

TEIGNBRIDGE DISTRICT COUNCIL
CONTROL OF POLLUTION ACT 1974, SECTION 61
CONTROL OF NOISE ON CONSTRUCTION SITES:
NOTICE IMPOSING REQUIREMENTS.

TO:

**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/s61/0036/Rev 00**

at the premises known as:

South Devon Link Road

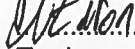
NOTICE is HEREBY GIVEN that the following requirements must be complied with in connection with the carrying out of such works.

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 25th September 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/s61/0036
Rev. No : 00
Date : 24/09/14

S61 APPLICATION CONTROL OF POLLUTION ACT 1974

Variation from section 61 consent.

Description of works programme.	Out of hour works involving concrete pouring bridge deck at Structure 10.
Contractor section 61 reference:	AR0001/s61/0036
Local Authority section 61 reference:	14/24661/ECNCON
Date of works requiring variation	Every Saturday starting Saturday 6 th September scheduled to finish middle of November.
Duration of works requiring variation	No variation to duration of works
Variation reference.	AR0001/s61/0036

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

Brief description of proposed work.	<p>Concrete pouring and finishing at Structure 10 bridge deck. The pouring involves 1 concrete pump, 8 tower lights and delivery lorries. The delivery lorries will access/egress site from the north, opposite Hanson's batching plant. Concrete finishing involves tower lights and 3 concrete float finishing machines. The concrete pouring is scheduled to take place during normal working hours every Thursday or Friday for the next 10 weeks; to be completed beginning of December. The concrete pour is scheduled to start at 8am during normal working hours and is anticipated to finish at approximately 15:00hrs. The duration of out of hour works is dependent curing time of concrete. Once the concrete is firm enough to walk on, the concrete float finishing will take place. If the concrete arrives on time and the concrete cures as expected, the works are anticipated to finish at midnight. The decision to start pouring on Thursday or Friday will be made Wednesday night/Thursday morning. Decision depends on whether preparatory normal working hour steel work is complete.</p> <p>Method of Works set out in Appendix A and Figure 1 is same as in AR0001/s61/0036. Plant list from beam installation works has been left in to compare against plant listed above.</p>
State reasons why works cannot be done under terms of original consent.	The justification for extending the hours is the float finish must follow the concrete curing time to meet structure specification; as well as contingency to accommodate the uncertainty in concrete cure time and/or slow supply of concrete from batching plant.
Describe any changes to hours of working.	Concrete deck pour and finishing are scheduled to run every Thursday or Friday for the next 10 weeks; starting Thursday 25 th September 08:00-19:00hrs. The out of hour works are anticipated to finish between 19:00-00:00 however applying for works until 06:00hrs as contingency.
Describe BPM noise mitigation measures.	Same measures set out in Appendix B.

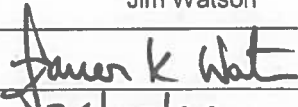


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Predicted Noise and Vibration Levels

Noise levels from plant listed above are not anticipated to exceed levels set out in AR0001/s61/0036. Noise levels will be same as original Section 61 application. Refer to Appendix C of the AR0001/s61/0036, as consented.

	For [Contractor]	Approved by [Local authority]
Name:	Jim Watson	
Signature:		
Date:	24/09/14	

Conditions:

APPENDIX A**- Method of Works****Beam lift installation works over Torbay railway line*****Overview of works***

As part of the A380 project, there is 200m railway tunnel to be constructed over Tor line close to Aller Meadows. Part of the construction involves pouring and finishing the concrete bridge deck from the east side. The out of hour works will start at the most northern extent of the structure and work south. Steel fixing will be during normal working hours. The pouring is anticipated to be completed within normal working hours.

Outline working method

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

- Concrete delivery and pour in to bridge deck (only necessary if supplier arrives later than 19:00hrs);
- Allow time for concrete to cure (dependent on weather conditions, supply of concrete and concrete composition);
- Concrete finishing using 3 concrete float machines.

Figure 1 shows location plan for Structure 10 works with closest residential properties. Acoustic screening provided by Structure 11 earth bund will be installed to the South of the works screening the closest properties, Aller Orchard and Barn Owl Pub are situated.

Proposed Plant at Structure 10 works

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<i>Beam/ GRC panels Installation</i>					
200T crane	1	80	78	BS 5228-1:2009 Table C.4:38	
Consaw	2	5	87	BS 5228-1:2009 Table C.5:36	To be avoided where possible
Cement mixer	1	75	76	BS 5228-1:2009 Table C.4:22	
Hand tools	1	50	73	Average of BS 5228:1997 Table C.7:1-3	
3kV generator	4	50	65	BS 5228-1:2009 Table C.4:83	
Haulage Lorry	10	30	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 provided by earth embankment will be erected nearest to works facing nearest properties 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.

