

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/s61/0060/Rev00

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.

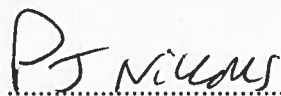
1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
3. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise shall be employed at all times.
4. Plant 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:


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Paul Nicholls
Food, Health and Safety Manager

Dated:

2nd March 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/s61/0060
Rev. No : 00
Date : 1/04/15

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0060/Rev 00	TITLE: Aller Meadow Otter Tunnel & Yon Street stone wall installation
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works associated with Aller Meadow Otter Tunnel & Yon Street stone wall installation	

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:1/04/15.....



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0060
Rev. No : 00
Date : 1/04/15

1. Address or location of proposed works	Construction of otter tunnel at Aller Meadow area and continuation of stone wall accommodation works at North side of Yon Street.
2. Name and address of main Contractor	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB
Responsible Person. Telephone No.	andrew.nunn@gallifordtry.co.uk T: 07966562119
3. Particulars of works to be carried out	<p>Firstly, site team to construct otter tunnel above Structure 19 in Aller Meadow area. The works involve one gang on the northern portion of the otter tunnel. The gang will consist of a 13T excavator, 20T excavator, two 9T dumpers, 1 compactor; and two site operatives. These works will take place on Good Friday 3rd April and Easter Monday 6th April between 07:00-19:00hrs. Normal hour Saturday working will go ahead as usual.</p> <p>The justification for completing these works during bank holidays is to complete the works over the site haul route whilst there is no site traffic. In turn, this will cause least disruption to the site and potential for delay in programme. This location is time critical to programme; with potential to cause significant delays in the next few months.</p> <p>Secondly, continuation of stone wall accommodation works on the north side of Yon Street. This involves two operatives and a concrete mixer. These works will take place on Friday 3rd April and Monday 6th April between 07:00-19:00hrs. Normal hour Saturday working will go ahead as usual.</p> <p>The justification for completing these works is to accommodate the landowner and make up for delay in programme in that area. The landowner has been notified and happy that the work is continuing over these dates.</p>
4. Methods to be used in each stage of development	Refer to Appendix A.
5. Duration and hours of works	Refer to Appendix A
6. Number, type and make of plant and machinery	Refer to Appendix A.
7. Proposed steps to minimise noise and vibration	Refer to Appendix B.
8. Predicted Noise Levels	Refer to Appendix C. Due to the short notice in application, noise predictions from Structure 10/11 railway works have been used as worst case scenario. The otter tunnel works and stone wall works are not anticipated to exceed the noise predictions set out in Appendix C.



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9. Predicted Vibration Levels	The equipment to be used in these activities are not considered to generate appreciable levels of vibration and therefore no assessment has been undertaken.
10. Site Plan	Figure 1 Annotated Site Plans
11. Consultees	Devon County Council Teignbridge District Council
12. Other Information	Galliford Try Public Liaison Team will be delivering letters to all effected residents nearby to the works. It will also be published on the South Devon Link Road website prior to works.
13. List of Plans and documents attached	Figure 1 – Annotated Site Plans

APPENDIX A
- Method of Works**Otter tunnel construction at Aller Meadows and stone wall installation at Yon Street*****Overview of works***

As part of the ecological mitigation, Galliford Try are to construct a 120 m otter tunnel across Structure 19 in the Aller Meadows area. As part of the accommodation works, Galliford Try are to construct a limestone wall north of Yon Street.

The justification for completing work on Friday 3rd April and Monday 6th April is to complete works which are time critical and have the potential to cause significant delays to programme in the future months.

Due to the large distance between area of works and nearest receptor (over 250 metres); as well as natural screening (to the East) and low intensity of works, acoustic barriers will not be erected prior to works commencing. The nearest resident's will be notified prior to works commencing.

Outline working method

The work sequence over one day at Aller Meadows is as follows:

Phase 1 –excavation to formation & lay 900 mm dia pipe and backfill

- Excavate to required depth using 20T excavator;
- Once formation depth is achieved an aggregate bed will be laid and compacted. All material to backfill has been positioned within 20 m of working area to eliminate the need for delivery lorries.

Outline working method

The work sequence over one day at Yon Street is as follows:

Phase 1 –lay stone wall

- Two operatives place limestone on to wall using concrete from concrete mixer.

Proposed programme

Works will run on Friday 3rd April and Monday 6th April between 07:00-19:00hrs. Works will continue for a 12 hour period. To minimise the nuisance as much as possible, the works will still be conducted as quickly as possible.



