

[REDACTED]

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**From:** SH - MMO Info (MMO) <[REDACTED]>  
**Sent:** 15 January 2016 14:29  
**To:** Planning Policy  
**Subject:** RE: Forthcoming consultation on Westminster's Code of Construction Practice

Dear Sir/Madam,

Thank you for including the MMO in your recent consultation submission. Please remove [REDACTED] from your database and address further communications to [REDACTED].

The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

### **Response to your consultation**

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### **Marine Licensing**

Activities taking place below the mean high water mark may require a [marine licence](#) in accordance with the [Marine and Coastal Access Act \(MCAA\) 2009](#). Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

### **Marine Planning**

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the [East Inshore and Offshore marine plans](#) were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East

Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our [Marine Information System](#). The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.


Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the [Marine Policy Statement](#) for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

### **Minerals and waste plans and local aggregate assessments**


If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response please email us at  or telephone us on 0300 123 1032.

Kind regards,

Her Majesty's Government – Marine Management Organisation  
Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH  
Tel: 0300 123 1032  
Fax:   
Web: [www.gov.uk/mmo](http://www.gov.uk/mmo)  
Twitter: [@the\\_MMO](https://twitter.com/the_MMO)  
Facebook: [/MarineManagementOrganisation](https://www.facebook.com/MarineManagementOrganisation)

[REDACTED]

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**From:** Katherine Lubar [REDACTED]  
**Sent:** 16 January 2016 13:29  
**To:** Planning Policy  
**Subject:** Re: Forthcoming consultation on Westminster's Code of Construction Practice

Dear Westminster,  
I would like to make a comment, to be considered for this consultation.  
I'll write it here, but please let me know if I need to send it to someone else?

I have an issue with the hours that builders are allowed to work in the area, as building works cause a great deal of noise and disturbance to local residents. The hours of allowed building works were originally set out before the advent of extremely noisy drilling machines, and also reflected the times that most people were out, many years ago. For example, Saturday mornings used to be when most people did their shopping for the week. However, most people nowadays tend to sleep in on weekends, and do their shopping in the afternoon, or on Sundays (or even during the week). Therefore, I submit that allowing builders to start noisy works on Saturday mornings at 8am is extremely disturbing to most people. This should be changed to reflect current behaviour, perhaps starting noisy works at 10am on weekends, and finishing at 5, or something along those lines.

I also think to start at 8am during the week is too early (especially as most builders starting clomping around, and banging doors, etc by 7.30am). If this could be changed to 9am, this would address the fact that many people nowadays don't work from 9-5, many working from home or on shifts. If noisy works could start at 9 and finish at 6.30, that would be a great help.

Perhaps if there could be another rule that builders can't enter a given property more than 15 minutes before the works are allowed to commence, it might alleviate some of the disturbance that is caused by builders banging doors and walking up stairs very early in the morning.

Where I live, there has been building works going on for almost a year, either next door to our building or in the top floor flat, and it has been greatly disturbing to all of us living here. The code of construction practice needs to keep in mind that many building works in Westminster go on for months and months on end, so this is something to consider - that residents have to live with this for extended periods of time, therefore the new law needs to show much more consideration for local residents.

Kind regards,

Katherine Lubar

Katherine Lubar  
[REDACTED]

On 15 Jan 2016, at 14:13, Planning Policy <[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)> wrote:

We are writing to advise that the council will be undertaking consultation on its new Code of Construction Practice from **Monday 25<sup>th</sup> January to Monday 22<sup>nd</sup> February 2016**. On or before this date the consultation documents will be available to download from the following link: <https://www.westminster.gov.uk/code-construction-practice>

[REDACTED]

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**From:** [REDACTED] >  
**Sent:** 26 January 2016 15:04  
**To:** Planning Policy  
**Subject:** WCC's Code of Construction Consultation.

Please accept this submission on behalf of the Knightsbridge Association.

### **Basement Development/ Code of Construction practice**

You will be aware of the 'Basement development wish list' document produced by the Ladbroke Association and circulated to WASF members.

The Knightsbridge Association would like to add its voice to those asking for the points in the document to be incorporated into Council practice. In particular we would commend the points made in paragraphs 7 and 8 concerning traffic and the use of the street.

We have long argued that whereas frontagers clearly have a right to access their property, that right is not unlimited. The rights of others to pass, to access their properties, to park etc. need to be taken into account in the granting of highway licences. Not mentioned in the document but always central to our arguments has been the belief that the Council should take into account the *timing* of works proposed and to postpone the issue of licences when there is other work, obstruction or other disturbance taking place in the vicinity.

You have informed us of the forthcoming consultation on a revised Code of Construction practice. We welcome this revision, not least because the existing code is quite inadequate in dealing with the questions of control of the highway to which we have just been referring. The relevant section of the code is set out below:

“Temporary structures on the highway. Fenced storage areas, scaffolding gantries, loading/unloading bays, skips and other temporary structures on the highway will be provided and maintained to the conditions of a licence issued by the City Council. The developer/contractor should consider providing steel beam framed structures rather than scaffolding where such structures are to be in place for a significant period of time.”

Construction companies and developers should be given far more guidance as to how to carry out their projects in harmony with their neighbours.

We would also want the Code of Construction to include the Councillor(s) and the leading Official with responsibility for administering the Code. This is required in light of the statement in line 3 on page 1 that “...a balance needs to be achieved to safeguard the quality of life for residents...” This has patently failed to happen over the past three years and, in consequence, Residents believe there is no sense of accountability within elected or official levels at WCC.

The document needs to summarise (a) the nature of Enforcement Penalties (b) provide evidence of penalties levied over the period since inception of the Code and (c) the monetary value of penalties levied. This information should be set out in an Annex to the Code. Paragraph 2 on page 1 states that “...The CoCP sets out the standards and procedures to which a Developer or Contractor must adhere when undertaking construction works.” Without **evidence** of how the Code has worked since 2008, the blue tables that follow on pages 2 to 4 are no more than laudable aspirations. WCC needs to provide a “history of enforcement”. Figures can be aggregated; names can be anonymised but there needs to be **evidence** in order to instil confidence in Residents that the Code is more than whitewash.

The Knightsbridge Association very much hopes that you will adopt the lines of thinking that we suggest.

Regards, Edward Davies-Gilbert

Chairman Planning and Conservation Committee, Knightsbridge Association.

