

Code of Practice: Minimising the Environmental Impact of Street works¹

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**Department of Markets and Consumer Protection
Pollution Team**

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¹ Terms used may differ from those used in the London Permitting Scheme

Summary

Best Practicable Means to be taken which includes:

- ✓ Restricting periods of operation of noisy activities
- ✓ Liaison with neighbours
- ✓ Using less noisy methods and equipment
- ✓ Reducing transmission and propagation of noise e.g. use noise enclosures or barriers
- ✓ Management arrangements including contract management, planning of works, training and supervision of employees to ensure measures are implemented

Hours of noisy works

Standard Working Hours:

- Monday to Friday: 08:00 - 18:00
- Saturday: 08.00 - 13:00*

*you may be required to work 0900-1400 in residential areas e.g. Barbican Estate

Quiet Hours:

- Monday to Friday: 10:00 - 12:00 & 14.00 -16.00

COL network 'extended permit hours' (permitted without 'variation' in 'green' locations, and 'orange' locations if by prior agreement – see map)

- Monday to Friday: 1800 - 2300
- Saturday: 1300 – 1800

Noisy work outside the above hours require prior approval from City Pollution Team – see contacts Appendix II.

Liaison

- Minor works (1-3 days): 24 Hours (1 working day) verbal prior notice to premises occupiers likely to be disturbed; effective complaints procedure.
- Standard / Major Works (4-10 >10 days): 3 working days written prior notice to premises occupiers likely to be disturbed; effective complaints procedure; for Major works a liaison and consultation plan required.
- For work outside above standard or quiet hours – liaison to be agreed as part of prior approval process.

1. Introduction

The main environmental impacts from street works are noise and dust.

Noise disturbance from street works need to be minimised while also exercising the traffic management duty. There is potential for tension between the need to maintain and improve utility services, Highways Authorities' statutory obligation to prevent traffic disruption and the City of London Corporation's duty to take statutory action to remedy nuisances and prevent disturbance to residents and businesses.

The City of London Corporation and Transport for London (TfL) seek to keep traffic flowing by effectively planning and managing the highway network. The Corporation is also committed to ensuring that utility services continue to meet the demands of the world's premier financial centre. A permitting system exists for utility companies and other contractors (including those contracted to work for the City) who need to carry out street-works.

Residential accommodation is now distributed more widely through the City and has increased the spread and number of noise sensitive locations at night time and weekends, constraining the carrying out of noisy work on the highway when traffic volumes are low.

At noise sensitive locations, one or more measures are usually necessary to minimise noise impacts on businesses and / or residents. These include restricting times when noisy work is permitted, effective community liaison, minimising emissions (e.g. less noisy methods or equipment) and using noise barriers to reduce transmission.

Effective consultation and communications with affected residents and businesses are key measures to minimise complaints. If the purpose, times and durations of noisy works are known (or agreed) in advance, noise and disruption is more likely to be tolerated. Good communications can also help to resolve problems quickly without the need to involve law enforcement or other legal action.

Contractors who consult the Pollution Team early in the project cycle are less likely to receive complaints during works which then result in changes being required to work programmes.

2. Best Practicable Means

'Best Practicable Means (BPM)²' must be used to minimise the effects of noise and dust. The City expects that all means of managing and reducing noise and dust, which can be practicably applied at reasonable cost, will be implemented.

BPM includes:

- ✓ Restricting periods of operation of noisy activities
- ✓ Liaison with neighbours

² As defined in Section 72 Control of Pollution Act 1974

- ✓ Using less noisy methods and equipment
- ✓ Reducing transmission and propagation of noise e.g. use noise enclosures or barriers
- ✓ Management arrangements including contract management, planning of works, training and supervision of employees to ensure measures are implemented

Further guidance is provided in British Standard 'BS 5228-1: 2009 Code of Practice for control of noise and dust on construction and open sites; Part 1:Noise' supplemented by this guidance containing City of London local application.

3. **Liaison**

To meet their obligations to use '**best practicable means**', contractors and / or utilities are expected to have and apply appropriate policies on liaising and consulting with those impacted by works.