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Proposed Plant at each location

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise Information source	Comment
<i>Otter tunnel Construction</i>					
<i>Phase 1</i>					
20T excavator	1	75	75	BS 5228-1:2009 Table C.4:64	
13T excavator	1	40	71	BS 5228-1:2009 Table C.4:17	
Volvo Dumper	2	50	76	BS 5228-1:2009 Table C.4.4	
Compactor	1	50	65	BS 5228-1:2009 Table C.5:5	
<i>Stone wall construction</i>					
<i>Phase 1</i>					
Concrete mixer	1	50	61	BS 5228-1:2009 Table C.4:23	

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. All affected residents will be notified of the works.
3. 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.
4. All operatives will be briefed on the measures within this plan and the sensitivity of surrounding properties to noise emissions.
5. Drop heights for excavated material will be minimised where ever possible.
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.

APPENDIX C

- Predicted noise thresholds at key receptors

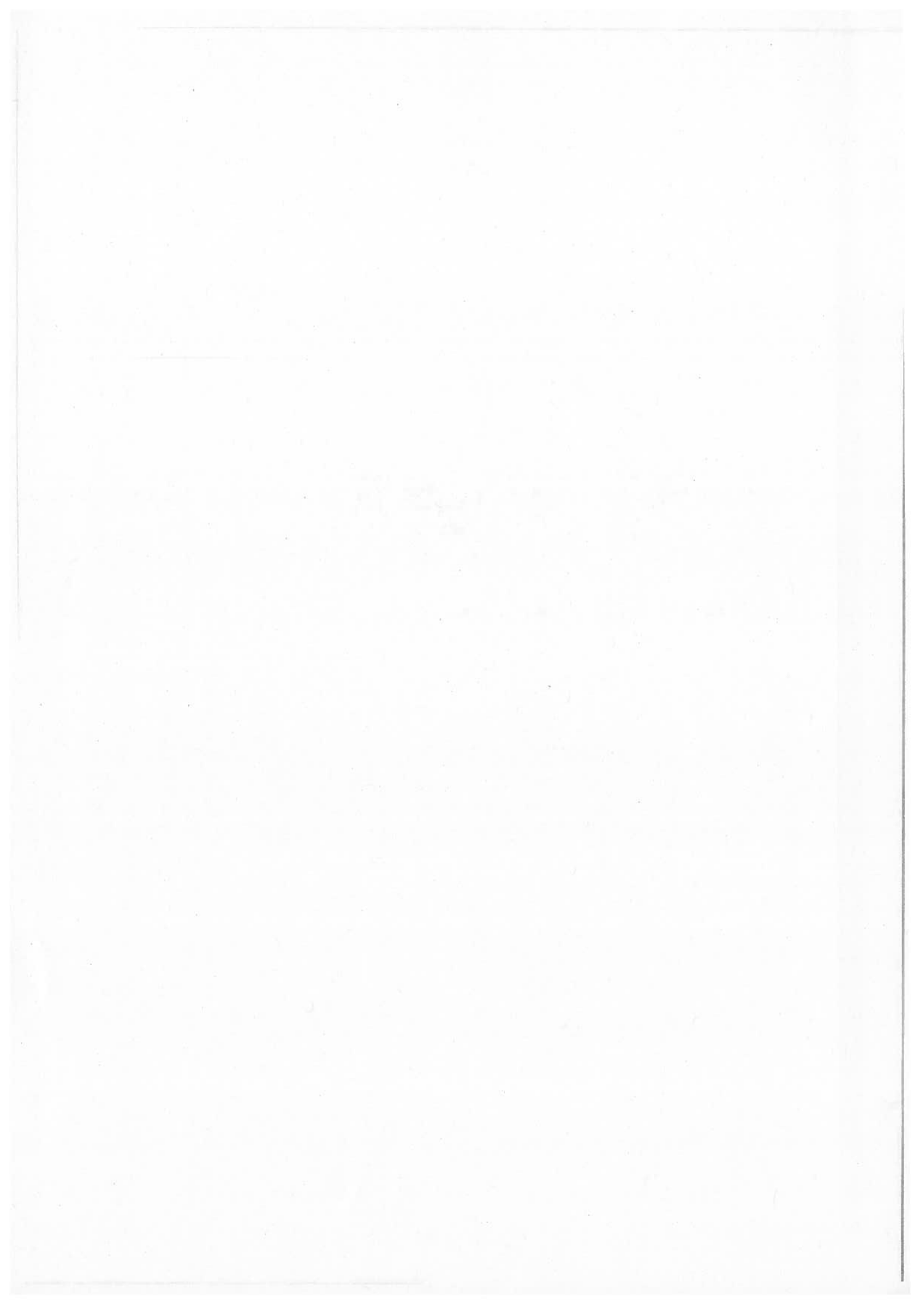
Predictions have been undertaken using SiteNoise module of NoiseMap Enterprise version 2.7.1. This software follows the construction noise calculation procedure in British Standard 5228 Code of Practice for Noise and Vibration Control on Construction and Open Sites: 2009. No allowance has been made for natural screening or manmade structures between the works. The model takes into account land attenuation and reflection from properties.

