

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/s61/0047/Rev 00

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 20th 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/s61/0047
Rev. No : 00
Date : 20/11/14

s61 APPLICATION CONTROL OF POLLUTION ACT 1974

APPLICATION FORM FOR APPROVAL

Reference No : AR0001/s61/0047/Rev 00	TITLE: Out of hour works at Structure 8.
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	YES	NO
Works within Normal Working hours only		X
Reason for application	Out of hour works at Structure 8 during possession of main and Torbay 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: 20/11/14

Ed Lang date should be
20.11.14

1. Address or location of proposed works	Structure 8, at two locations, east side of Torbay railway line, adjacent to Torquay Road/Aller Brake Road junction;
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.	paul.shaw@gallifordtry.co.uk T: 07966561544
3. Particulars of works to be carried out	<p>Galliford Try has to construct a retaining wall along the west side of the existing Torquay Road. The area is referred to as Structure 8 (S08). This work involves installing track protection, demolition of existing wall along Torquay Road and re-grading underlying topography in preparation to construct the new retaining wall.</p> <p>There will also be separate work involve filling and re-grading railway embankment at the back of the north extent of Structure 8 new retaining wall.</p> <p>The railway possessions are scheduled to commence Saturday 29th November; and run for 3 consecutive Saturdays; finishing on Saturday 20th December (contingency) for Christmas shutdown. Saturday 3rd January and Saturday 10th January are unlikely to be used however anticipated as contingency in case of unforeseen circumstances in the run up to Christmas shutdown. The working hours will be 20:00hrs Saturday to 09:00hrs Sunday morning. The work will be completed in 30-50m sections.</p> <p>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 a railway possession, it minimises travel disruption to rail users.</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.
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 8 Location Plan



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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 8 Location Plan

APPENDIX A - Method of Works

Railway possession works at Structure 8

Overview of works

As part of the A380 project, there is a retaining wall along west side of Torquay Road to be demolished within 5m of Tor and main line. This involves laying track protection, demolition works at Structure 8 to the existing wall and re-grading underlying ground to suit existing topography. Towards the north end of Structure 8, close to Keyberry culvert, there is embankment filling and re-grading behind new retaining wall.

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 8 are as follows:

- Mobilisation involving moving 5T excavator and track protection materials on to track from road side using 35T excavator;
- Limited use of two delivery lorries will be required to facilitate mobilisation and demobilisation of excavator plant – if in use, the noise is not anticipated to be above wall demolition noise predictions;
- At the separate Northern area of works, a 20T excavator and 9T dumper will be filling behind new retaining wall;
- Laying track protection involving a 5T excavator and site operatives (this activity will be screened by railway embankment);
- Demolition of retaining wall involving 35T excavator and muncher attachment;
- Re-grading bank side involving 20T excavator;
- Material will be hauled back on to site at Aller Meadows (Structure 10 railway tunnel) well away from residential properties;
- Demobilisation (same plant as mobilisation).

Figure 1 shows location plan for Structure 8 works with closest residential properties and acoustic screening. The 20T excavator at the separate north Structure 8 location will be screened by the new retaining wall; whilst the 9T dumper and tower lights will be positioned on the road side.



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Proposed Plant at Structure 8 work

Activity	No. of plant	% on time	SPL at 10 m	Source	Comment
Preparatory works mobilisation					
35T excavator	1	20	80	BS 5228-1:2009 Table C.5:18	
20T excavator	1	20	73	BS 5228-1:2009 Table C.5:11	
5T excavator	1	5	74	BS 5228-1:2009 Table C.4:67	
Delivery lorry	2	5	79	BS 5228-1:2009 Table C.8:20	Limited use only
Tower lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	
Embankment filling at North Structure 8 location					
20T excavator	1	70	73	BS 5228-1:2009 Table C.5:11	
9T dumper	1	50	76	BS 5228-1:2009 Table C.4.4	
Tower lights	2	100	63	Average of BS 5228-1:2009 Table C.4:76-87	
Laying Track Protection					
5T excavator	1	70	74	BS 5228-1:2009 Table C.4:67	
Hand tools	2	50	73	Average of BS 5228:1997 Table C.7:1-3	
Tower lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	
Demolition of Wall/Re-grading railway embankment					
20T excavator	1	75	73	BS 5228-1:2009 Table C.5:11	
35T excavator with muncher attachment	1	75	80	BS 5228-1:2009 Table C.1:3	
8 wheel lorry	3	50	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	
Demobilisation					
35T excavator	1	20	80	BS 5228-1:2009 Table C.5:18	
20T excavator	1	20	73	BS 5228-1:2009 Table C.5:11	
5T excavator	1	5	74	BS 5228-1:2009 Table C.4:67	
Tower lights	4	100	63	Average of BS 5228-1:2009 Table C.4:76-87	

