

Cabinet 26 April 2023	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director of Place	Classification: Unrestricted
Adoption of the Code of Construction Practice 2023	

Lead Member	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Originating Officer(s)	Hannah Horton, Development Coordination Manager
Wards affected	All wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	23/12/2022
Strategic Plan Priority / Outcome	6. Empower Communities and Fight Crime 7. A clean and green future 8. A council that works for you and listens to you

Executive Summary

The Code of Construction Practice sets out the Council's expectations on the operations and logistics planning of construction sites within the borough. Ensuring the safety of the public and workers navigating the public realm surrounding active sites and the adequate mitigation of any adverse impacts including noise, dust and traffic issues. The attached Code of Construction Practice 2023 will replace the 2006 version and ensure it aligns and responds to the latest legislation and policies, best practice guidance and consultation feedback received from residents.

Recommendations:

The Mayor in Cabinet is recommended:

1. To approve the Code of Construction Practice (2023) for adoption, authorise officers to prepare an adoption statement and withdraw the current Code of Construction Practice (2006).
2. To authorise the Corporate Director of Place to make any necessary factual or minor editing changes prior to publishing the final Code of Construction Practice (2023).

3. To note the Equalities Impact Analysis Screening Tool as summarised in Paragraph 4 (and included in Appendix C).
4. To note the Consultation Statement summarising representations received during the public consultation and the responses to these representations as set out in Appendix D to the report.

1 REASONS FOR THE DECISIONS

- 1.1 Cumulative construction activity across multiple development sites, especially in our growth areas, impacts on residents and businesses, affecting a range of health, social, environmental and economic indicators. Furthermore, if construction activity is not coordinated between the wide range of landowners and developers in the borough's growth areas, it leads to confusion, inefficiencies and delays to the delivery of development.
- 1.2 Tower Hamlets last published a Code of Construction Practice in 2006, the update proposed for decision reflects revisions to the following areas of legislation, policy and guidance:
 - Environmental, Planning and Highways Acts
 - London Plan 2021 and supporting documents
 - Tower Hamlets Local Plan 2031
- 1.3 The Code is set up as a guidance document which refers to relevant legislation, policy and best practice which it is the responsibility of the developer to adhere to. It outlines the primary means of enforcement via planning condition and Construction Management Plan (CMP) and Site Environmental Management Plan (SEMP) submissions.
- 1.4 The Code aims to clarify how the council, developers and contractors should coordinate and interact throughout the development process (post-planning permission) on matters concerning the environment, planning and highways. The Code describes the coordination services available from the council and the licensing processes and timeframes required for approval, enabling developers to plan more efficient delivery of development around the borough.
- 1.5 The Code has been subject to two rounds of public consultation. The first in January to February 2022 and the second in October to December 2022. Public and professional comments made during consultations have been supportive overall, with most queries requesting clarifications on details rather than any substantive changes.
- 1.6 However, the public are interested in how the council will enforce adherence to the Code. This is addressed through further measures the Development Coordination team has put forward (establishment of CMP Officers to coordinate the review, approval and monitoring of CMPs) to relevant Directorate leadership and is currently being pursued with colleagues within Public Realm.

2 ALTERNATIVE OPTIONS

- 2.1 The alternative option is to not adopt the Code of Construction Practice 2023. This would mean that planners and developers continue to use the 2006 version which no longer aligns with the latest legislation, policies and best practice guidance around construction. The revised version of the Code of Construction Practice introduces more stringent measures to mitigate the impacts of construction on both residents and the environment. For example, the revised Code includes more stringent and clearer requirements on permitted working hours for specific construction activities. In direct response to resident feedback from consultations held on the Code.
- 2.2 It emphasises the need for closer coordination with the council, via the newly set up Constructor Forums, Utilities Coordinators and Streetworks teams. It guides developers on how often (relative to site categorisation) sites must be communicating (effectively) their planned disturbances to the neighbourhood around them (not previously advised). These could provide information on road closures and changes in street layout or forewarning of noisy works and their planned duration.
- 2.3 Post planning approval, developers will now be required to sign a checklist, detailing the submissions required for describing their planned mitigations for environmental and logistical impacts on the public realm. By signing the checklist, they confirm adherence to the Code guidance and payment of relevant fees related to monitoring of their Construction Management Plans (CMP) and adherence to the Code.
- 2.4 Further updates have addressed issues related to the climate emergency (planning for flooding if in identified flood zones) and more stringent requirements in place, via the London Plan, on how developers manage construction, demolition and excavation waste.
- 2.5 To continue using the 2006 version would be out of step with recently updated guidance developed by many other boroughs across London.