Date: 27 January 2016  
Our ref: 176468



**BY EMAIL ONLY**

[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ



Dear Sir/Madam,

**Forthcoming consultation on Westminster's Code of Construction Practice - from Monday 25th January to Monday 22nd February 2016**

Thank you for your consultation on the above dated 15 January 2016 which was received by Natural England on 15 January 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Natural England does not consider that this Code of Construction Practice poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.**

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

James Hughes  
Consultations Team

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 January 2016 14:39  
**To:** Planning Policy  
**Cc:** [REDACTED]  
**Subject:** RE: Westminster City Council Consultation on the Code of Construction Practice

Dear Sirs

Thank you for the attached email.

The Foreign & Commonwealth Office have no comments to make on this matter.

Regards Paul

**Paul Howarth BSc MRICS** Regional Estate Surveyor | UK/Europe and Asia Group | Estates & Security Directorate  
Foreign & Commonwealth Office | Rooms WH2.165 to WH2.169 | King Charles Street | SW1A 2AH

**Email:** [REDACTED]  
**FTN:** [REDACTED]  
**Fax:** + [REDACTED]  
**Blackberry:** + [REDACTED]  
<http://www.gov.uk/fco>

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**From:** PRD - ESD (Sensitive)  
**Sent:** 29 January 2016 08:31  
**To:** [REDACTED]  
**Subject:** FW: Westminster City Council Consultation on the Code of Construction Practice

Paul / Ian,

Please see below

Regards

Tim

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**From:** FCO Correspondence (Sensitive)  
**Sent:** 29 January 2016 05:59  
**To:** PRD - ESD (Sensitive)  
**Subject:** FW: Westminster City Council Consultation on the Code of Construction Practice

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**From:** Planning Policy [<mailto:planningpolicy@westminster.gov.uk>]  
**Sent:** 28 January 2016 18:12  
**To:** Planning Policy  
**Subject:** Westminster City Council Consultation on the Code of Construction Practice

[REDACTED]

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**From:** Owen, Lucy [REDACTED]  
**Sent:** 05 February 2016 16:33  
**To:** Planning Policy  
**Subject:** RE: Westminster City Council Consultation on the Code of Construction Practice

Thank you for consulting the PLA on the Westminster City Council Code of Construction Practice. Having reviewed the document, the PLA has the following comments to make:

The PLA welcomes the reference at paragraph 3.12 to obtaining the relevant permission from the appropriate authority for cranes located adjacent to rivers.

Whilst it is noted that there is reference at 9.9 to ensuring that spoil removal and material delivery is not deposited into the water course, there is nothing in the document that actually encourages the use of the river for the transport of construction and demolition materials where practicable. The use of the river in this way would accord with planning policy which seeks to maximise water transport for bulk materials, particularly during demolition and construction phases.

Any discharge to the River Thames, including the construction of surface water outfalls requires approval from the PLA not the Canal and Rivers Trust.

It is recommended that the checklists and the templates make a reference to river transport so that for sites located in close proximity to the Thames the applicant must investigate the potential for material to be transported to and from a site by water and use river transport where practicable.

Regards  
Lucy

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**From:** Planning Policy [<mailto:planningpolicy@westminster.gov.uk>]  
**Sent:** 28 January 2016 09:12  
**To:** Planning Policy  
**Subject:** Westminster City Council Consultation on the Code of Construction Practice

The Council has now started consultation on its Code of Construction Practice which will run until **Monday 22<sup>nd</sup> February 2016**, closing prior to the formal hearing on 8 March to examine the Basement Revision to Westminster's City Plan. The Council apologises for the delay in starting this consultation, although any responses received to date are valid and need not be resubmitted.

Please see [www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice) to view the consultation document and give your feedback.

Please note that very minor late submissions will be accepted up until 27 March and will be reviewed and taken into consideration after this date.

For any queries please contact [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)



**From:** Steve Cole <[REDACTED]>  
**Sent:** 13 February 2016 09:40  
**To:** Planning Policy  
**Subject:** Fw: Consultation On Westminster Code of Construction Practice

**Importance:** High

Dear Sirs,

Un sighted as to the comments being retained on line....However, please see the following:

Regrets the time allowed has not permitted any detailed or structured review .Please find some comments as follows:

**Traffic & Transport**

No reference could be seen within to the Standard for construction logistics – Managing work related road risk (WRRR) which provides excellent guidance and best practice for hauliers and transport organisations who operate in urban areas. Please see: [www.tfl.gov.uk/WRRRstandards](http://www.tfl.gov.uk/WRRRstandards)

**Temporary Works Management**

Because of the basement construction issues and structural stability, it is felt that the contractor should have some level of temporary works knowledge, either at a level internally or externally to his organisation some reference to BS5975:2008 is required. Areas of importance would include crane and piling rig platforms, set of site accommodations, hoardings, sign boards and scaffolds.

**CDM 2015 CMP v CPP**

All references to CDM 2007 should be removed as they are now totally revoked, and in a similar way the use of the term ‘**construction management plan**’ should be replaced by ‘**construction phase plan**’ which in effect is the vehicle for how the contractor organises and manages the construction work on site. The Construction Design and Management Regulations 2015 now apply to all construction projects in Great Britain with additional duties where a construction phase is planned to exceed 30 working days in duration or involving more than 500 person days (these are referred to as notifiable projects as they require formal notification of the health and safety executive).  
Extracted from Table 1 of the HSE’s L153 Managing health and safety in construction CDM 2015 is a useful summary of duty holders:

**A summary of roles and duties under CDM 2015**

<b>CDM Dutyholders – Who are they?</b>	<b>Summary of role/main duties</b>
<b>Clients</b> – are organisations or individuals for whom a construction project is carried out.	Make suitable arrangements for managing a project. This includes making sure: <ul style="list-style-type: none"><li>• Other dutyholders are appointed.</li><li>• Sufficient time and resources are allocated.</li></ul> Making sure:

