

## 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  
 Variation Reference Number: AR0001/s61/0036/Rev E**

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 27<sup>th</sup> November 2014



**A380 South Devon  
Link Road**

Doc.No: AR0001/s61/0036  
Rev. No : E  
Date : 26/11/14

**S61 APPLICATION CONTROL OF POLLUTION ACT 1974**

**Variation from section 61 consent.**

Description of works programme.	Out of hour works involving parapet installation at Structure 10 and pathway construction at Structure 10 and Structure 11.
Contractor section 61 reference:	AR0001/s61/0036
Local Authority section 61 reference:	14/30092/ECNCON
Date of works requiring variation	Extension of Saturday night possessions to include Saturday 29 <sup>th</sup> November, Saturday 6 <sup>th</sup> December and Saturday 13 <sup>th</sup> December before the Christmas shut down; then Saturday 10 <sup>th</sup> January, Saturday 17 <sup>th</sup> January, Saturday 24 <sup>th</sup> January and Saturday 31 <sup>st</sup> January 2015.
Duration of works requiring variation	No variation to duration of works.
Variation reference.	AR0001/s61/0036 Rev E

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

Brief description of proposed work.	Drainage works and construction of pathway trackside, between track and retaining wall at Structure 10 and Structure 11. This work will continue every Saturday up to the Christmas shutdown and continue in January 2015.  Structure 10 parapet installation to take place on Saturday 6 <sup>th</sup> December.  Method of Works set out in Appendix A and Figure 1 is same as in AR0001/s61/0036 Rev E attached.
State reasons why works cannot be done under terms of original consent.	The justification for extending the dates to include every Saturday night possession up to the end of January is because it was misunderstood to the extent of pathway/drainage works within the tunnel; and inclement weather postponed the Structure 10 parapet installation.
Describe any changes to hours of working.	No change to hours of working.
Describe BPM noise mitigation measures.	Same measures set out in Appendix B.
Predicted Noise and Vibration Levels	Noise levels from plant listed above are not anticipated to exceed levels set out in AR0001/s61/0036. Refer to Appendix C of attached document.

	For [Contractor]	Approved by [Local authority]
Name:	Chris Hastings	
Signature:		
Date:	26/11/14	



**A380 South Devon  
Link Road**

Doc.No: AR0001/s61/0036  
Rev. No : E  
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Conditions:

**APPENDIX A**  
**- Method of Works**

**Beam/parapet lift installation works over Torbay railway line**

***Overview of works***

As part of the A380 project, there is 200m railway tunnel and a railway bridge to be constructed over Tor line close to Aller Meadows. This involves lifting parapets on to reinforced earth wall abutments located on east and west side; construction of Network Rail pathway; trackside drainage works and de-mobilising works. 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.

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 over one night possession are as follows:

- 200T crawler crane to lift parapets from east side location on to east & west abutments at Structure 10 – only one weekend possession;
- Drainage works and construction of pathway trackside, between track and retaining wall – every weekend until Christmas shutdown, then continuing into January 2015.

Figure 1 from AR0001/s61/0036 and AR0001/s61/0038 shows location plan for Structure 10 & 11 works with closest residential properties.



**A380 South Devon  
Link Road**

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**Proposed Plant at Structure 10 works**

Equipment	Number	% on-time	Typical Sound pressure level at 10m [dB(A)]	Noise information source	Comment
<b>Parapet Installation</b>					
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
<b>Accommodation Works screened by S10 tunnel and S11 retaining wall</b>					
7T excavator	1	80	71	BS 5228-1:2009 Table C.4:17	
3T dumper	2	50	77	BS 5228-1:2009 Table C.4:9	
20T excavator	1	50	73	Average of BS 5228-1:2009 Table C.4:76-87	
Wacker plate	2	30	80	BS 5228-1:2009 Table C.5:11	
Tower Lights	1	100	63	BS 5228-1:2009 Table C.2:41	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 for Structure 10 and Structure 11 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

