

Committee(s)	Dated:
Planning and Transportation	16 th November 2021
Subject: Management of Cumulative Construction Impacts	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	2, 10 and 11
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Executive Director Environment Department	For Information
Report author: Bhakti Depala, Development Liaison Manager Rachel Pye, Assistant Director, Public Protection Ian Hughes, Deputy Director Transportation and Public Realm	

Summary

Planning and Transportation committee members requested information on how officers are managing the cumulative impacts of construction works to minimise disruption to residents and nearby occupiers. This report sets out the processes in place which helps to minimise the impacts of construction by collaborative working, use of planning conditions, Planning Performance Agreements (PPAs), Code of Construction and Considerate Contractors Scheme all of which encourage early engagement and consistent dialogue with residents and other neighbouring occupiers.

Recommendation(s)

Members are asked to note this report.

Background

1. The City's economic dynamism means there is a high rate of change and development, and over many years, the City is constantly being redeveloped through deconstruction, construction and refurbishment of its buildings, at any one time there are many active sites within the City. Given the density of the built environment, it is acknowledged that construction works will result in some disruption but there are mechanisms in place to minimise it.

2. In order to facilitate the construction process and manage the construction impacts so that there is minimal disruption to nearby occupiers, officers in the new Environment Department; Planning, Public Protection and Environmental Health, Transport and Highways are working collaboratively to manage and mitigate exposure to unnecessary environmental impacts of construction, whilst ensuring that the City can continue to function as a modern world-class business centre.
3. Planning permissions are issued by the City Corporation with an attached condition that requires the permission to be implemented within a period of either three or five years depending on the developer's indicative programme. An application scheme can be implemented at any time within that time period. Officers are not able to control when a development scheme will be implemented within this timeframe.
4. In 2020 a Development Liaison Manager was appointed, working within the Planning Team but across the City Corporation, whose role is to coordinate the intelligence gathering and act as a single point of contact to facilitate the delivery of development between developers and the various regulatory teams from the time pre-application discussions start to the end of scheme delivery prior to occupation. The role ensures ongoing dialogue between the City and the development team helping to provide solutions to complex development challenges.

Planning Performance Agreements

5. At pre-application and application stage, officers strongly urge applicants to engage with residents and nearby occupiers prior to submitting an application to understand any concerns they may have and front load information regarding the construction programme as much in advance as possible.
6. Since the Development Liaison Manager role was appointed, scheme delivery Planning Performance Agreements (PPA) have been introduced to facilitate the construction of schemes. Once it is realised that a development scheme is due to be implemented, officers are urging applicants to enter into a scheme delivery Planning Performance Agreement (PPA). This allows officers from various departments to have a consistent dialogue with the applicants scheme delivery team (including the demolition and construction contractors) to allow for a more efficient scheme delivery process and avoid unnecessary delays to the construction programme. The PPA comprises regular meetings between the scheme delivery team and officers to understand and foresee the construction programme on the ground which in turn allows officers to urge applicants to liaise regularly with residents and other sensitive neighbouring occupiers in a timely manner to listen to their feedback and carry out construction in a way that minimise impacts to them.

Regular Meetings with Developers and the Officers

7. Officers within the new Environment Department; Planning, Public Protection and Environmental Health and Highways and City Property Advisory Team hold quarterly meetings to discuss the development tracker and to gather and share knowledge and information officers hold on the intelligence of schemes which are about to commence. Environmental Health Officers and Transport officers also hold regular face to face meetings with contractors in advance of (& during) demolition and construction to coordinate schemes (which includes helping to facilitate meetings with residents). These meetings help to ensure sites liaise with each other, with officers in the corporation and are able to together manage the cumulative impacts of construction.