	<ul style="list-style-type: none"> <li>• Relevant information is prepared and provided to other dutyholders.</li> <li>• The principal designer and principal contractor carry out their duties.</li> <li>• Welfare facilities are provided.</li> </ul> <p>See paragraphs 23-52 for more guidance.</p>
<p><b>Domestic clients</b> – are people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether for profit or not.</p>	<p>Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to:</p> <ul style="list-style-type: none"> <li>• The contractor, on a single contractor project, or</li> <li>• The principal contractor, on a project involving more than one contractor. However, the domestic client can choose to have a written agreement with the principal designer to carry out the client duties.</li> </ul> <p>See paragraphs 53-56 for more guidance.</p>
<p><b>Designers</b> – are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.</p>	<p>When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during:</p> <ul style="list-style-type: none"> <li>• Construction and</li> <li>• The maintenance and use of a building once it is built.</li> </ul> <p>Provide information to other members of the project team to help them fulfil their duties.</p> <p>See paragraphs 72-93 for more guidance.</p>
<p><b>Principal designers</b> – are designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.</p>	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:</p> <ul style="list-style-type: none"> <li>• Identifying, eliminating or controlling foreseeable risks.</li> <li>• Ensuring designers carry out their duties.</li> </ul> <p>Prepare and provide relevant information to other dutyholders.</p> <p>Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.</p>
<p><b>Principal contractors</b> – are contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.</p>	<p>Plan, manage, monitor and coordinate the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> <li>• Liaising with the client and principal designer.</li> <li>• Preparing the construction phase plan.</li> <li>• Organising cooperation between contractors and coordinating their work.</li> </ul> <p>Ensure:</p> <ul style="list-style-type: none"> <li>• Suitable site inductions are provided.</li> <li>• Reasonable steps are taken to prevent unauthorised access.</li> <li>• Workers are consulted and engaged in securing their health and safety and</li> <li>• Welfare facilities are provided.</li> </ul> <p>See paragraphs 110-146 for more guidance.</p>
<p><b>Contractors</b> – are those who do the actual construction work and</p>	<p>Plan, manage and monitor construction work under their control so that it is carried out without risks to health and</p>



I appreciate that the Code is aimed primarily at Environmental impacts, however I have include the H&S fraternity just to cover all bases. Given the relatively short time for responding (22nd February), could I ask you to respond directly through the link rather than via me.

Thank you in anticipation.

Kind regards

Peter

Peter Crosland  
BEng(Hons), CEng, C.WEM, MICE, MCIWEM

Civil Engineering Director  
National

Civil Engineering Contractors Association  
Unit 26 Howley Park Business Village  
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Policy and Strategy  
Westminster City Council  
15th Floor, Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Sent by email to [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

19<sup>th</sup> February 2016

Dear Sir

**Re: Response to Consultation on the draft Westminster City Council Code of Construction Practice by UK Screen Association**

UK Screen Association is the trade association that represents companies providing services to the Screen Industries - film, television and commercials. It is an independent, industry-funded body with membership comprising over 100 companies involved in post-production, visual effects, physical special effects, audio, cameras, lighting, freelance talent and studios. This sector has an annual turnover in excess of £2bn and employs in excess of 25,000 people.

UK Screen provides a collective voice for the sector and engages in a wide range of activities, including consultations on tax reliefs, visas and production quotas; work on industry skills development and funding; input into new technical standards and promotion of our members to both UK and overseas clients.

A significant number of UK Screen's audio and video post production member companies are based within Westminster's core Central Activities Zone. Together they make up a creative hub that has existed in Soho and on the streets north of Oxford Street (NOHO) for decades.

The UK Creative industries are a major employer in this area and are expected to grow by 27% over the next 10 years. They have been identified in the Mayor's Office Cultural Strategy in 2012 as significant as they are generating substantial wealth for the UK

UK Screen Association

**Representing Service Companies to the Screen Industries**

Waverley House, 7-12 Noel Street, London W1F 8GQ T +44 (0)20 7734 6060 [www.ukscreenassociation.co.uk](http://www.ukscreenassociation.co.uk)

Registered in England and Wales No 4985692 Registered Office 90 High Holborn London WC1V 6XX

economy. Inward investment production clients attracted by the recent UK tax reliefs for Film and High End TV production, value the proximity of the various services that our Soho/Noho members provide – picture post production, audio post production, VFX, data and media management etc - and the collaborative culture this engenders. The continued success of this sector is hampered by unsympathetic planning and development within Westminster and risks breaking up this world-leading cluster of businesses which makes up the lion's share of the UK film and TV VFX and post production industry.

The impact of neighbouring construction work on our members' businesses can be considerable, leading to loss of current revenue and future revenue from clients that are hard to win back once they have gone elsewhere. Editing and audio post production facilities are particularly affected by noise and vibration. Apart from the difficulties of producers, editors and sound engineers being able to make creative decisions based on what they can or cannot hear, any noise or vibration is a great disincentive to clients that will often attend sessions in Soho for several days or weeks at a time. These clients may well decide to place their business elsewhere as a result. In the case of audio recording facilities even small amounts of residual noise or vibration that gets through their sound-proofing will result in a complete suspension of work. Audio studios are designed and built to cope with the local normal ambient external noise and vibration conditions and are not over-designed to cope with all eventualities such as the extremes of adjacent drilling, piling or demolition.

In our responses to this consultation we refer to "noise-sensitive businesses" for brevity but in this context these businesses are equally badly affected by structural and ground borne vibration.

Please note our response does not replace the evidence that individual UK Screen members may have separately provided on this consultation. As usual, in responding to this consultation UK Screen will concentrate solely on issues which impact the facilities sector rather than responding to all your questions.

**1. Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?**

Yes, we agree with extending the scope of the Code to cover Level 2 schemes. However we think that Level 3 sites should also be required to submit a Construction Management Plan. Even quite small scale development and refurbishment when conducted in close proximity to businesses that are highly sensitive to noise and vibration, have the potential to cause severe disruption to that business and almost certain loss of revenue. We feel that the Code's approach to Level 3 schemes is too casual and lacks rigour.

2. **Do you support the potential for sites to be ‘upgraded’ to a higher category where deemed appropriate?**

Yes, we agree with the principle of upgrading schemes to Levels 1 and 2. We feel that Code should include a specific consideration to upgrade a scheme when it will adversely impact neighbouring noise-sensitive businesses.

3. **Are there other areas that you feel the Code of Construction Practice should cover?**

We feel that the Code covers all the basic areas of concern but does not give sufficient consideration to the impacts on noise-sensitive businesses.

4. **Do you support the measures for different levels of site?**

Please refer to our answer to question 1. We note that in section 2.3, the code deals with liaison with local residents, such as “the elderly and residents with disabilities, and with other groups in the neighbouring area who might be affected by construction impacts in different ways (religious groups with different holy days, for example).” However we feel that this engagement and consideration should be extended to cover noise-sensitive businesses as well.

We welcome the requirement to provide a “hotline” telephone number. For most businesses the primary means of communication is email and we believe the “hotline” concept should be extended to require developers to also provide a monitored contact email address as well. However both the hotline phone and email contacts would be useless if they go unanswered. The Code says calls to the hotline should be responded to “promptly”. We feel that this is too casual and the Code should define compulsory timescales within which complaints by phone or email should be responded to.