3 DETAILS OF THE REPORT

- 3.1 The Code of Construction Practice was last updated in 2006 and therefore needs to be updated to align with the latest legislation, policies and best practice guidance around construction.
- 3.2 The table below provides a summary of the key sections within the Code of Construction Practice 2023.

Chapter	Purpose	Highlights
Foreword	Introduction by Corporate Director on Tower Hamlets context and to set expectations for adherence to the Code.	

1	Introduction	Provides a brief outline of the intentions of the Code, how to use the document and the key amendments most likely to impact on stakeholders (community, developers and contractors).	
2	Site Categorisation and Impact	NEW CHAPTER: Details the actions and submissions required of developments relative to their size categorisation at planning stage – Strategic, Major, Minor and Basements (basements were not mentioned in previous versions).	A checklist and flowchart are included to aid understanding.
3	Legal Requirements and Planning Policy	NEW CHAPTER: The council clarifies that it is the responsibility of Developers and Contractors to demonstrate their compliance with Planning Conditions, and all prevailing primary and secondary legislation, other statutory guidance and Codes of Practice applicable to development and construction works.	Refers directly to relevant London Plan, Tower Hamlets Local and Neighbourhood Plan Policies. Live weblinks provided.
4	Coordination with Tower Hamlets Council	NEW CHAPTER: The CoCP sets out the opportunities available for developers to coordinate with the council: <ul style="list-style-type: none"> • Constructor forums • TH Infrastructure Coordinator • CMP Officer(s) • TH Construction Awards 	
5	Community Liaison and Consultation	NEW CHAPTER: Guidance is provided in terms of who Developers must consult, how they consult and how the consultation links to the submission of a Construction Management Plan. Providing advice on the need for active engagement throughout the construction phase.	A checklist summary is provided linked to site categorisation – Strategic, Major and Minor developments.
6	General Site Operations	Describes key considerations for site teams on good housekeeping of active construction sites. This covers standard permissible working hours (now amended to acknowledge concerns from residents) for construction activities, CCS membership, security, CCTV, health and safety and emergency procedures etc.	Working hours have been amended to ‘no work on a Saturday’ without prior permission via s61 application. Previously permitted from 8.00-13.00 hrs.

7	Highways and Transport	Describes considerations required for managing parking, traffic flow, road safety and pedestrian safety during works. Updates in line with requirements in the Local Plan (Construction Logistics & Community Safety and the Fleet Operator Recognition Scheme Membership). Clarification of licence application process and timeframes for approval. Requirements for Construction Logistics Plan, CMP and Transport Management Plan submission contents. Advice on deliveries and logistics planning to maximise pedestrian and cycle safety.	Live links to application forms and related webpages. Contact details of specific teams. Recommends the use for the CLOCS CLP tool for planning delivery logistics.
8	Noise and Vibration	Clarification of what constitutes noisy works/phases and information required as part of a Site Environmental Management Plan submission. Explanations of process for s61 'Prior Consent' application and circumstances under which a s60 Notice may be served on a site. Links to new guidance.	Requirement of Noise and Vibration Management Plans.
9	Dust and Air Quality	Describes measures to be taken regarding limiting the exposure of residents and businesses to dust and air pollution during works. Live links provided to legislation and guidance available, as well as local plan policies.	Practical measures to be taken to limit the impact of dust and emissions.
10	Contaminated Land	Describes measures for developers to undertake, at each stage of construction, on identified contaminated land in accordance with current legislation and guidance. This includes the removal of hazardous waste.	Live links to useful resources.
11	Site Waste Management	NEW CHAPTER: with greater emphasis of reuse and recycling of construction material waste in both the Local Plan and the recent wider statement on the 'Circular Economy' by the Mayor of London.	Further advice on contents of Site Waste Management Plans for submission against planning conditions.
12	Water Pollution and Flood Risk	This chapter has been amended to include a section on 'flood risk' to reflect the significant risk within the Borough, requiring adequate	Information on Sustainable Urban Drainage (SUDs) is available from TH