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. Acoustic screening will be erected facing nearest receptors along St Luke's Road and Aller Park Road as per Figure 1.
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.

Table 1. Structure 8 noise predictions

Receptor Location	Floor	Façade	Range of Construction Façade Noise Levels dB L _{Aeq,1hr}				
			<i>Mobilisation</i>	<i>Embankment filling at North Structure 8 location</i>	<i>Laying Track Protection</i>	<i>Demolition of Bridge/Re-grading railway embankment</i>	<i>Demobilisation</i>
22 Addison Road	Ground	South West	38.1 - 45	54.7 - 56.6	39.6 - 46.5	46.3 - 53.2	38.1 - 45
	First		40.8 - 46	55.1 - 57	42.3 - 47.5	49 - 54.2	40.8 - 46
31 Addison Road	Ground	South West	39.6 - 47.9	51.2 - 57.4	41.1 - 49.4	47.8 - 56.1	39.6 - 47.9
	First		42.3 - 48.8	51.8 - 57.7	43.8 - 50.3	50.5 - 57	42.3 - 48.8
9 St Lukes Rd	Ground	South West	45.7 - 57.2	40.3 - 43.2	47.2 - 58.7	53.9 - 65.4	45.7 - 57.2
	First		48.5 - 60.5	41.3 - 44.1	50 - 62	56.7 - 68.7	48.5 - 60.5
1 Aller Park Road	Ground	South West	37.5 - 50.8	27.9 - 28.8	39 - 52.3	45.7 - 59	37.5 - 50.8
	First		39.9 - 51.3	30.6 - 31.5	41.4 - 52.8	48.1 - 59.5	39.9 - 51.3
10 Aller Park Road	Ground	South West	45.6 - 56.7	34.8 - 36.5	47.1 - 58.2	53.8 - 64.9	45.6 - 56.7
	First		48.4 - 60.2	36.1 - 37.7	49.9 - 61.7	56.6 - 68.4	48.4 - 60.2

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

Product of the transactions of the company

The following table shows the results of the operations of the company for the period from 1st January to 31st December 1999. The figures are in thousands of dollars.

	1999	1998
Revenue	1,234,567	1,123,456
Cost of sales	(567,890)	(543,210)
Gross profit	666,677	580,246
Operating expenses	(234,567)	(210,987)
Operating profit	432,110	369,259
Finance income	12,345	10,987
Finance expenses	(8,765)	(7,654)
Profit before tax	435,690	372,592
Income tax	(109,672)	(93,148)
Profit after tax	326,018	279,444

The above figures are subject to audit and may be revised.



Key

- + Noise Prediction Stations
- ▬ Noise Prediction Properties
- ▨ Area of Works
- Retaining Wall to be demolished
- - - Acoustic Barrier Fencing

No.	Date	Drawn	Checked	Disc

Project
123213
A380 Bypass
Newton Abbot

Structure 8 Wall Demolition Location Plan



AAE
AA Environmental Ltd
Units 4 to 8
Cannock Chase
Offices
Owl's Barn
F 01232 52001
F 01232 52002
info@aae.co.uk
www.aae.co.uk

Scale	Date	Drawn	Checked	Disc	Rev
1:500 @ A1	Nov 14	EB	ML	Figure 1	