5. **Do you support the limits in residential areas on noisy working?**

Whilst residents will no doubt welcome the limited hours for noisy working, the Code’s proposals do nothing specific to help noise-sensitive businesses, whose working hours will align with the allowed hours for noisy working. We think that the Code should specifically require contractors to further restrict noisy working when taking place in the proximity of noise-sensitive businesses and the provision for additional agreed quiet times during office hours should be included. There should be a joined-up approach to this, so that when businesses are affected by several developments at the same time, the quiet working times are aligned.

6. **Do you support the proposed approach to encouraging the use of ‘local’ labour on Level 1 schemes?**

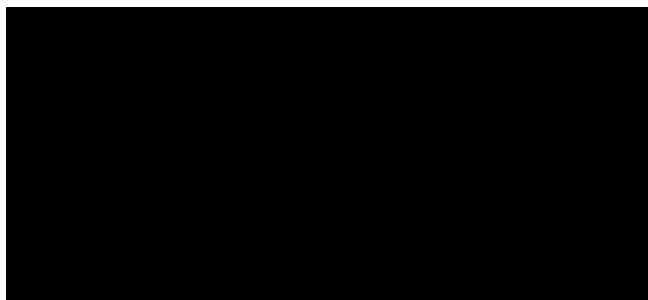
We have no comment on this question

7. **Do you have any further comments or suggestions that you would like to add?**

We feel that the code lacks “teeth”. It does not spell out the sanctions available to the various authorities to enable a quick remedy to any breaches and complaints. We feel that the Code should allow for immediate suspension of noisy working should the contractor breach any agreed quiet hours. Fines are a poor deterrent to contractors on large projects. A better sanction would be a punitive temporary suspension of all work or of noisy work, which is then backed up by substantial fines should there be further breaches.

Thank you for inviting our feedback on this consultation. Please contact me if you have any queries.

Yours faithfully



Neil Hatton  
Chief Executive, UK Screen Association

*The UK Screen Association Board:*

**Helen Alexander**

Director, Warner Bros. De Lane Lea

**Paul Bennett**

MD, Resources, ITV Studios

**Adrian Bull**

CTO and Owner, Cinelabs

**Ivan Dunleavy**

CEO, Pinewood Studios Group

**Julie Parmenter**

MD, Molinare

**Lesley Marr**

COO, Deluxe Media, Europe

**Alex Hope**

MD, Double Negative

**Mike Kelt**

CEO, Artem

**Patrick Malone**

MD, Goldcrest Post Production

UK Screen Association

**Representing Service Companies to the Screen Industries**

Waverley House, 7-12 Noel Street, London W1F 8GQ T +44 (0)20 7734 6060 [www.ukscreenassociation.co.uk](http://www.ukscreenassociation.co.uk)

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**GERALDEVE**

Barry Smith Esq  
Policy and Strategy  
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Tel. 020 7493 3338  
[www.geraldeve.com](http://www.geraldeve.com)

22 February 2016

**Our ref:**

**Your ref:**

Dear Sir

**Code of Construction Practice, Consultation Draft**

We write on behalf of our client, 'Capital & Counties Covent Garden' (Capco Covent Garden) to respond to the City Council's Code of Construction Practice Consultation Draft.

Capco Covent Garden is a major landowner in Covent Garden and a very active member of the Westminster Property Association (WPA). Capco has fed into the WPA response to this consultation. Capco is supportive of the representations made by the WPA (letter dated 22 February 2016) which support the draft Code of Construction Practice subject to detailed points.

Capco also agrees that it is unfortunate that the response period for this highly technical document has been so limited. Given the short length of the consultation period (28 January to 22 February 2016), Capco reserves the right to provide further representations within a reasonable period.

We trust that these comments will be taken into consideration and look forward to the opportunity to be involved in the shaping of policy in the future.

Please contact Natalie Rowland or Nick Brindley of this office if you need any clarification of the points raised above.

Yours faithfully

**Gerald Eve LLP**

████████████████████  
Direct tel. +████████████████████  
Mobile +████████████████████

[REDACTED]

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**From:** Hugh Cortazzi [REDACTED]  
**Sent:** 22 February 2016 14:17  
**To:** Planning Policy  
**Subject:** Code of Construction

From Sir Hugh Cortazzi, [REDACTED]  
I have the following comments on the code about which consultation ends today:

The 2008 code contains sensible and generally reasonable conditions, although some residents object to Saturday working.

The main problem lies in enforcement. Westminster council have limited resources and are not apparently able to inspect all sites sufficiently frequently. A number of construction companies pay lip service to the rules but do not do enough to ensure that their work-force complies with the conditions. 'Turning a blind eye' is justified by these companies on the grounds that they want to retain their workers and get the job done at the least cost, thus maximising profits. If accused of a breach they plead exceptional circumstances such as late deliveries.

If enforcement action is taken some companies either ignore the council's demands or are prepared to let the council take legal action knowing that the owners of the properties, possibly anonymous foreign oligarchs, working through companies registered in off-shore tax havens will either find ways of changing contractors or be willing to employ expensive lawyers including QCs to argue against the council. The council with a view to costs will be advised to compromise or give in because the fight is not worth the costs.

I would urge that the emphasis be placed in future on enforcement and on sanction which open to the council. One possibility if permissible under the law, might be to blacklist companies which ignore an enforcement order.

When I read the rules it seemed to me that in the development of [REDACTED] every one of the rules was regularly flouted. The noise and vibration were frequently excessive. The dust was appalling. The dump trucks collecting the soil frequently caused obstructions and the cobbles were badly damaged. The workmen particularly in the early stages were frequently surly and uncooperative and had at best limited English. Our complaints to the Council did not lead to effective action.

The property at [REDACTED] was grade II listed, but the developers managed to destroy almost all the period features and in the end not all were restored. In the case of listed properties the Council should be much firmer in enforcement and should ensure more frequent inspections of such properties during redevelopment.

The government has taken steps to increase costs for wealthy owners using companies registered in tax havens. These steps need to be further strengthened and enforced. Perhaps accountants and solicitors who advise and help such behaviour should be made subject to penalties including in extreme cases cancellation of licences. If that is not permissible under the current laws at the very least they should be named and shamed.

