

Committee(s):	Date(s):	Item no.
Port Health and Environmental Services Committee Planning and Transportation Committee	January 8 2013 tbc	
Subject: Mitigation of Environmental Impacts from Developments	Public	
Report of: Director of Markets and Consumer Protection	For Decision	
<div><p style="text-align: center;"><u>Summary</u></p><p>The City is constantly the subject of development activity and the City Corporation seeks, using its legislative controls, to ensure that the environmental impact of such activity is mitigated as far as is practicable through planning conditions and site supervision by Environmental Health Officers to ensure compliance with the principles set out in its Code of Practice for Deconstruction and Construction Sites. The mechanisms for operating this process are set out in more detail for the information of Members and improvements are proposed.</p><p>Recommendations</p><p>In describing the Planning and Environmental Health procedures it is also recommended that</p><ul style="list-style-type: none">Members consider and agree the proposals set out in paragraphs 19 -21 taking account of points arising from the discussion of this paper at Committee.</div>		

Main Report

Background

1. The City is constantly the subject of development and renewal of its buildings to serve market demand in support of the City Corporation's main aims to 'support and promote the City as the leader in international finance and business'
2. This demand is met where appropriate through the planning process which allows developments to proceed, with conditions attached as necessary. There is inevitably some conflict with neighbours to developments with the environmental impact of demolition and construction activity affecting them during the development process. The processes applied during planning and then the construction phases by the City Corporation seek to mitigate the effects of these impacts as far as is practicable whilst allowing the development work to proceed.
3. Members have asked what controls are applied and the purpose of this report is to outline the processes that are in place to safeguard residential and business neighbours to development sites from the impacts, primarily of noise and dust, and to consider what further can be done to improve the experience.

Current Position

4. Part 3 of The Control of Pollution Act 1974 (COPA) gives the power to the City to serve notices on contractors to control the way work is done so to ameliorate the impact of

noise from construction type activity. The City has to take account of relevant Codes of Practice, currently British Standard 5228: 2009, the need to ensure best practicable means (BPM) are employed to minimise the noise, any suggestions from the potential recipient of the notice on satisfactory alternative methodology and the need to protect persons in the locality from the effects of noise.

5. Similarly Part 3 of the Environmental Protection Act 1990 allows the City to serve notices on persons responsible for causing a list of statutory nuisances to stop these or prevent them from re-occurring as far as is practicable. This includes the control of dust and effluvia from development sites.
6. In order to make the City's general requirements clear and transparent the City has developed its own Code of Practice for Deconstruction and Construction Sites (CoP) which is currently in its sixth edition. As stated in its foreword the CoP seeks to encourage the use of the best environmental options in planning and managing these activities in the City to minimise the impact on residents, businesses and other sensitive premises which may be affected by these works.
7. In addition contractors are strongly encouraged to join the Considerate Contractor Scheme run by Department of the Built Environment and particularly the Environment Award to recognise sites and companies who innovate to protect the City's environment.
8. The CoP (see Appendix 1) is laid out as a series of chapters and discusses the types of things that can be expected to be covered by an Environmental Management Plan (EMP) when considering measures to offset or reduce environmental impacts from sites. EMP's are usually required by way of condition or Section 106 agreement attached to Planning approvals overseen by the Planning and Transportation Committee.
9. The CoP deliberately puts liaison towards the front of topics discussed as this is seen as critical in ensuring good planning and establishing relations with those who may be affected by the development work. In paragraphs 5.1 -10 on pages 2 and 3 the expectation of liaison activity to be carried out by the contractor is clearly set out including the need to identify near neighbours likely to be affected, appoint a person responsible for contacting the neighbours with information before the start of the work and at regular intervals thereafter.
10. Hours of work are one of the primary protections for neighbours as they are clear, easy to manage and provide respite from some of the work which as the, Department of the Environment Circular 2/76 on the application of COPA 1974 states is 'intrinsically' noisy.
11. Guidance on the requirements for consultation on planning applications is set out in Circular 15/92 (Publicity for Planning Applications). The requirement and means of publicity is specified in various pieces of legislation.
12. Depending on the type of application, this requires a site notice to be displayed and publicity either in a local newspaper or by neighbour notification. The City advertises the relevant applications in a local newspaper, using the Evening Standard every second week. These are:
 - a. Applications for planning permission for major development;
 - b. Applications with Environmental Impact Assessments;