Code of Practice for Deconstruction and Construction

8. In 2019, the City of London produced a Ninth Edition of the Code outlining what constitutes acceptable site practice to manage and mitigate the environmental effects of construction.
9. The Code balances the needs of the Business City (particularly construction sites) to undertake construction works, with the expectations of residents and neighbouring businesses who wish for impacts to be minimised.
10. In tandem a pre commencement planning condition is imposed for major developments requiring a 'Scheme of Protective Works' for construction and demolition sites to be approved by the City Corporation before the development commences. This Scheme of Protective Works is required to be developed in accordance with the requirements and recommendations of the Code and demonstrates how Best Practicable Means (BPM) are to be met to mitigate the effects from noise, dust and vibration. The planning condition then requires the development to be delivered in accordance with the Scheme of Protective Works that has been approved by the City Corporation. In appropriate circumstances this would allow the City Corporation to issue a breach of condition notice requiring compliance in the event of a breach.
11. In addition, we also have powers to serve a Section 60 notice on a contractor for the control of noise and vibration at a site. A Section 60 notice can be served on the contractor for the control of noise and vibration at the site and can specify the plant of machinery that is or is to be used, specify the hours during which work can be carried out; and/or specify the levels of noise and vibration that can be emitted from the site.
12. The Code requires applicants to provide residents and other nearby occupiers sight of draft Scheme of Protective Works and Construction Management Plans before they are submitted to planning for approval, to allow for early engagement and feedback from resident so impacts can be mitigated and amendments to be made, where practicable.
13. The Code covers eight key areas: Community liaison and consultation; Noise; air quality; contaminated land; waste, water; sustainability and light. The revised Code also incorporates proposals for enhanced monitoring including arrangements for contributions to monitoring costs to be made by developers. This is now allowing a specific resource to be deployed to ensure that the

requirements of the Code are met, including liaison, compliance with construction hours and the terms of any out of hours permission are complied with.

14. The Code sets out in detail the flexible approach to noisy works outside of standard construction hours, how these are applied for, how these applications are assessed and monitored. Additional hours may be approved if there is no disturbance likely from the activity, if the works support other City occupiers such as residents, restaurants or places of worship or if there is a safety or engineering justification. Project programme alone is not accepted as a justification for works outside of standard hours.
15. Notifications to local occupiers are approved alongside the detailed application which includes monitoring requirements commensurate with the size of site, nature of works and sensitivity of the location.
16. Site monitoring is undertaken in a variety of ways which may include continuous real time alarmed system with notifications to the City.
17. All approved out of hours works and contractor contact details are displayed on City Maps.
18. A 24/7 noise service operates in the City, the service is very well used, offers a response and a visit within the hour, often sooner. This enables a robust enforcement response using the range of powers available, should any contractor cause a disturbance or operate in outside of the Code's requirements.
19. City occupiers are encouraged to use this service and report any matters of concern to officers on 020 7606 3030.

Considerate Contractor Scheme (CCS)

20. All development sites in the City are expected to join the Considerate Contractor Scheme (CCS) which has been running for over 30 years. The Scheme encourages and promotes the highest of standards for building and civil engineering contractors working in the Square Mile, and over many years has a proven track record in ensuring demolition and construction companies take their responsibilities seriously in terms of minimising disruption to their neighbours and minimising their impacts.
21. The scheme comprises; a Code of Conduct covering planning, site safety, site environment, cleanliness and liaison, with regular inspections and monitoring by City CCS Officers, quarterly reviews, a dedicated telephone hotline and email address for public comments, posters advertising the site's membership of the scheme, and the standards the site is expected to meet. The coveted Environment Award specifically recognises excellence in environmental innovation, an Access Award is awarded for consideration of accessibility issues by the City of London Access Group and a Chairman's Trophy is awarded to the City's best site assessed from a shortlist via a personal site visit from a judging panel, typically led by the Chairman of Streets &

