

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Planning and Transportation	19 <sup>th</sup> September 3rd October
<b>Subject:</b> Draft Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision (PHES)</b> <b>For Decision (PT)</b>
<b>Report author:</b> Rachel Sambells, Pollution Team Manager	

### Summary

The City of London Corporation published its last Code of Practice for Deconstruction and Construction (the Code) in 2013. The Code, in its Seventh Edition was approved by the Port Health and Environmental Services Committee on 30<sup>th</sup> April 2013. It requires refreshing and updating to reflect current best practice, guidance and the inclusion of a schedule of monitoring fees for developers.

A draft Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017 has been produced and is appended to this report. It seeks to set out simply and clearly what constitutes acceptable site practice within the City, and to assist developers, architects, engineers and construction professionals to prepare Schemes of Protective Works required for the planning process, to plan, cost and manage the environmental issues which arise in the industry. The draft Code reflects the City's increased emphasis on improving air quality alongside updated chapters on noise and contaminated land.

The draft Code will help ensure that the City Corporation continues to encourage the use of the best environmental options in planning and managing construction and deconstruction. It also reflects the priority placed on the effects of reducing the impact of poor air quality and unwanted sound on the health of residents, workers and visitors as detailed in the City and Hackney Joint Strategic Needs Assessment.

The draft Code was subject to extensive consultation for a 3 month period ending on the 17<sup>th</sup> July.

The draft Code meets the key aims of the City's Air Quality, Noise and Contaminated Land Strategies.

### Recommendation

It is recommended that:

subject to comments received at your meeting;

- a. the attached Code (Appendix 1) be approved and published on 3 October 2017 subject to any comments received at your meeting; and

- b. The introduction of the proposed monitoring contribution fees set out in Appendix L of the Code be approved with effect from 3 October 2017; and
- c. Planning and Transportation Committee endorse the amendments to the Standard Planning Conditions shown at Appendix 4

## **Main Report**

### **Background**

1. The City is constantly being redeveloped through deconstruction, construction and refurbishment of its buildings. In order to facilitate this process the Code of the City Corporation seeks to set out simply and clearly what constitutes acceptable site practice within the City, and to assist developers, architects, engineers and construction professionals to plan, cost and manage the environmental issues which arise in the industry. There is inevitably some conflict with neighbours due to deconstruction and construction activities affecting them through the development process.
2. The City Corporation has a responsibility to manage and minimise exposure to excessive and sometimes unnecessary environmental impacts of construction, whilst ensuring that the City can continue to function as a modern world-class business centre.
3. In 2013, the City of London produced a Seventh Edition of the Code outlining what constitutes acceptable site practice to manage and mitigate the effects of construction. In tandem a planning condition began to be imposed for major developments requiring a 'Scheme of Protective Works' from construction and demolition sites. This Scheme of Protective Works is required to be developed in accordance with the requirements and recommendations of the Code.
4. 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.
5. 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.

### **Key Policies and Proposals**

6. The Eighth Edition City of London Code brings together, refreshes and updates these key chapters with a greater emphasis on air quality to manage and mitigate the environmental impacts of construction. In particular, the Code will help deliver one of the key themes of the Local Plan to "protect, promote and enhance our environment" whilst contributing to the wider policy context of maintaining a world class city.

7. The Code introduces for the first time a schedule of monitoring costs contributed to by the developer in order to ensure better long term environmental management and help mitigate adverse construction impacts more effectively. This will enable a more proactive approach to monitoring by City Officers. In accordance with the resolution of the 21 March 2017 Planning and Transportation Committee the Code refers to the use of planning conditions to make provision for the contributions. The Chief Planning Officer has prepared amendments to the Standard Planning Conditions to encompass such payments (see Appendix 4).
8. This revised draft Code ensures that the City of London's approach continues to be suitable and appropriate for a world class City.

### Proposals

9. I propose that, subject to comments received at your meeting, the attached Code be approved and published. Amendments to the Standard Planning Conditions to make provision for monitoring payments are also proposed.