Hugh Cortazzi

**From:** Stephen Gould <[REDACTED]>  
**Sent:** 22 February 2016 18:19  
**To:** Planning Policy  
**Subject:** Westminster COCP

Dear sirs

Thank you for the opportunity to review the newly proposed COCP for the Westminster Planning Area.

Having reviewed the proposals I would confirm that I approve of the general approach that the COCP is trying to achieve and the additional controls that it will provide Westminster with.

However having reviewed the proposed document there are a number of considerations which clash with the Grosvenor Estate Management schemes and several areas which require further clarity. These are:-

1. **Incident reporting procedures.** - The reference to one hour being preferable should be changed to as soon as practicable but always with 24 hours of receipt by either the contractor or developer.
2. **Review and coordination of meetings** – the monthly meetings are a good idea but it should be confirmed that these will be at reasonable times and with sufficient notices.
3. **Public Information / Considerate Constructors Scheme**
  - a. A number of elements appear to clash with the statutory guidance provided in the Estate Management Schemes and leases that are administered by the Grosvenor Estate.

These relate to the installation of contractors signage/ advertisement and the decoration of Hoardings, Grosvenor do not approve contractors signage or advertising on Hoarding and this is confirmed in the Estate Management Scheme and leases as not permitted.

To avoid issues with the COCP it may be appropriate to insert in the hoarding and signage section “unless dictated differently under a statutory Estate Management Scheme/ Lease in the Westminster Area”

- b. You have requested contrasting markings on projecting angles can you please advise why this is required.

#### **4. Employment and skills Plan (Level 1 Schemes only)**

- a. Grosvenor carried out a Pilot scheme between 2012 and 2014 to agree our own sustainability proposals and we found that the initial target area of the 9 inner London boroughs was insufficient to achieve the required recruitment and had to expand this to the 33 London Boroughs. Even with the 33 London boroughs this was difficult to achieve.
  - b. Grosvenor are already engaged with a number of Economic Teams across the business and we do not feel that works should be restricted only to the councils Economic team when strong teams such as the cross rail economic team are already up and running and better placed to provide support.

## 5. Surveying after construction works

- a. This is a very restrictive clause and should be expanded to include should the same firm of chartered surveyors or engineers still be practicing.

## 6. Timescales for CMP

- a. Please advise if the 40 days is 40 working days or other required for the review by Westminster.
- b. Contractors not to start prior to sign off by Westminster City Council – If this is required then the Council should agree that they will respond within a reasonable period after submission of X days and if they fail to respond consent is deemed to be given. This will avoid any unnecessary delays.

Should you wish to discuss any of these points further please do not hesitate to contact me.

Regards

**Stephen Gould**  
Building Surveyor - London

**Great Britain and Ireland**  
**Grosvenor**  
**70 Grosvenor Street**  
**London**  
**W1K 3JP**

-----  
**Direct Line +** [REDACTED]

**Mobile +** [REDACTED]

**Email** [REDACTED]  
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[www.grosvenor.com](http://www.grosvenor.com)

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[REDACTED]

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**From:** Nicola Rubbert [REDACTED]  
**Sent:** 22 February 2016 19:19  
**To:** Planning Policy  
**Cc:** Joan Moynihan  
**Subject:** Consultation on new Code of Construction Practice

Dear Sirs,

I am writing to you on behalf of Nimax Theatres regarding the proposed Code of Construction Practice. We are the owners and operators of 6 theatres in the West End. We routinely check the works happening in the local area and anything that might effect us and are of course consulted on the works happening to our neighbouring properties. Something we would like to see covered in this Code is provision for cultural sites to be consulted when works are proposed in the local area as there may be operational issues as a result of planning permission being granted (without conditions) and so being consulted at an early stage would mean that organisations such as ourselves could meet with the developers to agree the plans with them to ensure that there is no impact on the running of places visited by and entertainment for the public. In our case it would be to ensure that our performances for the public are not interrupted.

We would be happy to discuss this further and look forward to hearing from you.

Yours faithfully,

Nicola

**Nicola Rubbert**  
**Legal & Business Affairs (Maternity Cover)**  
**Nimax Theatres Limited**  
[www.nimaxtheatres.com](http://www.nimaxtheatres.com)

**Switchboard: 020 7395 0780**

**Direct Dial:** [REDACTED]

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[REDACTED]

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**From:** Nicola Rubbert <[REDACTED]>  
**Sent:** 23 February 2016 11:49  
**To:** Planning Policy  
**Cc:** Joan Moynihan  
**Subject:** RE: Consultation on new Code of Construction Practice

Dear Sirs,

Further to my email yesterday, I should clarify that we are grateful that we are consulted by Westminster City Council once an application has been validated but think it might be useful if there is a requirement for applicants to consult with local cultural sites prior to submitting their applications/ as part of the application process in case the works/ development plans will effect the running of the sites.

Yours faithfully,

Nicola

**Nicola Rubbert**  
**Legal & Business Affairs (Maternity Cover)**  
**Nimax Theatres Limited**  
[www.nimaxtheatres.com](http://www.nimaxtheatres.com)

**Switchboard: 020 7395 0780**  
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**From:** [REDACTED]  
**Sent:** 22 February 2016 19:19  
**To:** 'planningpolicy@westminster.gov.uk'  
**Cc:** [REDACTED]  
**Subject:** Consultation on new Code of Construction Practice

Dear Sirs,

I am writing to you on behalf of Nimax Theatres regarding the proposed Code of Construction Practice. We are the owners and operators of 6 theatres in the West End. We routinely check the works happening in the local area and anything that might effect us and are of course consulted on the works happening to our neighbouring properties. Something we would like to see covered in this Code is provision for cultural sites to be consulted when works are proposed in the local area as there may be operational issues as a result of planning permission being granted (without conditions) and so being consulted at an early stage would mean that organisations such as ourselves could meet with the developers to agree the plans with them to ensure that there is no impact on the running of places

visited by and entertainment for the public. In our case it would be to ensure that our performances for the public are not interrupted.

We would be happy to discuss this further and look forward to hearing from you.

Yours faithfully,

Nicola

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## Miles, Nina: WCC

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**From:** McEllistrum Richard <[REDACTED]>  
**Sent:** 22 February 2016 09:18  
**To:** Planning Policy  
**Subject:** TfL response to consultation on Westminster's Code of Construction Practice

Thank you for consulting TfL.

TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. While the Local Planning Authority is the Highway Authority for the Strategic Road Network (SRN), TfL is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. We manage London's buses, the Tube and Overground network. We also run the Mayor's Cycle Hire Network, London River Services and Victoria Coach Station, and thus have an interest wherever development could impact on the operation of those services or networks.

