

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/s61/0052/Rev00
Out of hour works at structure 10 and 11

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:

24th February 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/s61/0052
Rev. No : 00
Date : 18/02/15

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0052/Rev 00	TITLE: Out of hour works at Structure 10 and Structure 11.
--	---

	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works at Structure 10 & 11 during possession of Tor railway lines.	

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: 19/2/15



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0052
Rev. No : 00
Date : 18/02/15

1. Address or location of proposed works	Structure 10, both sides of Torbay railway line, near Aller Meadows; Structure 11, both sides of Torbay railway line, near Aller Orchard.
2. Name and address of main Contractor Responsible Person. Telephone No.	Galliford Try A380 SDLR Kingskerswell Bypass Site Office Old Newton Road Kingskerswell Newton Abbot TQ12 5LB ian.yelf@gallifordtry.co.uk T: 07841 968008
3. Particulars of works to be carried out	<p>Galliford Try has to construct a 270m long bridge over the Tor Rail line in order for the new road to cross the railway line (referred to as Structure 10 (S10)); and Aller Road overbridge (referred to as Structure 11 (S11)) – see Figure 1.</p> <p>S10 residual out of hour works are:</p> <ul style="list-style-type: none"> • Placing of concrete parapets at night (scheduled Saturday 28th February & Saturday 7th March, plus one week contingency, 22:00-09:00 hours); • Construction of in-tunnel pathway and drainage (scheduled Saturday 14th, 21st & 28th March; Saturday 4th & 11th April, plus two weeks contingency 22:00-09:00 hours); • Removal of scaffolding protection (programmed for Wednesday 1st April, Thursday 2nd April, 22:00-06:00 hours; Saturday 18th & 25th April, 22:00-09:00 hours); and • Completion of in-tunnel remedial works to walls (programmed for Wednesday 1st April, Thursday 2nd April, 22:00-06:00 hours; Saturday 18th & 25th April, 22:00-09:00 hours). <p>S11 residual out of hour works are:</p> <ul style="list-style-type: none"> • Placing of concrete parapets (scheduled Monday 16th-Friday 20th March, 22:00-06:00 hours); • Construction of under bridge drainage (programmed Thursday 26th & Friday 27th March, 22:00-06:00 hours); • Under parapet sealant and bolt hole filling (Monday 30th March-Thursday 2nd April, 22:00-06:00 hours). <p>The justification for out of hour working is to ensure safety during the operations; Network Rail only permits interaction over the track when trains are not operating. By doing this work within an abnormal railway possession, it minimises travel disruption to rail users.</p>



**A380 South Devon
Link Road**

Doc.No: AR0001/s61/0052
Rev. No : 00
Date : 18/02/15

	In the event the programmed dates change due to unforeseen circumstances, the Environmental Clerk of Works will notify Teignbridge Environmental Health of the new date as soon as possible.
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. The noise predictions are based upon the worst case activity consistent with the previously approved Structure 10 and Structure 11 beam/GRC panel installation works. The residual works are fully screened behind reinforced earth retaining walls and use plant unlikely to generate significant noise emissions. The predictions as presented represent the worst case noise levels.
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 Plans	Figure 1 – Structure 10 & 11 Location Plan
11. Consultees	Devon County Council Teignbridge District Council
12. Other Information	Galliford Try Public Liaison Team to inform local stakeholders, emergency services and Community Liaison Group members. It will also be published on the South Devon Link Road website prior to works.
13. List of Plans and documents attached	Figure 1 - Structure 10 & 11 Location Plan