Highway Licensing

22. In addition to the support & acknowledgement of best practice through the CCS, stringent standards are set by the Highways team for various highway licences that developers are required to request from the City as Highway Authority.
23. Although the City is obliged to grant such licences on request in order to allow sites to erect scaffolds & hoardings to facilitate safe working, Highways officers have developed over many years a set of requirements that are intended to maximise the space retained for public use rather than allowing the developer to take the maximum area they might want to undertake their activities.
24. Safety remains the highest priority, and these guidelines have been recognised as some of the most stringent in London by the Health and Safety Executive (HSE). They extend to cover all aspects of site activities that affect the highway & include requirements around parking facilities, mobile cranes, concrete pours, temporary lighting, neighbourhood liaison and accessibility issues to name just some.
25. Taken together, the CCS and the associated required standards for highway licences ensures that the quality of individual developments in the City represent some of the highest in London. Indeed, most major contractors looking to bid for work on developments engage with Highway officers before they tender to ensure their demolition & construction methodologies will be acceptable. Every site is different so a degree of cooperation on both sides is essential to ensuring the activity takes place as safely and quickly as possible with the minimum of disruption.
26. Similarly, to Planning officers, the Highways team are not able to refuse the granting of these licences simply because there are other developments in the vicinity. However, it has been standard practice for many years for Highways officers to organise & chair coordination meetings when there are clusters of sites taking place in close proximity. This ensures that sites collaborate in terms of their programmes and that activities are planned with the intention of minimising their impact on the public. Over many years this active role played by City officers has helped address issues before they escalate, successfully enabling development to take place at Paternoster Square, Aldgate, Moorgate / Liverpool St (including Crossrail) and the City Cluster with a much reduced impact.
27. A pre commencement planning condition is imposed for major developments requiring a Construction Logistics Plans (CLP) to be submitted at an early stage to understand the impact on highways and the public, including scaffold locations, hoarding lines, tower crane operations, loading & unloading points, site accommodation etc. Where possible nearby schemes are asked to coordinate to reduce construction impacts.

28. One area where Highway officers would welcome greater powers is the ability to challenge building sites that overrun their intended duration. To reiterate, the Highways Act 1980 obliges Highway Authorities to grant licences on request, so we are unable to refuse requests for extensions simply because the site is running late. The Traffic Management Act 2004 did include provision for authorities to charge overrun fees in the same way that utilities can be charged for overrunning their works, but regrettably this power has not been enacted by successive Governments despite lobbying by the Transport for London, the City & others.

29. Finally, it should be noted that fees & charges for licences and road closures can only be based on cost recovery to the City and cannot be set to what might be deemed the economic cost & impact of those measures.

Training

30. Officers propose to offer a training session to Members of the Planning and Transportation and Port Health and Environmental Services committees to explain in further detail the application of Code of Construction.

Financial Implications

31. None

Corporate and Strategic Implications

32. The Corporate Plan requires everything we do to meet three aims, to contribute to a flourishing society, to support a thriving economy and to shape outstanding environments.

33. The work supports the delivery of Corporate Plan outcomes 2, 10 and 11:

- Outcome 2 - People enjoy good health and wellbeing
- Outcome 10 - We inspire enterprise, excellence, creativity and collaboration
- Outcome 11 - We have clean air, land and water and a thriving and sustainable natural environment

Conclusion

34. The City Corporation is working actively and collaboratively across departments and closely with the development industry. Mitigation mechanisms are in place namely through planning conditions, encouraging entering into scheme delivery PPAs, regular meetings with the developers construction team, residents and officers in the Environment Department, joining up to Considerate Contractors Scheme (CCS), the Code of Construction Practice and regulatory enforcement when necessary. Officers are continually encouraging applicants to the use of the best environmental options in planning and managing construction and

deconstruction, whilst ensuring the City can continue to function as a modern world class business centre.

Appendices

[Code of Practice for Deconstruction and Construction Sites Ninth Edition 2019](#)

Background Papers

[Draft Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017](#)

[Consultation on Noisy Saturday Construction Work Activities in the City of London November 2018](#)

[Construction Levy - Code of Practice for Deconstruction and Construction Sites Ninth Edition 2019](#)

Contact

Bhakti Depala, Development Liaison Manager
Tel: 07519 616 182

Rachel Pye, Assistant Director Public Protection and Environmental Health
Tel: 07920710742

Ian Hughes, Deputy Director Transportation and Public Realm
Tel: 07958283363