

Appendix 3 – Discussion and Analysis of Options Considered

The City's consultation on the standard noisy construction hours suggested options in relation to the noisy construction working times and sought respondents' views on further potential partial permissions that require the City's consideration in forming the final recommended option.

The information below forms the detailed analysis of the options considering the available evidence base, the consultation outcomes, the equalities analysis and advice from the officer working group.

Construction works have a significant impact on the densely populated City of London and its residents, workers and visitors. Each option has benefits and disbenefits to sections of the City's population and hence a balanced approach is sought.

a. No Change

Responses to the public consultation gave a clear indication that the majority of respondents do not wish to see a change to the current noisy working arrangements with 62% of respondents stating that noisy Saturday working should continue between 0800 and 1300, 35% felt that noisy Saturday works between 0800 and 1300 should not continue and 3% gave no opinion.

Those wanting no change expressed the need for noisy construction to occur on a Saturday to ensure a flow of timely completions to developments and infrastructure projects to meet demand, avoid congestion, avoid safety conflicts with pedestrians, avoid lengthening overall programmes, keep costs viable. There was a general acknowledgement of the difficulties of constructing in the City of London in terms of narrow streets, density of development and balancing the needs of neighbouring occupiers both residential and commercial.

The number of complaints about construction noise occurring on Saturday morning between 0800 and 1300 is low at 6 received in this period for the whole of 2017 out of 373 construction noise complaints received in total for the City of London, see appendix 4. Caution should be given to drawing conclusion from these figures as it may be that affected persons choose not to complain when disturbed.

Site observations of construction works on Saturdays shown in appendix 5 have shown that the City is a very noisy place with deliveries, filming, traffic and ventilation often the dominant acoustic factors in site observations. The sites monitored were often undertaking works that would not be possible on a weekday due to pedestrian movements such as crane erection and scaffolding. Most sites were operating in accordance with the Code although some did require intervention which demonstrates the need for additional monitoring and enforcement to be carried out.

The air quality data analysed in appendix 6 currently shows lower concentrations of pollutants occurring on a Saturday in the City of London than on a weekday. Undertaking construction vehicle movements on a Saturday when there is less congestion results in fewer emissions than undertaking the same movements on a weekday.

The development pipeline data shows that there is a strong demand for all types of accommodation in the City of London with total occupational demand at the end of Q2 2018 for offices (active & potential) totalling 10.22 million sq. ft. For the same period agents reported total office availability at between 5.30 million sq. ft and 8.30 million sq. ft. Any removal of Saturday noisy working hours would significantly affect the supply of all types of accommodation as construction firms estimate for large schemes there would be an addition to overall programme of more than 6 months for larger schemes.

The equalities impact analysis carried out shows that whilst Saturday noisy works have negative impacts on those with protected characteristics there are potential mitigating steps that could reasonably be taken, as follows.

The current Code of Construction Practice seeks to mitigate and minimise noise and noise impacts that could have a significant adverse effect on mental and physical health and wellbeing. It encourages a flexible and site-specific approach with early, frequent and detailed liaison as set out in section of the COP, available in appendix 1 a requirement followed by amended Schemes of Protected Works which are a requirement of planning conditions. Planning authorities are required to follow a prescribed approach to public consultations on planning applications, anyone can respond, and all representations are taken into account. The current approach acknowledges the negative impacts of construction and seeks to balance the needs of all stakeholders whilst enabling the City to maintain its status as a world class centre of business and finance. The current approach meets or exceeds current best practice, considers previous case law and is based on British Standards. The enhancements in the 2017 8th edition of the Code are yet to be fully realised as the proposed monitoring levy implementation will begin in earnest on commencement of schemes mid 2019.

The Code introduced for the first time several new measures in sections 2, 3 and appendix L available in appendix 1 of this report that will help mitigate adverse construction impacts more effectively;

- A schedule of monitoring costs contributed to by the developer to ensure better long-term environmental management and this will enable a more proactive approach to monitoring and enforcement of any breaches by a new team of City Officers.
- A stronger approach to air quality impacts from Non-Road Mobile Machinery through registration of all plant on a London database which is audited on site to ensure site equipment meets the best available emissions standards.
- Specific noise reduction technologies such as the requirement for broadband sound reversing alarms.

Taking the above analysis into account the recommended option is for no change to the existing hours for noisy construction works.

Whilst the Code seeks to achieve a balanced approach it is acknowledged that a proportion of respondents felt that the balance it achieves is not the right balance

and that noisy construction works on a Saturday morning 0800 to 1300 affects the ability to rest.

Better signposting to liaison opportunities and consultations on the Schemes of Protective Works are required so residents can make representations on individual schemes and express any individual difficulties or concerns they may have. In addition, a more rigorous approach to monitoring and enforcement is required to ensure the existing provisions are complied with.

b. No noisy construction works in standard hours on Saturday

Responses to the public consultation exercise on the principle of banning noisy construction activity in standard hours on a Saturday give a clear indication that the majority of respondents do not support such a change.

Of those 272 respondents that do support no noisy works being permitted on Saturdays the clear majority are residents of the City of London. The primary opinion expressed was the effect of noisy Saturday morning works on the ability to rest and on mental and physical health. A number of respondents described that they have been living adjacent to sequential construction works for over 10 years and that construction is a permanent feature of living in the City of London.

15% of respondents stated that noisy construction works had impacted them under a protected characteristic, the majority of which stated age as their affected characteristic with significant proportions stating disability and pregnancy and maternity. A smaller proportion stated religious belief citing Saturday as the Sabbath and noise affecting church services.