- c. Development not in accordance with the Development Plan;
 - d. Planning applications affecting the settings of listed buildings or conservation areas;
 - e. Applications for Listed Building Consent and Conservation Area Consent; and City Walkway changes.
13. The occupiers of residential properties or other non-commercial building (e.g. churches or schools) that may be affected are normally notified individually. Similarly, tenant groups (such as Barbican House Groups) are notified.
 14. With a few specific exceptions all of the above applications and other planning applications are also publicised on the site with a site notice. There are separate legal requirements to notify local and national amenity groups (e.g. Victorian Society), agencies (e.g. Environment Agency), statutory bodies (e.g. English Heritage) and authorities (e.g. GLA) on specified types of applications.
 15. The above consultation and notifications are carried out by the Development Management Division of the Department of the Built Environment when planning applications are first submitted. Responses, whether in support of proposals, making comments or objecting, are included in reports to the Planning & Transportation Committee for consideration when the application is determined. Where there are five objections or less the application may, in specific circumstances, be determined under powers delegated to the City Planning Officer, Planning Services and Development Director and Policy and Performance Director.
 16. The Department of Markets and Consumer Protection are consulted and provide advice on planning applications which might cause noise, dust, air pollution and other environmental impacts, including that caused by demolition and development. Standard conditions are imposed on all relevant planning permissions to limit noise and other environmental impacts to levels suggested by the Department of Markets and Consumer Protection and to require the submission of details or further information where needed, to meet requirements specified by that department .
 17. Details of noise mitigation measures and similar environmental controls which are submitted pursuant to planning conditions are referred to the Department of Markets and Consumer Protection, which advises on their acceptability.
 18. The City does not as a matter of course consult neighbours or other external parties on applications for the approval of details required by conditions. These conditions, which are imposed to protect public and residential amenity, require technical appraisal by Environmental Health Officers and are dealt with in accordance with their advice.

Proposals

19. The CoP should be updated so that liaison expected of sites commensurate with the scope of the construction deconstruction project is clearly set out prescribing the need for contractors to involve all local Members and other stakeholders such as local residents, businesses, residents associations and estate offices as agreed with the City Corporation. Contractors will be expected to give advance notice as early as possible to stakeholders and discuss the options as regards the time to undertake them.
20. To ensure the benefit to all parties that effective liaison/consultation provides in advance of works it is suggested that an addition is made to the planning condition

requiring EMP's or method statements from construction and demolition sites, making clear that developers, or their agents, must liaise in accordance with the arrangements set out in the CoP prior to work commencing.

21. The Chairman and Deputy Chairman will be consulted on the proposed revisions to the CoP to ensure they are fit for purpose and the revised version will be presented to the 30 April 2013 meeting of the Port Health and Environmental Services Committee.

Corporate & Strategic Implications

22. The control of environmental impact from construction and demolition sites fits with one of the City Corporation's three aims in the Corporate Plan 2012 – 2016 in that it seeks 'to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'. It also meets one of the five key policy priorities KPP2 in that it seeks to 'maintain the quality of our services whilst (reducing our expenditure and) improving our efficiency'.

Implications

23. The work undertaken in carrying out this work is expected to remain within the existing budgets of both Markets and Consumer Protection Department and the Department of Built Environment.

Conclusion

24. In order to enhance liaison arrangements and advance communication of environmental impact on neighbours (principally noise nuisance) The City Corporation should require via updating planning conditions and its CoP; the developer or contractor to undertake this appropriate to the scope of the project. This will be guided by existing controls in the CoP, but will allow increases in available working hours where there is sufficient planning and liaison to mitigate potential problems and where there is clear justification of the benefit of enhanced hours being used.

Background Papers:

None

Appendices

Appendix 1 Code of Practice for Deconstruction and Construction 6th edition

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