### Observations:

A number of the following detailed comments relate to helping the user of the CoCP to understand the decision making body, and relate to the distinction between the two different Highway Authorities. TfL would advise all reference be made to "the Highway Authority" and have an explanation of in which instances the authority will or will not be WCC or TfL in some introductory paragraph, rather than reiterating the distinction throughout the document. In any case, references to WCC instead of the Highway Authority would need to be altered in the following instances in any case.

- Figure 1 & section 1.5 are unclear as to whether "basements" (requiring a CMP) are distinct from or part of the Level 2 group of projects (requiring an SEMP) as distinct from Levels 1 & 2 projects, as implied in Figure 1, or part of Level 2 as recorded at 1.5. A simpler method of identifying the different types of projects would be useful, such as a separate category for basement development.
- There are 2 groups of pages numbered 1, 2 & 3.
- Para 3.7.2 – this should explain that in the case of upon the TLRN, TfL will be the authority responsible for the granting of the "relevant consent or licence".
- Para 3.8 – again, site lighting structures in proximity to lighting columns or illuminated street signage on the TLRN need to be discussed with TfL, as opposed to WCC. (para 3.9 does acknowledge the need to gain a licence from TfL in some instances, though it does not explain where this would occur)
- Paras 3.11, 3.12 should also state consent from / permission of 'WCC / TfL', rather than WCC alone.
- Para 5.2 should identify where the Highway Authority is not the City Council, and remove references to the City Council alone from any bullet points to avoid confusion.
- Para 5.3.1 should identify that WCC is responsible for the determination of all closures / stopping up orders, whereas TROs can be determined by either TfL (on parts of the TLRN) or WCC on borough roads and on parts of the TLRN
- Para 5.3.2 should identify that TfL should be consulted with where in relation to the TLRN or SRN (where affecting TfL assets, including traffic signalling equipment) and references to City Council altered to Highway Authority.
- Para 5.3.3 as above
- Para 5.3.4 as above
- Para 5.5 as above
- Para 5.9 – Lorries now form about 4% of vehicle traffic
- Para 5.9 – Should refer to requirements of the [Safer Lorry Scheme](#) now in effect in London

I hope the above feedback is of use. If you have any queries relating to the above, please contact TfL at:

[REDACTED]

Yours sincerely,

**Richard McEllistrum** | Principal Planner | TfL Planning  
**Transport for London** | 10th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL  
Telephone Number: [REDACTED] | Email: [REDACTED]



For more information regarding the TfL Borough Planning team, including TfL's *Transport Assessment Best Practice Guidance* and pre-application advice please visit <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance> **\*Please note the changes to our pre-application fees from 1<sup>st</sup> November 2015**

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**From:** Brian Miller <[REDACTED]>  
**Sent:** 22 February 2016 14:46  
**To:** Planning Policy  
**Subject:** Victoria Neighbourhood Forum - Consultation on new Code of Construction Practice  
**Attachments:** CoCP(2).docx

Dear Sirs,

In response to your request for views on the proposed CoCP, I am attaching the Forum's views. These are set out in two parts.

A, General Comments gives our views of the document as a whole and in particular addresses the philosophy which we suggest, should form the basis of such a Code

B Specific Comments addresses individual sections where we suggest amendments are required.

These views are a result of our collective experiences of the recent development projects not just in the Victoria area but more generally within the City of Westminster and we look forward to the opportunity of discussing them with you.

In submitting our comments, we would note that to ensure that our views are broad based, we have experienced some difficulty with the short time allowed for consultation. We recommend that for future consultations, the consultation period be extended to 12 weeks which is we understand, normal government policy.

Yours faithfully

Brian W, Miller  
(Acting Chairman Victoria Neighbourhood Forum)

(Encl)

## **VICTORIA NEIGHBOURHOOD FORUM.**

### **CODE OF CONSTRUCTION PRACTICE WESTMINSTER CITY COUNCIL**

#### **Consultation Draft**

#### **A GENERAL COMMENTS**

These comments relate not to a single chapter or section but rather to either the whole document or major parts of it. They contain matters of principle.

1. The proposed CoCP sets out the minimum standards that will be acceptable to WCC and it is expected of all those involved in construction works that they will not only achieve these standards but will better them,
2. In the CoCP 2008 s2.3.1, it is clear that responsibility for adhering to this Code rests with those developing/ proposing a scheme and through them, those that they employ (including contractors, subcontractors, consultants). There appears to be some ambiguity in the document concerning the party responsible in any particular case. Is it the developer, the contractor or the developer's representative? This needs addressing in many of the sections.

As a matter of principle, we would exclude the contract disclaimer given in CoCP 2008 s2.3.1

3. We believe that many of the decisions affecting the constructability of a project and therefore the impacts arising from its construction are a direct result of decisions taken at the design and development stage. We believe that problems will inevitably follow if WCC attempts to gain acceptance for the more onerous conditions of CoCP once a project has been approved, unless this CoCP has been part of the design parameters and therefore, actively considered during the design and planning. While the Code agrees in s2.4 that the planning system has limited powers to control the construction process and its impacts, it is nevertheless important for the Developer to show that the design/development process has considered the constructability of the project such that construction can be carried out in accordance with this CoCP. This is particularly important in Level 1 and 2 projects which by their very nature are more complicated and with longer construction periods.
4. London as a whole has major problems with traffic, with Westminster being among those councils with the worst problems. It is recognised that traffic delays cost millions of pounds in lost productivity; they are also a major source of noise and air pollution. A prime requirement for the construction of any project must therefore be the avoidance of disruption to traffic flows. This requirement needs addressing and reinforcing in the CoCP.
5. We agree that the environmental impacts from projects will to a great extent, depend on their size and it is therefore correct to require different levels of planning, control and reporting for different sized projects. We accept the specific inclusion of Basements into this Code.
6. On the question of charges, we have no particular views except to say that if these charges enable WCC to expand its team ensuring Code compliance, then we would support them.

## **B Specific Comments**

(Numbering as WCC Section numbering in Draft)

### **1. INTRODUCTION**

1.1 For ease of reading, we would suggest that that perhaps the general “narrative” clause should be contained in a preamble as was done in the CoCP 2008

We suggest that the second paragraph, first sentence, should include not just disturbance to residents and businesses but also **to traffic**.