		consideration during construction phase. More explicit guidance provided on temporary and permanent sewer connections.	Utility Coordinator. Risk assessments required for sites within identified flood zones.
13	Urban Ecology	Describes legislation and best practice in preserving the ecology of the borough. In particular, mature trees and provides links to the TH 'Tree Management Plan'.	Mitigations are set out if removal has been approved – 2 for 1 replacement with Semi-Mature Trees not saplings .
14	Archaeology, Built Heritage and Sustainability	Directs developers to information on local heritage assets and institutions to contact and consult with if working within a Conservation area.	Provides live links to the Local List – identifying locally important heritage assets.
Appendix A: Glossary and Abbreviations		Summary of abbreviations and terms	
Appendix B: Contacts		Useful internal council contacts and external agency contacts	
Appendix C: Legislation and Guidance		Lists legislation mentioned within the body of the document	
Appendix D: Checklist for Strategic and Major Developments		A form to be completed by the Developer confirming submissions submitted for approval of condition and sign-up to adherence of CoCP. Payment of any applicable fees.	
Appendix E: Temporary Structure Guidance		Detailed guidance given for applications for highway licences for hoarding/scaffold and any other temporary structure on the highway.	Live links to webpages/forms for applications. Team contact details.
Appendix F: Cranes and MEWPS Guidance		Detailed guidance on application process for cranes and MEWPS and any CG300 Technical Review requirements.	Live links to webpages/forms for applications.

4 EQUALITIES IMPLICATIONS

- 4.1 An equalities Impact Analysis Screening has been carried out and is attached to this report. The screening found that no groups would have any disproportionate adverse impacts (directly or indirectly).
- 4.2 Furthermore, any temporary changes to street layout as a result of construction can have a disproportionate impact on those with mobility impairments. This programme will review and seek to improve the way the Council manages and communicates changes to street layout and this will benefit all residents, but particularly those with mobility impairments.

5 OTHER STATUTORY IMPLICATIONS

5.1 No further implications

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications emanating from this report which recommends the approval and adoption of an updated Code of Construction Practice which ensures developer compliance with latest legislation, policies and best practice guidance around construction

7 COMMENTS OF LEGAL SERVICES

7.1 This report is seeking approval to the latest revision to the Council's Code of Construction Practice and which has required revision to take into account of appropriate changes in legislation between its last revision in 2006 and now.

7.2 Sections 60 and 61 of the Control of Pollution Act 1974 grants to Local Authorities powers to impose conditions upon persons/companies carrying out construction work. As a matter of good practice, Local Authorities should have in place a 'Code of Construction Practice' and which should take into account the guidance made by the Secretary of State pursuant to section 71 of the Control of Pollution Act 1974. Further, as a matter of good practice, this 'Code of Construction Practice' will be periodically reviewed to note changes in legislation including changes made by the Secretary of State's guidance. It is noted that the changes to the Code of Practice reflect changes and updates in legislation and policies, best practice and consultation responses.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Code of Construction Practice 2023
- Code of Construction Practice 2023: Summary Version
- Equality Impact Analysis Screening
- Consultation Summary

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

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