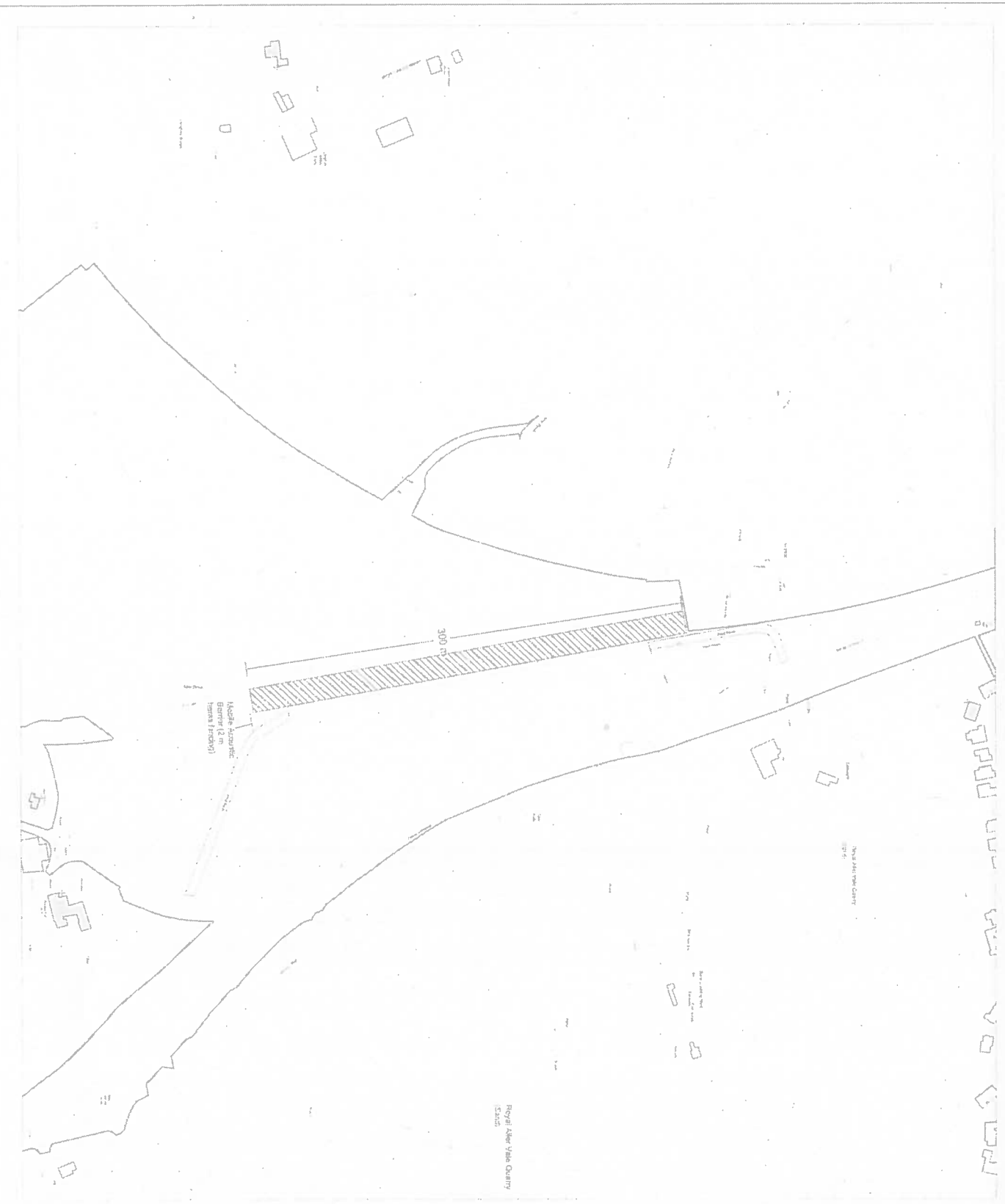
Predictions have been undertaken using SiteNoise module of NoiseMap Enterprise version 2.7.1. This software follows the construction noise calculation procedure in British Standard 5228 Code of Practice for Noise and Vibration Control on Construction and Open Sites: 2009. Allowance has been made for 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 <sub>Aeq,thr</sub>
			Combined Works
Langford Bridge Farm	Ground	South West	53.4
	First	South West	54.8
The Barn Owl	Ground	East	65.8
	First	East	66.4
Ailer Orchard	Ground	West	65
	First	West	66.1
Ailer Park Road	Ground	North	58.6
	First	North	59.5


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



Title: Structure 10 Location Plan  
 Project: 123213  
 A380 Bypass  
 Newellon Abdol


  
 AME Environmental Limited  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Scale: 1:500 (A3)  
 Date: Aug 14  
 Drawn: RC  
 Checked: ML  
 Figure 1



## 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.