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

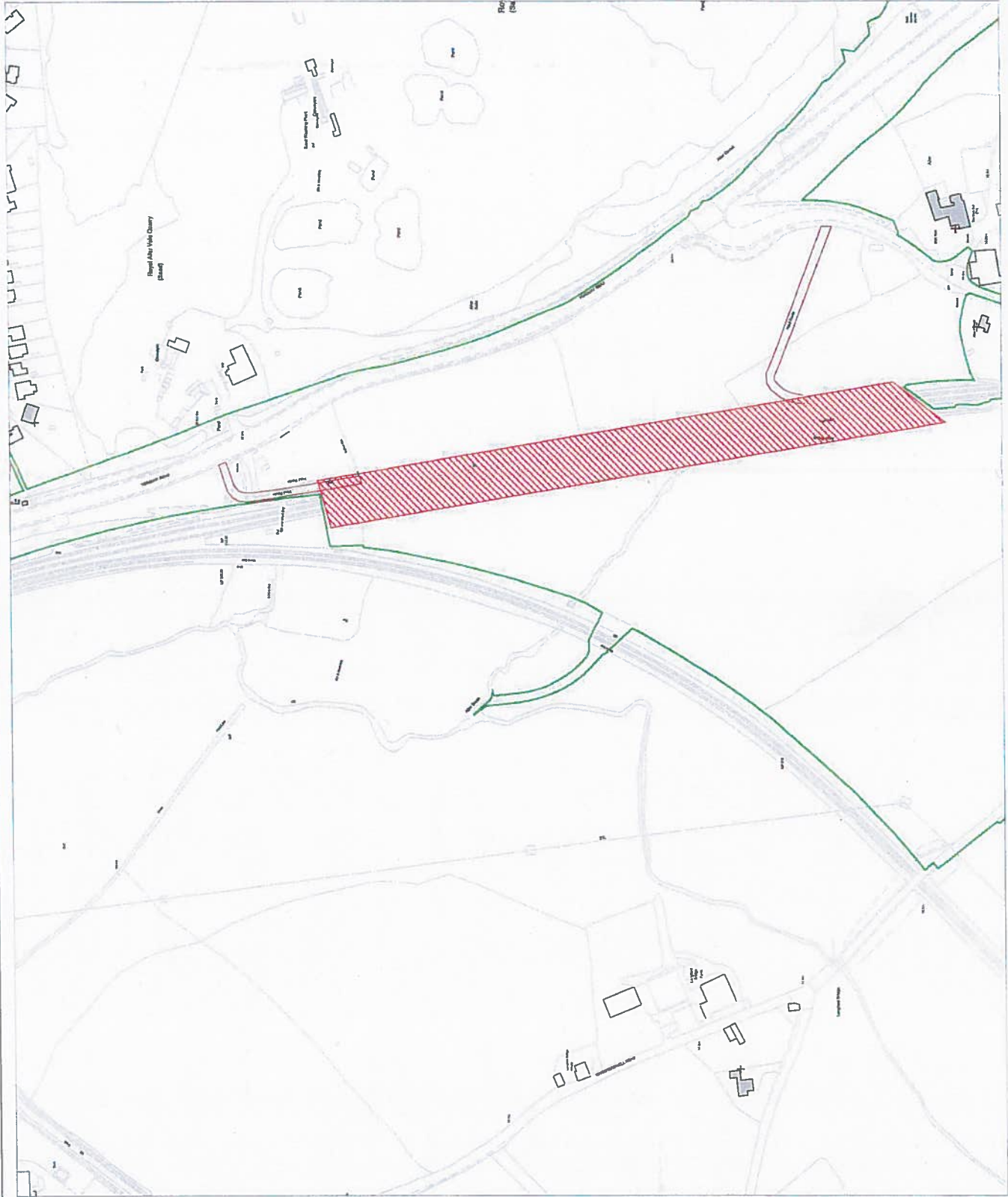
- Predicted noise thresholds at key receptors

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	Date
		CHB	
Project 123213 A380 Bypass Newton Abbot			
Title Structure 10 & 11 Location Plan			
 AA Environmental Limited Unit 4 St B Clifton Road Shipston Abington Devon OX13 0JX T: (01230) 820042 F: (01230) 823848 info@aae-ll.com www.aae-ll.com			
Scale	Date	Drawn	Rev.
1:200 @ A3	Feb '15	EB	A
	Chkd	ML	Figure 1