

Committee(s):	Date(s):
Port Health and Environmental Services Committee Planning and Transportation Committee	September 9 2013 TBC
Subject: Mitigation of Environmental Impacts from Street works in the City	Public
Report of: Director of Markets and Consumer Protection	For Decision
<p><u>Summary</u></p> <p>The mechanisms for ensuring that the environmental impact of developments is mitigated as far as is practicable have been applied through the principles set out in the City's Code of Practice for Deconstruction and Construction Sites which was the subject of a report to your Committee in April 2013.</p> <p>A new Code of Practice for street works has been drafted setting out the expectations of the City Corporation for contractors undertaking these activities, including the liaison expected of streetworks, commensurate with the scope of the project, prescribing the need for contractors to plan and mitigate their environmental impacts.</p> <p>Recommendations</p> <p>Members consider and agree the proposals set out in paragraphs 18 to 21, taking account any points arising from the discussion of this report at your Committee meeting.</p>	

Main Report

Background

1. The City has experienced increasing demand for streetworks to facilitate the needs of utilities (e.g. the Victorian Water Main Replacement Programme) and the City Corporation's own programme of Street Enhancement. To this can be added the large and growing demand from businesses to improve their telecommunications/IT functionality, all of which ensures the City highways network supports our world class city status.
2. In addition, the Traffic Management Act 2004 placed a Network Management Duty on local authorities to ensure the expeditious movement of traffic on their road networks, placing a focus on the need to minimise the disruption caused by streetworks. There is high demand for streetworks activity in the City with around 5000 applications for streetworks permits per year and the challenge now is to meet the needs of businesses and utilities whilst keeping traffic moving.
3. Part 3 of The Control of Pollution Act 1974 (COPA) and Environmental Protection Act 1990 requires local authorities to 'inspect their area' and control noise nuisances where they become aware of these. Section 60 of COPA provides powers for the City Corporation to require actions by persons responsible for noise from construction activity, including street works, to alleviate noise nuisance.

4. 'Quiet hours' are normally applied to street work operations in the City based on a standard flexitime model with 'quiet hours' in the core times of 1000 - 1200 and 1400 - 1600 providing respite from street work noise for four hours of a notional eight hour working day to City businesses. There is no specific legal requirement for these hours to be rigidly adhered to other than for reasons of consistency of approach and easy comprehension by all parties of the 'quiet hours' applied in the City.
5. Modifications to 'quiet hours' are normally made due to local circumstances e.g. emergency work, unnecessary protraction of the work, impact on retail trade, traffic impact and following discussion with all parties. One important way of doing this is by lengthening the working day to minimise the overall traffic disruption caused by works. However, there is clear tension between the avoidance of noise nuisance and working longer hours to deliver shorter duration streetworks.
6. There has been an evolution in controls from permitting no work at all in 'quiet hours' periods to the current practice whereby only the worst specific noisy works (usually breaking of the street and disc cutting) are stopped. This allows for faster completion of work, as other activities (loading away, site preparation etc.) can be carried out during the 'quiet hours'. This provides consistency with the regime applied to demolition and construction sites.
7. To protect residents (as opposed to offices) from street work noise, start and finish times for the working day are used so as to provide respite in leisure and sleeping hours outside of these times. These are derived from the relevant British Standard 5228, and are common practice across London local authorities. The City Corporation's own case to Court of Appeal (City of London v Bovis 1990) which set working times of 0800 - 1800 weekdays and 0800-1300 Saturdays only as normal working hours. In predominantly residential locations however, such as the Barbican, the Saturday start times have been adjusted to 0900 -1400 to give some additional respite at the weekend. Where there is a justifiable need to work outside of these times variations to the standard hours are only agreed in such a way to minimise the impact on residents. For example, contractors planning streetworks at night time in close proximity to residents are asked if the works can be done in the working week, evenings or daytime at weekends to alleviate noise concerns.
8. The City's Code of Practice for Deconstruction and Construction, now in its 7th edition, was introduced to codify the City's approach to such works, and whilst confirming the quiet hours it sets out to be very flexible for specific cases. The principles apply to streetworks but to date no specific code has been developed for these activities. To make these principles more transparent a draft Code of Practice (CoP) has been produced in consultation with our colleagues in Department of Built Environment, Transport for London (TFL), Utility companies and our in house contractor to enable them to be applied consistently across the City.
9. The draft CoP sets out existing best practice for street work companies to follow and will be reviewed over the next year to consider the impact and opinion of street work companies, businesses and others affected by the implementation of these practices. The purpose of this report is to introduce your Committee to the new code of practice for adoption and operational use by Officers of the City Corporation.

