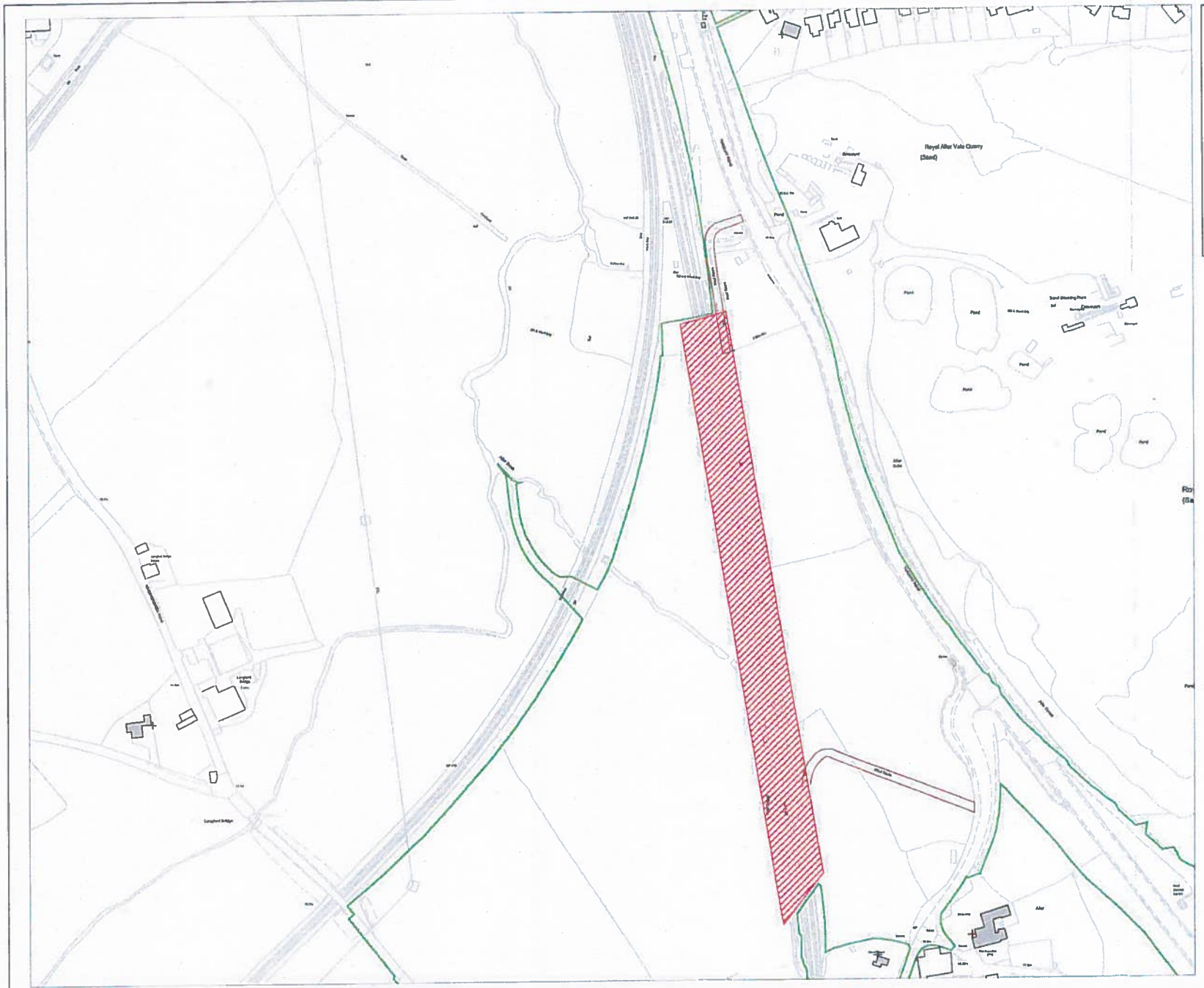
- Predicted noise thresholds at key receptors

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.

Structure 10 & Structure 11 noise predictions

Receptor Location	Floor	Façade	Construction Façade Noise Level dB $L_{Aeq,1hr}$		
			Structure 10 worst case works	Structure 11 worst case works	Combined Works
Langford Bridge Farm	Ground	South West	49.0	51.5	53.4
	First	South West	50.2	52.9	54.8
The Barn Owl	Ground	East	63.4	62.1	65.8
	First	East	64.0	62.7	66.4
Aller Orchard	Ground	West	63.2	60.4	65
	First	West	63.8	62.4	66.1
42 Aller Park Road	Ground	North	58.6	N/a	58.6
	First	North	59.5	N/a	59.5

A cumulative number of exceedances will be maintained by the site team.



KEY

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

Rev.	Details	Drawn / Chkd.	Date

Project

123213
A380 Bypass
Newton Abbot

Title

Structure 10 & 11 Location Plan

AAe Environmental Consultants

AA Environmental Limited
Units 4 to 8
Cholswell Court
Shippon Abingdon
Oxon OX13 6HX

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Scale	Date	Drg. No.	Rev.
1:2500 @A3	Feb '15	Figure 1	A
	Drawn: EB / Chkd.: ML		

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.