

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/s61/0050 Rev B

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:

14th April 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/s61/0050
Rev. No : B
Date : 13/04/15

S61 APPLICATION CONTROL OF POLLUTION ACT 1974

Variation from section 61 consent.

Description of works programme.	Out of hour works involving road construction along Maddacombe Road.
Contractor section 61 reference:	AR0001/s61/0050
Local Authority section 61 reference:	15/07833/ECNCON
Date of works requiring variation	Thursday 23 rd April
Duration of works requiring variation	No change in work hours to original consent.
Variation reference.	AR0001/s61/0050 Rev B

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

Brief description of proposed work.	<p>Road resurfacing tie-in works involving excavation of rock to road formation, road surfacing and line marking works. The works on Thursday will mainly involve excavation of rock at both tie-in points. Phase 1 excavation works will be limited to (08:00hrs-23:00hrs) as per original consent. The main resurfacing works will continue as per original consent on the Saturday and Sunday. The residual utility works have been completed in a previous weekend closure.</p> <p>Plant list for the road construction works is the same as original consented application and is in Appendix A plant list.</p>
State reasons why works cannot be done under terms of original consent.	<p>The justification for extending the dates to include Thursday 23rd April is to ensure works are completed within the approved road closure and therefore minimise the need for further road closures causing disruption to road users.</p> <p>The justification for conducting the works during out of hours is to maintain safety to workforce and road users and minimise traffic along Maddacombe Road.</p>
Describe any changes to hours of working.	No change.
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:	Chris Hastings	
Signature:		
Date:	13/04/2015	

Condition:

Proposed programme

The proposed dates for the weekend closures are Friday 24th April-Monday 27th April; with two further weekend contingency (8th – 11th May and 15th – 18th May). Traffic management for road closure during main resurfacing works will be put in place where possible after 12:00 hours. Traffic management for road closure during main resurfacing works will be put in place where possible after 18:00 hours.

Proposed Plant at each location

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
Phase 1					
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
8 T excavator	1	75	71	BS 5228-1:2009 Table C.4:17	
+ breaker attachment	1	5	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	
Roller	1	50	73	BS 5228-1:2009 Table C.2:38	
Volvo Dumper	1	50	76	BS 5228-1:2009 Table C.4.4	
8 wheel lorry	1	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.
Phase 2					
20 tonne excavator	1	75	73	BS 5228-1:2009 Table C.5:11	
+ breaker attachment	1	5	90	BS 5228-1:2009 Table C.1:9	
16T roller	1	75	81	BS 5228-1:2009 Table C.5:22	
8 wheel lorry	2	20	79	BS 5228-1:2009 Table C.8:20	
Bomag Roller	1	50	75	BS 5228-1:2009 Table C.5:25	
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.
Phase 3					
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	
16T roller	1	75	81	BS 5228-1:2009 Table C.5:22	
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.

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 tie-in works





Receptor Location	Floor	Façade	Highest Construction Façade Noise Level dB L _{Aeq,T}			
			Phase 1	Phase 2	Phase 3	Phase 2 & 3 Concurrent
Foredown	0	West	70.2	60.3	63.3	65.1
	1	West	70.6	60.9	63.9	65.7
Foredown House	0	West	71.6	65.8	68.8	70.6
	1	West	77.9	72.4	75.4	77.2
Rock House	0	West	74.3	67.4	70.4	72.2
	1	West	83.6	73.8	76.8	78.6
Foredown Boarding Kennels	0	East	62.3	59.1	62.1	63.9
	1	East	64	62.8	65.8	67.6

N.B. Acoustic screening allowance to 3 Rock House, Foredown Farm, Foredown House and Foredown Boarding Kennels.

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.

KEY

-  Noise Prediction Stations
-  Noise Monitoring Locations
-  Area of Works
-  Acoustic Barriers



Rev.	Details	Drawn	Chief	Date
Project 123213 A380 Bypass Newton Abbot				
The Maddacombe Road/Tis-in Location Plan				
 AA Environmental LLP Units 4 to 8 Chiswell Court Chiswell Lane Dartmouth Devon OX2 8AK T: 01233 525142 F: 01233 525148 info@aae-llp.com www.aae-llp.com				
Scale	Date	Drawn	Chief	Rev.
1:1000 @A3	Dec'14	EB	ML	Figure 1