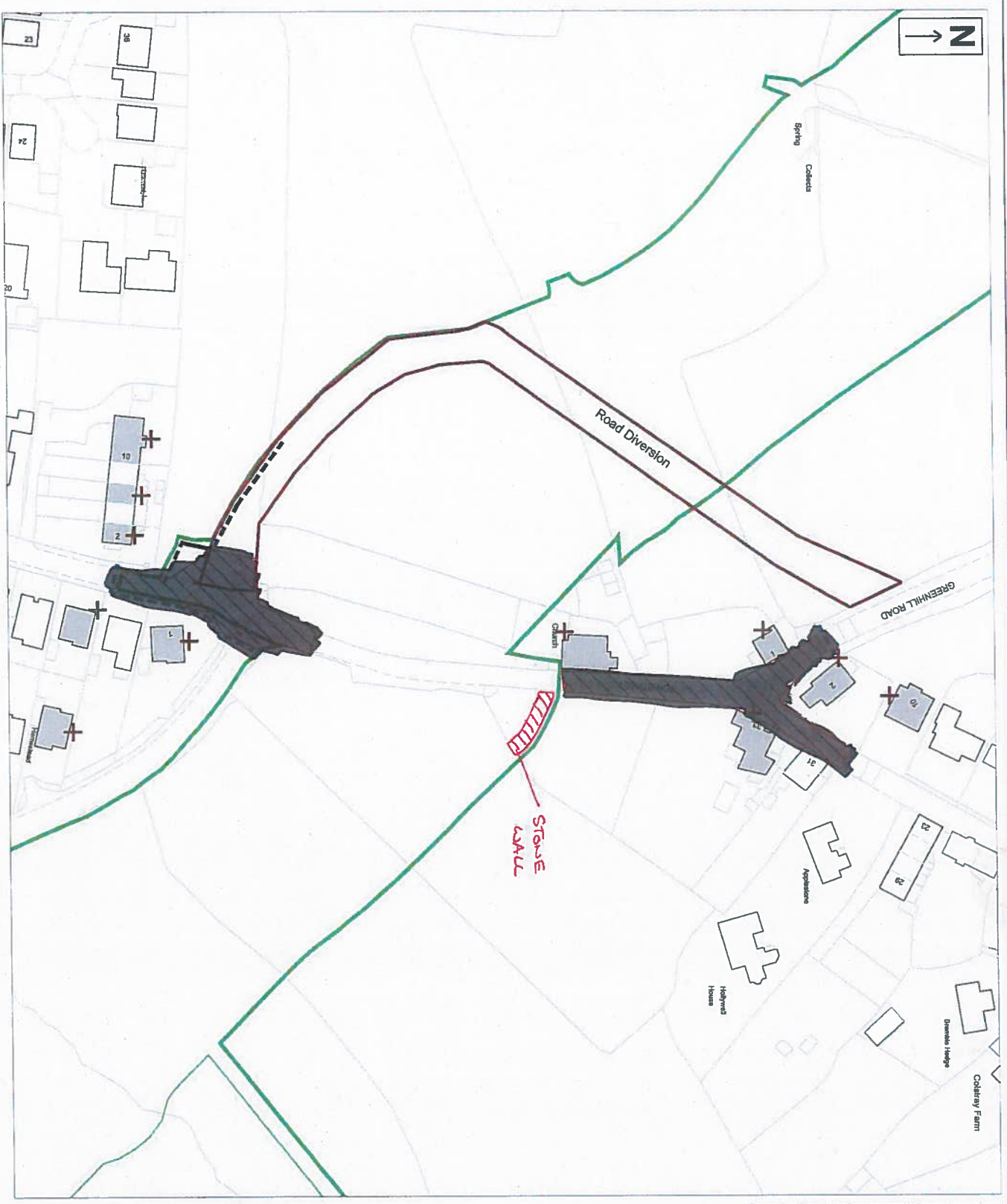
Table 1. Noise levels during otter tunnel works in nearest residential areas

Receptor Location	Floor	Façade	Construction Façade Noise Level dB L _{Aeq,1hr}
			Phase 1
Langford Bridge Farm	Ground	South West	53.4
The Barn Owl	Ground	East	65.8
Aller Orchard	Ground	West	65
42 Aller Park Road	Ground	North	58.6

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.