Current Position

10. A separate COP on minimising the environmental impact of street works was suggested as part of the mitigations in allowing enhanced working hours for such operations in the City in the report to your Committee last November. The draft COP has been developed in consultation with colleagues in the Department of Built Environment (DBE) Highways, TFL and Utility companies can be seen at Appendix 1.

11. This requires better information from streetworks contractors on planning and liaison for their works to improve both efficiency of street work, and reduce the noise impact on both commercial and residential neighbours. We will encourage contractors, through this process, to invest in additional sound mitigation measures where these are feasible, as these may both alleviate problems and extend the hours available to work in the knowledge that they will be stopped if the measures are not successful.
12. The liaison arrangements are seen as critical in letting business and residential neighbours know in advance that noisy work is happening, providing a target end date for the work and contact details in case of problems. Following consultation with colleagues in DBE, Highways, it is considered that, with demonstrable adequate planning by a contractor and suitable liaison with local neighbours (both commercial and residential), works in some parts of the City can both be extended and, in some limited locations, work without standard application of 'quiet hours'. The Environmental Health (EH) Pollution Team and DBE have identified zones on a City map (Appendix 2) in which contractors may be able to extend the normal working day allowing two shifts, and therefore making better use of the 1600-1800 period.
13. In its appendices the COP specifies a variation request sheet made available to streetworks contractors by EH staff, and also by DBE Highways Inspectors where works are planned in advance. Completion of this sheet by all parties is the formal route to vary 'quiet hours' or extend working hours for a contractor.
14. Utility companies, their contractors and the City's own term highway maintenance contractor are being encouraged to emulate planning and liaison practices normally undertaken by companies employed in the least disruptive demolition and construction of buildings in the City. In the case of the City's term contractor (Riney) there is a contractual obligation to provide a full time consultation/communications manager to focus on precisely this issue.
15. Quarterly Meeting are held with Utility companies and their contractors at Guildhall where the COP will be promoted along with the potential facility to use 'extended hours'.
16. To ensure regular formal communication on operational matters, fortnightly meetings are being held between Highways, EH and the City's Contract representative to prepare for forthcoming planned works and consider current works along with any issues arising from them.
17. Training of Highways staff has been undertaken by EH Pollution Team, and a further session is planned to ensure consistency between Highways and EH which will include the application of the COP for street works.

Proposals

18. The City COP for street works set out in Appendix 1 is adopted, taking into account discussion at your Committee, so that the City can clearly and consistently apply its own policy in this area.
19. The EH Pollution team apply flexibly the need for quiet hours or other BPM when considering proposals, including liaison arrangements, proposed by contractors.
20. The zone map of the City continues to be further refined in the light of experience on the pilot to clarify areas where extended work can normally be applied.
21. It be recognised that there will always be a balance to be found between quiet periods and expeditious working. Local consultation will drive that process and may

occasionally result in decisions being taken that fall outside the standard policy on quiet working.

Corporate & Strategic Implications

22. The adoption of the COP for street works fits with one of the City Corporation's three aims of the Corporate Plan 2013 – 2017 in that it seeks to evolve a service '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 applying the COP for street works is expected to remain within the existing budgets of Markets and Consumer Protection Department.

Conclusion

24. In order to provide clarity and consistency the COP for streetworks should be adopted to confirm policy and its application in balancing the risks of traffic congestion and disruption caused by streetworks against the environmental impact on neighbours (principally noise nuisance) The City Corporation should, through improved consultation by contractors including its own contractors, seek to maximise the flexibility for street work contractors to use additional hours of the day. This will be guided by the COP and existing 'quiet hours' periods, but varied to increase 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:

Enhanced Working Hours for Street Works in the City; November 13 2012, Port Health and Environmental Services Committee

Appendices

Appendix 1: Code of Practice: Minimising the Environmental Impact of Street works

Appendix 2: Zoned map of traffic v noise sensitive streets

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