Minor Works (1-3 Days duration) (during standard hours)

- **At least 24 Hours (1 working day) prior notice must be given to premises occupiers likely to be disturbed by the works;** they should be informed of:
 - ✓ The start date;
 - ✓ the duration and nature of the project;
 - ✓ working hours
 - ✓ details of contact names and numbers of appropriate site personnel, including contact details for complaints.
- For minor works a verbal notification will usually be adequate but a confirmation by email or letter is recommended especially if the works are for 3 days
- A display board must be erected as part of the works, which as a minimum shall identify key personnel, contact details, street works permit number and a telephone number for complaints. Additional desirable information should include details of the scheme, its progress and anticipated completion date.
- Contractors / utilities are expected to have arrangements in place to respond to complainants quickly and fairly and to resolve problems where complaints are justified

Standard (4-10 Days duration) and Major Works (10 days or more duration) (during standard hours)

- **At least 3 working days prior notice must be given to premises occupiers likely to be disturbed by the works;**

- For Standard and Major Works email or letter notification to affected premises should be provided. Premises occupiers should also be notified of significant changes to the programme which will alter the noise or dust impact on affected premises.
- For ‘Major’ works a liaison and consultation plan should be implemented which identifies all neighbours and groups who may be affected by the street works programme, and provides details of a programme for engagement.
- The Major works ‘plan’ should include appointment of a ***responsible person*** to liaise with the City, local residents, businesses and other authorities in order to keep them informed of matters likely to affect them as the programme progresses. Good relations can be developed by keeping neighbours informed of progress and by responding to complaints quickly and fairly.
- For major works, contractors / utilities are requested to send to the Pollution Team a copy of notifications sent to premises occupiers:
publicprotection@cityoflondon.gov.uk

Identifying Premises occupiers likely to be disturbed

Premises occupiers to be notified: this will depend on the location and time of works, type of noisy activity, sensitivity of noise receptors, duration of work, location of windows or doors within building facades and whether these are opened frequently, and the internal layout of receptor’s premises. The impact will vary according to each site and job and therefore will need to be individually assessed to determine the extent of liaison required. City of London Pollution Team can be contacted to provide advice and local knowledge.

For most types of noisy street work, liaison should take place with all premises occupiers who are within 50m and conduct activities which could be disturbed by intended works; building reception areas, lunch time retail premises, residential premises and medical / therapy settings may be particularly sensitive.

Where works are proposed to be carried out outside ‘standard’ or ‘quiet hours’ the above liaison arrangements may not apply and arrangements will need to be reassessed and agreed with the Pollution Team as part of the prior approval (‘Variation’) process.

4. Permitted Hours for Noisy Work

‘Standard’ hours permitted for **noisy** street work will normally be the following:

- 08:00 - 18:00 hours (Monday to Friday);
 - 08:00 - 13:00 hours (Saturday)* ;
 - No noisy working is permitted on Sundays, Bank or public holidays.
- *you may be required to work 0900-1400 in residential areas e.g. Barbican Estate

The City also requires time restrictions on noisy street works to reduce noise disturbance to businesses. These times are known as ‘*quiet hours*’ which are:

- 10:00 - 12:00 (Monday to Friday);
- 14:00 - 16:00 (Monday to Friday).

‘Quiet hours’ are put in place to give nearby commercial occupiers at least 4 hours without noisy working from street and construction sites during the working day.

At certain locations noisy works outside retail/commercial units at lunch times may be restricted between 12.00 – 14.00 (Monday to Friday).

Work outside ‘Standard’ and during ‘Quiet’ Hours

Outside ‘Standard hours’ and during ‘quiet periods’ the following activities may be restricted or not permitted depending on the location and proximity to sensitive premises:

- Cutting using power tools;
- Breaking out using power tools or equipment;
- Other noise generating activities, depending on the specific location of site and neighbours.

Applications for work outside permitted hours will be considered in order to support Highway’s authorities’ traffic management duty and also the needs of local noise receptors e.g. proximity to restaurants, places of worship or residential properties.

Where the hours available for noisy works are so restricted by a number of different premises uses in proximity to, and likely to be disturbed by, street works noise, contractors will be encouraged to negotiate and agree hours for noisy work with neighbours; the Pollution Team will favourably consider granting approval for working outside the permitted hours if neighbours agree and have been consulted. Where agreement with neighbours cannot be reached the Pollution Team will consider applications to work outside permitted hours which use BPM.

