

**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/s61/0049 Rev No: C**

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:

28<sup>th</sup> January 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/s61/0049  
Rev. No : C  
Date : 23/01/15

**S61 APPLICATION CONTROL OF POLLUTION ACT 1974**

**Variation from section 61 consent.**

Description of works programme.	Out of hour works involving drainage diversion along Maddacombe Road.
Contractor section 61 reference:	AR0001/s61/0049
Local Authority section 61 reference:	14/31600/ECNCON
Date of works requiring variation	Friday 30 <sup>th</sup> January to Monday 2 <sup>nd</sup> February; with the following two weeks as contingency (Friday 6 <sup>th</sup> February to Monday 9 <sup>th</sup> February; Friday 13 <sup>th</sup> February to Monday 16 <sup>th</sup> February).
Duration of works requiring variation	No change in work hours of a weekend road closure.
Variation reference.	AR0001/s61/0049 Rev C

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

Brief description of proposed work.	Maddacombe Road water main diversion works involving excavation to formation depth, laying water main and backfilling to road level and resurfacing, as per approved A380-s61-0049. The works will be conducted over a 24hr weekend closure; with the anticipated start Friday 30 <sup>th</sup> January through to Monday 2 <sup>nd</sup> February with the following two weeks as contingency in case of unforeseen circumstances.  Plant list for the watermain diversion 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 extending the dates is due to unforeseen issues with existing utilities and SWW availability to complete the activity.  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.
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:	23/01/2015	

Condition:

**APPENDIX A**  
- Method of Works

**Utility Works on live carriage ways**

**Overview of works**

As part of the Maddacombe Road overbridge works, Maddacombe Road require existing utilities to be diverted and installation of new drainage under the carriage way. During the proposed works, the existing Maddacombe Road will be closed. The road will be re-opened once road surface has been re-instated.

As a consequence, where works require disruption to traffic flow we are only able to work on either evenings (1900 to 2100hrs), during night time periods or on Sundays. The justification for conducting these works over one weekend closure is purely to minimise traffic congestion to road/pedestrian users and also to reduce disruption to Stoneycombe quarry deliveries and operation.

These utility diversions are specifically mainline drainage pipes, water main pipes and Virgin media ducting. The location of these works is shown in Figure 1.

These works require the installation of piping and ducting below the carriageway. The possibility of undertaking the works by non-intrusive means has been evaluated and discounted. The only method would involve directional drilling, and this is not deemed possible due to the presence of existing utilities at various depths, potential unknown utilities and any collapse of the roadway. As a consequence the only method is open cut of the road and subsequently the works will have to be undertaken outside of normal working hours.

The utility crossing along Maddacombe Road will be screened by acoustic barriers, as shown on Figure 1.

**Outline working method**

The work sequence on one road crossing is as follows:

**Phase 1 – roadcutting, asphalt removal & excavation to formation**

- Cut the asphalt with road saw – this activity will be limited to 08:00-23:00hrs;
- Excavate asphalt and road formation layer to required depth and haul to main 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);

**Phase 2 – backfilling to road level & asphalt reinstatement**

- Once formation depth is achieved an aggregate bed will be laid and compacted. The ducts and piping will be installed and the road stone replaced.
- Backfilling excavations involving aggregate delivery from the main compound, compaction using wacker plates/roller and an excavator;
- Once close to the existing road surface asphalt will be placed, rolled and compacted by roller as necessary.



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**Proposed programme**

The proposed dates for the weekend closure are Friday 30<sup>th</sup> January to Monday 2<sup>nd</sup> February; with the following two weeks acting as contingency. Traffic management for road closure will be put in place where possible after 1800 hours. The Environmental Clerk of Works will notify Teignbridge Environmental Health if proposed dates change.

**Proposed Plant at each location**

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<b>Phase 1</b>					
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	
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.
<b>Phase 2</b>					
20 tonne excavator	1	75	73	BS 5228-1:2009 Table C.5:11	
8 T excavator	1	75	71	BS 5228-1:2009 Table C.4:17	
8 wheel lorry	1	25	79	BS 5228-1:2009 Table C.8:20	
Volvo Dumper	1	50	76	BS 5228-1:2009 Table C.4.4	
Wacker plate	2	50	80	BS 5228-1:2009 Table C.2:41	
Roller	1	50	73	BS 5228-1:2009 Table C.2:38	
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. All operatives will be briefed on the measures within this plan and the sensitivity of surrounding properties to noise emissions.
4. Noisy activities, mainly the road cutting and breaking out in Phase 1 will be limited to 08:00hrs-23:00hrs minimising the noisiest activity to the least sensitive time period.
5. Acoustic screening will be erected facing nearest receptors at area of work located along Maddacombe Road as per Figure 1.
6. Drop heights for excavated material will be minimised where ever possible.
7. All generators and compressors plant will be super-silenced and inspected to ensure they are operating appropriately.
8. Any idling plant will be turned off when not in use.

All affected residents will be notified of 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. 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 utility works**

Receptor Location	Floor	Façade	Range of Construction Façade Noise Levels dB L <sub>Aeq,1hr</sub>	
			Phase 1	Phase 2
Rock House	Ground	West	57.6 - 74.3	55.5 - 72.2
	First		58.5 - 83.6	56.4 - 81.5
Foredown House	Ground	West	57.2 - 71.6	55.1 - 69.5
	First		58.1 - 77.9	56 - 75.8
Foredown	Ground	West	<30 - 70.2	<30 - 68.1
	First		<30 - 70.6	<30 - 68.5
Foredown Boarding Kennels	Ground	West	54.7 - 62.3	52.6 - 60.2
	First		55.5 - 64	53.4 - 61.9

N.B. Acoustic screening allowance to West and Eastern boundary.

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**

+	Noise Prediction Stations
■	Noise Monitoring Locations
▨	Area of Works
—	Acoustic Barriers

Rev:	Details	Drawn:	Date:
		CHM	
Project 123213 A380 Bypass Newton Abbot			
Title Maddacombe Utility Location Plan			
 AAE Environmental Consultants Units 4 to 8 Chiswell Court Chiswell Road Chown OX13 3EX T 01235 335025 F 01235 328499 info@aae-tp.com www.aae-tp.com			
Scale	Date	Dep. No.	Rev.
1:1000 @A3	Nov'14	PH	Figure 1
	Drawn	Chk.	
	PH	ML	