

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 SCLR 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/s61/0038/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.

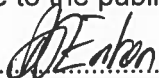
1. As per the attached application from Galliford Try
2. Any emergency deviation from these conditions shall be notified to the undersigned without delay.
3. The consent does not of itself constitute any ground of defence against any proceedings instituted under Section 82 of The Environmental Protection 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

27th November 2014

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/s61/0038
Rev.No : B
Date : 20/11/14

S61 APPLICATION CONTROL OF POLLUTION ACT 1974

Variation from section 61 consent.

Description of works programme.	Out of hour works involving installing Omnia-planks at Structure 11.
Contractor section 61 reference:	AR0001/s61/0038
Local Authority section 61 reference:	14/28882/ECNCON
Date of works requiring variation	Extension of dates to include Saturday 6 th December and Saturday 13 th December.
Duration of works requiring variation	No change in work hours.
Variation reference.	AR0001/s61/0038 Rev B

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

Brief description of proposed work.	Structure 11 bridge Omnia-plank installation, as per approved A380-s61-0038. The works are anticipated to extend on to Saturday 6 th December and Saturday 13 th December. This variation will cover those weekends following Saturday 29 th November works before Christmas shutdown. Plant list for the drainage 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 to cover the contingency lost in in the original consent. The reason why the contingency was used was due to inclement weather. The justification for out of hour working is to ensure safety during the operations; Network Rail only permits interaction within 5m of the track when trains are not operating. By doing this work within overnight railway possessions, it minimises travel disruption to road and rail.
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:	20/11/14	

Condition:

NOTES

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 - or
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