### Financial Implications

10. Appendix L details a schedule of monitoring fees to be paid by developers on commencement of works and annually thereafter until completion, which is summarised below.

Site Category	Fee	
	Year 1 £	Subsequent Years £
1 (Large Major Development)	53,820	46,460
2 (Medium Major Development)	30,935	25,760
3 (Minor Development)	5,060	5,060

11. The fees have been calculated on a full cost recovery basis, and will be updated annually by officers.
12. Whilst not indicative of future requirements, in order to illustrate the approximate scale of the scheme the table below shows the number of active developments in each category at 31 March 2017. The table also shows the maximum income that would have been received during 2016/17 had the proposed monitoring fees been in force for that period, assuming work had commenced at all sites on 1 April 2016 (i.e. a full first year fee was payable). In practice it is very unlikely that the maximum would be achieved, and it is expected that there will be a downward trend in the number of active sites over the medium term, further reducing the overall income achievable.

<b>Site Category</b>	<b>Number of sites</b>	<b>Total (max) contribution £</b>
1 (Large Major Development)	30	1,614,600
2 (Medium Major Development)	32	989,920
3 (Minor Development)	27	136,620
<b>Total (All Sites)</b>	<b>89</b>	<b>2,741,140</b>

13. Additional staff will be required to resource the new work resulting from the proposed monitoring scheme. Due to uncertainty in the number and timing of commencement of development works, it is difficult to forecast the likely income and resource requirement, and staffing will need to be managed to ensure we have the flexibility to meet demand without incurring additional costs to the City, however it is anticipated that the introduction of the monitoring scheme will be cost neutral overall.
14. Existing work carried out by the Pollution Control team in relation to the Code will be continue to be met within the Director of Markets and Consumer Protection's existing resources. The Department of the Built Environment are also involved in applying conditions at the planning stage requiring a 'Scheme of Protective Works', applying the new condition requiring payment of fees, the administration of the Considerate Contractors Scheme, as well as issues with impacts on the public highway, and this work will be met from their existing resources.

### **Corporate and Strategic Implications**

15. The work on noise sits within Strategic Aims 1 and 2 (SA1) (SA2) and of the Corporate Plan: 'To support and promote The City as the world leader in international finance and business services' and 'To provide modern, efficient and high quality local services, including policing, within the Square Mile for workers, residents and visitors'.

### **Consultees**

16. The Draft Code has undergone full internal and external consultation e.g. residents, businesses, City stakeholder groups and neighbouring boroughs, internally with officers of the Department of the Built Environment and the results of this have been considered in this draft. A total of 37 written submissions were received totalling 170 individual comments. The majority of comments were very supportive of the draft Code and where critical feedback was received on particular issues it was requesting a stricter approach and additional resources to be dedicated to enforcing the Code. An analysis of this

feedback is attached in Appendix 2. The suggestion received from the Barbican Association and other residents for not permitting noisy work from construction sites in or adjoining residential areas on Saturdays is the subject of a briefing note attached at Appendix 3, as no changes are recommended to existing arrangements.

## **Conclusion**

17. The City Corporation has produced a refreshed and updated Code to encourage 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. Subject to comments received at your meeting, the Code will be published and standard planning conditions amended to enable developers to be charged for monitoring sites.

## **Background Papers:**

Code of Practice for Deconstruction and Construction Sites Seventh Edition May 2013.

Mitigation of Environmental Impacts from Developments Committee Report April 2013

Construction Site Noise Monitoring Report March/May 2017

## **Appendix 1**

Draft Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017.

## **Appendix 2**

Stakeholder Consultation Analysis.

## **Appendix 3**

Briefing paper: Hours for noisy works in the City of London

## **Appendix 4**

Proposed Amendments to Standard Planning Conditions

## **Contact:**

Rachel Sambells

[Rachel.sambells@cityoflondon.gov.uk](mailto:Rachel.sambells@cityoflondon.gov.uk)

020 7332 3313