The City of London has at any given time 40 to 45 large construction sites active that would be affected. The development pipeline is shown in appendix 8 showing how future developments would be affected if no noisy working on Saturdays was permitted. An effect of this option would be that there would be more active construction sites at any one time as developments would take longer to complete, estimated by the industry of in excess of 6 months. Demand for completed office developments is high and currently supply does not meet the demand, this option would affect the ability to meet future demand for office space.

The officer working group advised that much of the work conducted on a Saturday for construction, demolition and street works is programmed as such to avoid peak pedestrian times and congested roads. Officers advise that if such a prohibition is imposed that it would be necessary to permit by way of variation to standard hours much of the work that currently is programmed as it would be necessary due to safety or engineering practicalities such as scaffolding, cranes, works over highway and pavements. By way of example, in 2017 the City's own contractor Rineys undertook £13.5m of construction work on the Highway. On average Rineys utilise 4 to 5 gangs every Saturday to undertake tasks that are problematic and /or restricted for health and safety reasons in the week. It should also be noted that most resurfacing operations are undertaken at the weekends for health and safety reasons, whilst minimising congestion impact.

As such because of the necessity to approve works for engineering, congestion or health and safety reasons and the legal duties for statutory undertakers to undertake repairs to their infrastructure those adjacent to construction sites or street works would not experience a real difference in the acoustic character of the area if a ban were imposed and there would be a significant new resource required by the City of London in examining applications and approving or refusing these.

Of those that do not support such a prohibition the commonly cited issues are the effect on overall programme, cost to developers and the construction industry, the need for specialist works to continue during these times, difficulties of coordination, safety, negative impacts on the wider economy of London.

The Royal Borough of Kensington and Chelsea (RBKC) has taken the position in its Code of prohibiting noisy Saturday works Borough wide and as such the permitted hours for all works audible at the site boundary are:

Monday to Friday: 8am to 6pm:

At no time: Saturdays, Sundays and Public Holidays

All 'high impact activities' (includes all demolition and concrete-breaking works) are further restricted:

Monday to Friday 9am to noon and 2pm to 5:30pm

At no time on Saturdays, Sundays and Public Holidays.

RBKC does not apply quiet hours.

RBKC has a very different proportion and distribution pattern of residences to the City of London with 4.68 square miles, 18 wards and home to 155,700 residents who are located in areas that are majority residential. and as such is not comparable with the City of London with 9000 residents located throughout, see map in appendix 4.,

Considering the outcome of the consultation and the evidence base available, and taking into account the steps proposed for seeking to mitigate negative impacts of Saturday noisy working on those with protected characteristics, the option of a prohibition on noisy construction works on Saturdays between 0800 and 1300 is not recommended for the City of London.

c. Additional hour Monday to Friday 18:00 to 19:00

48% of respondents stated there should not be an additional hour of noisy work added Monday to Friday, 44% felt there should and 8% gave no opinion. Respondents felt that the extra hour proposed may help, but that Saturday working was preferred overall and that an extra weekday hour may result in more disturbance to residents.

The evidence gathered does not provide an argument to support this option and as it is not preferable to the majority of respondents it is not recommended for further consideration.

d. Partial permissions

i. Change standard Saturday noisy hours City wide to 0900 to 1400

This option was put forward by several consultation respondents as an alternative partial permission.

Construction companies and developers in following the City's COP on occasion consult with residents and often apply to the City to amend their standard Saturday noisy hours from 0800 to 1300 to 0900 to 1400 to give residents an hour respite on a Saturday morning with the hour added in the early afternoon so works programmes are not affected. Developments and street works in the Barbican area have implemented this adjustment in hours in the past and ongoing.

The data gathered showed no disbenefits in relation to air quality, development pipeline or noise complaints with this option. As this option was not the subject of specific consultation with the construction industry it is not known if they will express concern over any disbenefit to them, it is possible there will be a negative effect on construction workers finishing later on a Saturday as it may impact family life.

A positive effect could be demonstrated in the equalities analysis in that an hour of quiet time in the earlier part of the morning, would be available at a time when many residents, irrespective of protected characteristics would be at home and at rest and thus could serve to mitigate negative impacts of Saturday noisy working on those with protected characteristics..

This option presents an alternative option to 'no change' with residents across the City benefiting whilst still allowing development to continue.

ii. Not permitting noisy works near residential areas

The option of restricting noisy works on a Saturday in "residential areas" has been considered following the Barbican Associations representation. The main difficulty with implementing this option is defining a "residential area". The City has residential clusters as described in planning policy, but these are mixed use areas where the residential element forms part of but not all of the land use.

The City also has substantially "residential wards" for electoral purposes (Portsoken, Queenhithe, Aldersgate and Cripplegate).

However, residential properties are distributed with greatly varying degrees of intensity and numbers (in some cases low intensity and numbers), throughout the whole of the City's area. It would be unfair and potentially discriminatory to protect residents in areas of higher residential concentrations but not all the City's residents.

The distribution of residential premises can be viewed on the City's mapping tool:

<http://www.mapping.cityoflondon.gov.uk/geocortex/mapping/?viewer=compass>

Westminster does take this approach in their Code of Construction Practice due to their residential population density lending itself to being able to determine which of

its areas that developments occur in are predominantly residential. Westminster covers an area of 8 square miles with 20 wards and is home to 225,000 residents.

Westminster's permitted hours of work for any works that are audible at the site boundary are:

Monday to Friday: 8.00am to 6.00pm

Saturday: 8.00am to 1.00pm

In residential areas noisy works associated with a development or basement excavation (demolition, piling and earthworks) will be limited to weekdays from 0800 to 1800 hours, unless otherwise agreed. Noisy working is not permitted on Sundays and Bank Holidays. Residential areas are not defined and are decided on a case by case basis. Westminster do not apply quiet hours.

This option is not recommended as it is not possible to define residential areas and it has the potential to be discriminatory.