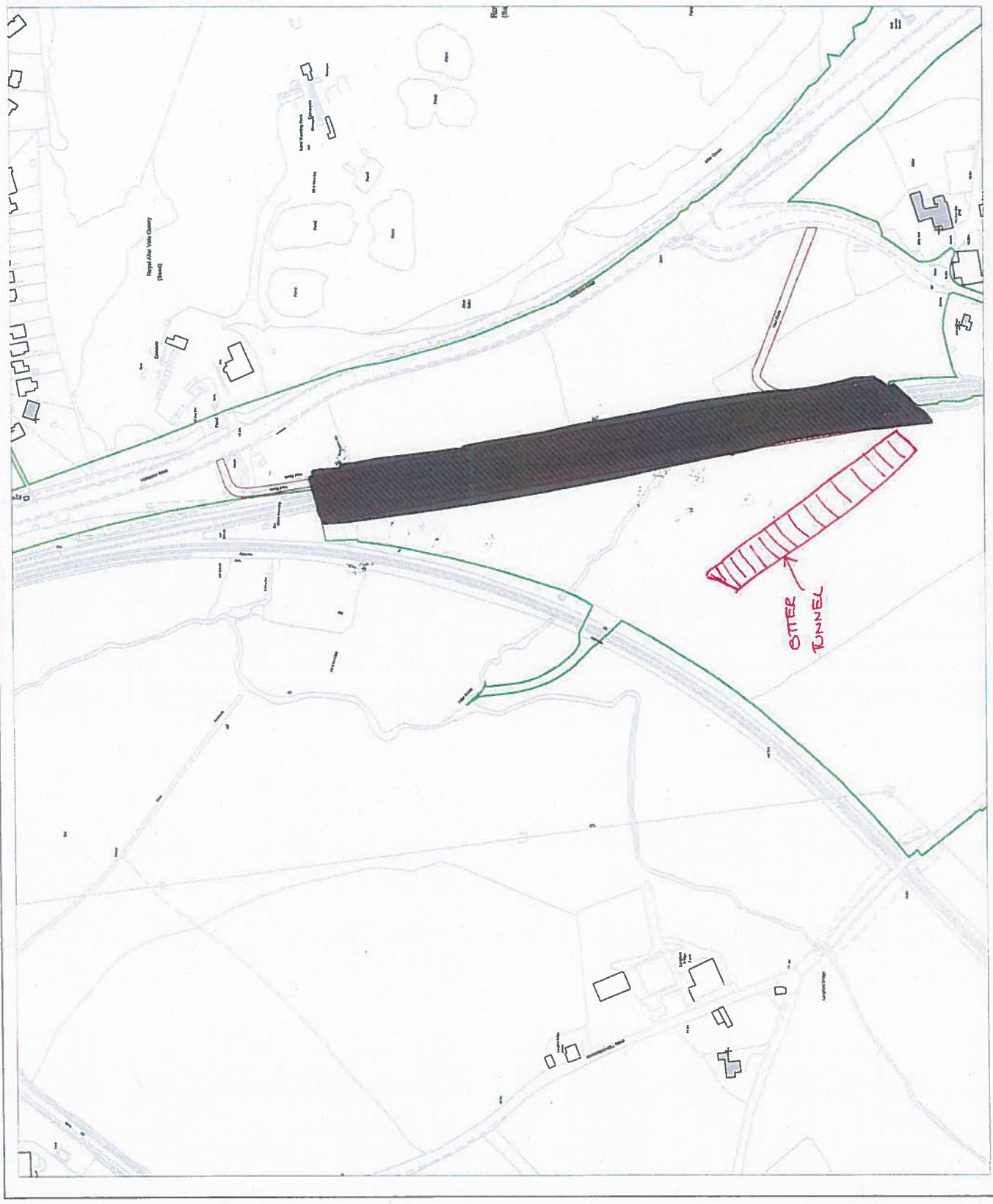
A cumulative number of exceedances will be maintained by the site team.










KEY	
	Noise Prediction Property
	Noise Prediction Stations
	2 m high acoustic hoarding
	Acoustic barriers on hedges panels
	Area of Works

Project	123213	Drawn		Date	
	A390 Bypass	Checked			
	Newton Abbot				
<p>AAE Environmental Limited Units 4 to 8 Orchard Court Queen Oaks Drive Newton Abbot, Devon TQ12 3BQ Tel: 01232 209012 Fax: 01232 202410 info@aae.co.uk www.aae.co.uk</p>					
<p>Scale: 1:500 (A3)</p>					
Date	Drawn	Check	Fig. No.		
15/01/15	EB	ML	Figure 1		



KEY

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

Rev.	Details	Drawn	Checkd.	Date
	Project 123213 A380 Bypass Newton Abbot			
	Title Structure 10 & 11 Location Plan			
 A.A. Environmental Limited Units 4 & 5 Crookedwell Court Shipston / Stratford Oxon OX11 2BZ T: 01295 250042 F: 01295 250043 info@aae-ep.com www.aae-ep.com				
Scale 1:250 @A3	Date Feb '15	Drawn EB	Checkd. ML	Rev. A
Figure 1				