Any works outside the permitted hours for noisy work can only be undertaken with the approval of the City using the ‘Site Hours Variation Request Sheet’ (further details in Appendix). Approval will usually contain conditions including a requirement for the Contractor to liaise with neighbours in advance of the proposed work. Unauthorised works carried out outside ‘standard hours’ or during ‘quiet hours’ may be required to stop if a justifiable complaint is received.

On certain strategic routes where the impact of street works on traffic is the most significant, the City operates an ‘extended working hours’ scheme, where the contractor will be required to consider working during daylight beyond 1800. Further information is available from the Pollution Team or the Department of the Built Environment Traffic Management Team, but a copy of the map showing where later shift working should be the norm is attached to this Code.

5. Working methods noise generating equipment

Plant and activities to be employed should be reviewed to ensure that they are the quietest available for the required purpose e.g. ‘super silenced’ compressors.

Work and sound reducing equipment should be regularly maintained to minimise noise emissions.

6. Barriers and Enclosures

Use of acoustic barriers or enclosures should be considered and *may be required* where there is likely to be significant disturbance to businesses or residents (subject to safety considerations). In some locations effective noise transmission control measures may facilitate working outside ‘standard’ hours and therefore shorten the duration of works.

7. Management Arrangements

All site operatives should be briefed and trained in the correct use of equipment and BPM measures in order to minimise noise impacts.

Site surveys should take place to identify potential problems and facilitate work scheduling, the need for noise control measures, working hours and minimal delay and noise / dust impacts.

Effective arrangements for the timely communication of site specific noise control measures to site teams should be in place.

8. Emergency Work

The City appreciates that emergencies occur whereby it is impossible or impractical to comply with City prior approval and certain BPM requirements. Noisy works outside permitted hours without prior approval by the City of London will only be tolerated where there is a genuine emergency e.g. gas leak, power failure or significant water leak causing flooding. Where practicable, notice of the works should be given to the Pollution Team and any properties that maybe affected; if practicable an approved ‘Site Hours Variation Request sheet’ may be required.

9. Air Quality

Activities undertaken on site must be done so with methodologies which reduce the likelihood of dust and fume generation and the worsening of air quality. Emphasis should therefore be placed on the following to minimise the risk of air pollution:

- Using processes which do not generate fumes and/or dust;
- Ensuring that fumes and/or dust do not escape from the site to affect members of the public and the surrounding environment;
- Burning of materials on site is not permitted under any circumstances;

- Dusty activity should be undertaken away from sensitive receptors, with wind direction taken into consideration;
- A Dust suppression system must be used when stone cutting
- Careful consideration should be given to the location and temperature control of tar and asphalt burners.

Vehicles used must not be left idling (it is a requirement of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 (as amended) for drivers to switch off their engines in parked vehicles. Failure to turn off an idling engine if requested may lead to a Fixed Penalty Notice being issued under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002).

It is strongly recommended that all Non-Road Mobile Machinery (NRMM) should meet Stage IIIB emission criteria, unless it can be demonstrated that Stage IIIB equipment is not available. If Stage IIIB equipment is not available, NRMM should be fitted with particle traps and / or catalytic exhaust treatment wherever possible.

Appendix I: Variation Request Form Process

The Site Hours Variation Request Sheet must be completed and sent to the Pollution Team (contact details on page 9) at least five working days before the proposed start of works. However contractors are strongly advised to contact the Pollution Team **before** obtaining a permit from the Traffic Management Team (or TfL) in order to discuss and agree hours of work, mitigation and liaison arrangements.

For the Variation to be considered and approved, it is expected that the contractor will identify any noise sensitive receptors likely to be disturbed by the works e.g. residential properties, lunchtime catering premises, public houses, office main reception entrances. The Pollution Team should be contacted to assist with obtaining the most up to date information.

Approval or the reasons for refusal will be countersigned and returned to the applicant.

If a justified complaint is received, unless approval has been given and the approved Variation is available for inspection on site, an officer attending the site will require works to stop and if necessary make changes to the approved variation including working times. It may also result in a Section 60 notice being served under the Control of Pollution Act 1974 by the City of London. Notices can make requirements to control noise including restriction of permitted working hours.

Variation request forms available from:

http://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/Documents/site_hours_variation_sheet.pdf

Appendix II: Contact Details and further information

For further information and advice on complying with noise and pollution legal requirements:

Pollution Team: 0207 606 3030; publicprotection@cityoflondon.gov.uk;

Department of Markets and Consumer Protection

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