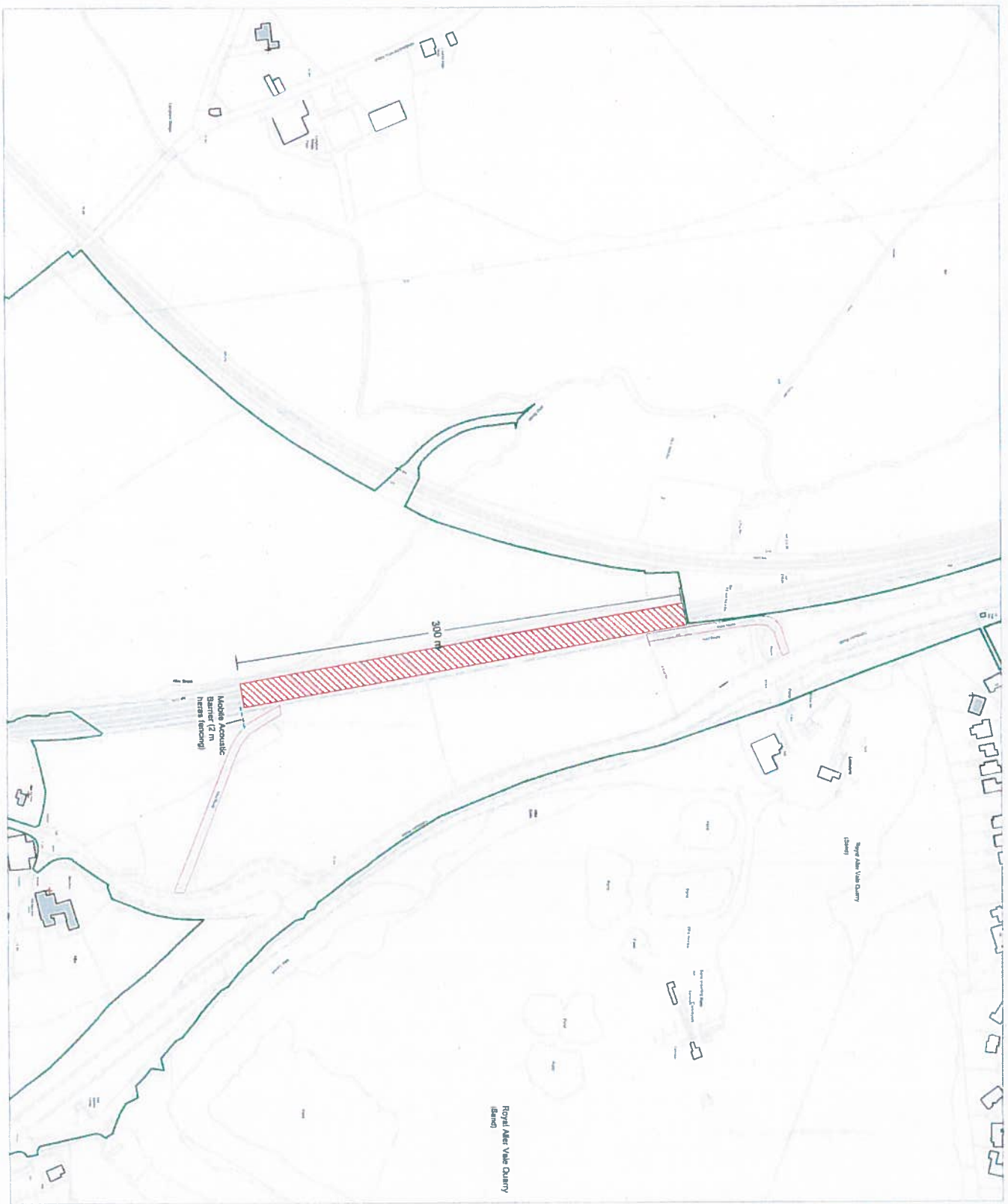
APPENDIX C

- 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}	
			Lowest	Highest
Langford Bridge Farm	Ground	South West	44.4	48.5
	First	South West	46.8	49.6
The Barn Owl	Ground	East	55.1	62.6
	First	East	55.9	63.1
Aller Orchard	Ground	West	56.9	61.7
	First	West	57.6	62.3
Aller Park Road	Ground	North	50.3	56.0
	First	North	51.4	56.9

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



KEY

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

Rev	Change	Drawn	Date
		CMK	

Project
123213
A380 Bypass
Newton Abbot

Title
Structure 10 Location Plan

AAE Environmental Limited
Units 4 & 5 B
The Mill
Shipton Abbot
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info@aae.com
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Scale	Date	Dwg No.	Rev
1:250 @ A3	Aug14		
Drawn	Check	Figures	
RC	ML	1	