1.2 The paragraph in bold needs clarity. The developer as defined in this clause is responsible for the overall compliance with this CoCP by those engaged in the execution of the project including but not by way of limitation, contractors subcontractors and designers. (See s1.6)

1.4 In the flow chart, it is unlikely that a contractor will have been appointed at step 2 “Applicant shares with contractor.....”. At this stage the Developer will be making sure that the project for which the Application is being made can be constructed in accordance with the CoCP. See s1.6. As we have pointed out in our General Comments, there is little point in expecting the construction team to execute the project in accordance with the CoCP if the original conception, design and planning does not allow this. Step 4 and the footnote in bold are absolutely correct.

It is also not clear from this flow chart, at what stage Planning Approval is actually given.

1.5 Level 1 and 2 projects should surely define all medium and large construction projects not just building projects. It is recognised that WCC may have little formal control over most infrastructure projects; nevertheless, we feel it is important that WCC make it clear to the promoters of these projects that they are expected to carry out their works in Westminster under the same rules as any other promoter!

(The mention of the development One Hyde Park is apposite; the disruption to traffic over such an extended period was in hindsight, unacceptable.)

1.6 In the first paragraph, we are concerned with all impacts addressed in the CoCP, not just environmental impacts.

In the second paragraph, surely completion of Appendix A will be a condition of planning **approval** rather than planning **application**. (See s1.9)

We suggest that WCC Environmental Inspectorate will be responsible for liaising with the developer's nominated representative rather than the contractor. (See paragraph 6 of this section)

Statutory undertakers should be consulted in advance of **the final design** and subsequently, in advance of any demolition and construction works.

1.6.1 and 1.6.2 We believe that in the modern age, for Level 1 and 2 projects, a web page based system should be established for documentation and reporting as well as for complaints. This requirement does not supersede the requirement in s2.3 (g) to provide a complaints Hot Line

## 2. LIAISING WITH THE PUBLIC

2.1. and 2.3 Throughout the document, there appears to be some confusion/conflict about the responsibilities of the Developer, his representative and the contractor. It should be made clear that the Developer retains responsibility for all compliance with this CoCP

"Developers" and not "Contractors" must retain the responsibility for developing and maintaining good relations with the public. This is particularly relevant where several contractors are engaged in a project/site.

In s2.3. We request that that the following should be added on third line after "..... amenity associations,":- **"and local Neighbourhood Forums"**.

See also s1.6.1 and s1.6.2 above for comments about web based systems.

## 3. GENERAL SITE OPERATIONS

3.1 We note that technology is improving year by year and thus so is both our methodology and ability to carry out projects. We suggest therefore, that this Clause should start as follows:-  
**"Westminster City Council requires that the contractor carry out the work in accordance with current best industry practices** in order to minimise....."

3.4 Should not some mention be made of CDM 2015 in this Section?

3.7.1 We suggest that green hoardings should be encouraged on all hoardings which are intended to remain for 12 months or more.

3.9 To add **"In view of the potential impacts faced by both traffic and pedestrians, temporary structures etc. should only be allowed on the highway in exceptional circumstances. Where they are permitted, the contractor must pay particular attention to the safety of pedestrians as well as ensuring that any revision to traffic, cyclist or pedestrian flows are properly controlled by signs, lights, banksmen etc. as necessary.**

3.12. We suggest that erecting and dismantling cranes using support cranes on the public highway should in general, not be permitted. Therefore add **"Erection and dismantling of cranes should take place where possible within site boundaries"**.

Surely the City Council requires indemnities against all claims arising from any and all activities associated with construction work carried out in the City. An all embracing clause should be added in Chapter 1, rather than this sentence referring only to cranes whose operating radii over sail highways.

3.17 We note that generally, the standard of reinstatement on roads in the City is unsatisfactory. A clause needs to be included setting out clearly how highway reinstatement is carried and who is

responsible for which particular part. For example, is the contractor responsible only up to subgrade and WCC's contractor responsible for all blacktop or is the contractor responsible for all reinstatement?

## 5. TRAFFIC AND TRANSPORT

5.1 In view of the importance of keeping the impacts on traffic to a minimum, we suggest that the first two paragraphs of 5.1 are changed around and with slight amendments (unnecessary words), to read as follows:-

**“The developer will be required to ensure that the works are designed and carried out in such a way as to avoid disruptions to traffic flows causing inconvenience to the public or undermining the safety of road users. Disruptive effects of construction traffic on designated routes are to be minimised**

**All those working on site must do so on such a way as to maintain, as far as is reasonably practicable, existing public access routes and rights-of-ways during construction. Where this cannot be achieved, a suitable alternative route will be provided and will be sign posted.”**

We believe that it should be made clear to developers that failure to liaise with adjacent contractors will also affect their own project and that the following could be added to the third paragraph:- “..... impacts on surrounding areas for **residents ,businesses and other development projects”**

5.2 We believe that, certainly for level 1 projects and possibly for level 2, outline construction methodology must have been considered at planning stage. We recommend therefore that the following sentence is added to the fourth paragraph after “.... to be set in a planning permission” :- **“For Level 1 and 2 projects, only in exceptional circumstances will closure of roads or footpaths, either total or partial, be permitted unless such closure has been included in the planning permission”**

5.3.2(i) We note that temporary enclosed footpaths are particularly susceptible to anti-social behaviour and especially during evenings and night time, leading to feelings of insecurity in pedestrians. We suggest a new sentence be added. **“The use of enclosed footpaths is to be avoided if possible; where they are necessary, they will be well lit and the maximum distance between exits will be 20 metres.”**

5.3.2 (xv) For clarity, we assume that Ro Ro containers are not allowed to be actually placed/stored on highways.

5.12. We suggest the addition of a final sentence, **“While lorries are parked, in so far as is practical, engines must be turned off.”**

## 6 NOISE AND VIBRATION

6.2 In The Mayors Ambient Noise Strategy, a recommendation is made for Railway construction that “construction noise issues should be addressed at programme and project planning stage”. We suggest that WCC include a similar requirement for all level 1 and 2 projects. This would then be incorporated into a contractor's SEMP.

6.3 It is too late to take action or establish acceptable noise levels at s61 approval stage. Therefore, add after second paragraph:- **“It is recommended that this survey is carried out prior to Planning Approval and that acceptable noise levels are established at Planning Approval.”**

6.4 We suggest that the use of diesel or air driven impact or drop hammers are not acceptable for any type of piling and not just for sheet piling.

## 7, DUST AND AIR POLLUTION

7.3 In Best Practice Guidance 2006, the recommendation is that it is important for developers to discuss site activities and reach agreement on likely methodologies for reducing impacts of dust and air pollution at project planning stage. We suggest that the same should be required by WCC on all Level 1 and 2 projects.

## 8. WASTE MANAGEMENT

8.6 Although the reuse of material arising from demolition is a goal demanded by the London Plan, we suggest that on most construction sites the dust and noise arising from onsite crushing may limit the benefits.

## 12 PROTECTION OF EXISTING INSTALLATIONS

12.1 For “sire” (line 2) read “**site**”

## APPENDIX A

We suggest that the signatory to this Appendix should be the Developer. To expect an individual to take on this legal responsibility when he may have little control over many of the demands is we believe unrealistic. APPENDIX A in respect of Basements is indeed signed “for and on behalf of”

## APPENDIX B

Please note that the current edition of the CDM is the 2015 Edition.

VNF February 2016



B Smith Esq  
Policy and Strategy  
19th Floor Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

22 February 2016

Dear Barry

### **Draft Code of Construction Practice Consultation**

I am writing on behalf of Westminster Property Association to respond to the City Council's consultation on the draft replacement Code of Construction Practice.

Whilst I do appreciate that the City Council is seeking to have the consultation complete prior to the examination of the Basement Revision to the City Plan, it is unfortunate that it has not been possible to have the usual six or eight week consultation period on the proposed document, especially over a period in which other consultations have also been undertaken. I would ask that consideration be given to any late submissions should other matters of interest or concern to WPA members come to light on what is a lengthy document.

### **General**

WPA continues to support the use of the Code of Construction Practice. The utility of the CoCP is well understood by developers and contractors operating within Westminster. Our members recognise the need for the careful management and coordination of construction activity within Westminster's busy, built-up environment.

The draft CoCP provides useful clarification on the manner in which construction activity will be controlled and managed, and its interaction with the planning system. WPA supports the City Council's objective of ensuring that the particular demands and challenges of construction are managed in coordination with the City Council's Environmental Inspectorate, as this will allow more fine-grained monitoring and decision-making than control through the planning system.

### **Process**

WPA notes that the mechanism for securing CMPs/SEMPs proposed is, effectively, a planning condition that would, in turn, require a developer to enter into a separate agreement (based on Appendix A) to prepare and submit a SEMP/CMP, of appropriate scope, in advance of start on site.

This appears to be a pragmatic approach, recognising that much of the detail of a SEMP/CMP can only come forwards once a contractor is appointed, often after the grant of planning permission. It should be made explicit that draft Construction Management Plans or draft SEMPs are **not** required as part of the planning application submission, when details of construction arrangements are often not available, perhaps because a contractor has not yet been selected. It would be helpful if the standard planning condition could be included within the CoCP.

This approach, whilst supported, is not consistent with the "post Submission Regulation 22" changes proposed to Policy CM28.1 within Appendix A to the City Council's February 2016 response to the questions of the Inspector examining the Basements City Plan Revision. The effect of the reordering of the policy, combined with the alteration of the first paragraph of part (A) to read "**All applications**

**for basement development will:**” would be to require the submission of a Construction Management Plan with the application, rather than to secure this by condition as suggested by the draft CoCP.

The City Council’s Local Validation Checklist 4 should also be amended to remove the Construction Management Plan requirement at Row E so that applications submitted in accordance with the CoCP would not be invalidated on receipt. Likewise, it would be helpful if the CoCP specifically stated that this mechanism will be used instead of s106 planning obligations (the mechanism by which SEMP’s are generally currently secured).

There may be a limited number of cases, particularly relating to EIA development, where it is necessary to use more bespoke arrangements to directly secure construction mitigation measures through condition or s106 agreement.

The flowchart at Figure 1 provides a helpful summary of the process. It states that **“Submission of Appendix A creates obligations for the developer/applicant and their contractors to comply with the contents of the Code.”** We suggest that **“obligations”** is replaced by **“requirements”**, to avoid confusion with a planning obligation under s106 of the Town and Country Planning Act, which cannot be created by condition.

### **Scope and Application**

The split between Level 1, 2 and 3 schemes, and basement schemes, appears clear. The explanation that the 10,000sqm and 1,000sqm thresholds relate to new build, as opposed to changes of use, is an important qualification to avoid construction management requirements being imposed unnecessarily on smaller sites and changes of use.

Paragraph 1.7 provides that “Level 3” sites (ie those not within either Level 2 or Level 1) will not generally be required to prove a SEMP or CMP. WPA supports this; whilst this will be the correct approach for most small sites we suggest that this section also allow for an applicant / developer to opt to commit to providing a CMP / SEMP for this type of development. This may be necessary where there is local concern about the potential amenity effect of construction and a developer wishes to provide reassurance that a SEMP / CMP, monitored by the City Council, will be provided in the usual way even if the site is small.

### **Commencement of Development**

In some instances a developer may wish to commence work within 40 days of the grant of planning permission. The draft CoCP should provide that both Appendix A and, where necessary, a draft SEMP/CMP may be submitted to the Environmental Inspectorate for agreement **in advance** of the grant of planning permission.

In such cases the developer would recognise that any fees charged by the Inspectorate could potentially be abortive should planning permission be refused. This mechanism would, however, allow a developer to have an agreed CMP/SEMP in place on the grant of planning permission where this proved necessary.

### **Separate Demolition and Construction Plans**

In some cases, particularly larger (Level 1) type schemes, extensive demolition is necessary before the start of construction. In these cases, a demolition contractor may be appointed, and start work, before a main contractor for construction. The demolition and construction management arrangements may differ between contractors, or the construction arrangements may not be known when demolition starts. We therefore suggest that the CoCP specifically provides, in Section 1.6 and Appendix A, for the preparation and agreement of separate demolition and construction

management plans / SEMP's, to allow for phased agreement. This frequently occurs through part discharge of planning conditions/planning obligations at present.

#### **Location of Huts, Equipment, Skips etc (Section 3.7.2)**

In some cases there is no alternative but to locate site offices and welfare facilities on gantries above the highway. This is particularly the case on infill development sites, perhaps where facades are being retained, that typify much of construction activity especially in Central Westminster. Site accommodation on gantries above highways is reasonably common in these cases.

We suggest that a cascade approach, with location of such facilities above the highway being the least desirable alternative, would be more appropriate and would recognise that in some cases this is inevitable in order to allow sites to be built reasonably efficiently.

#### **Health and Safety (Section 3.4)**

Overall the health and safety section does not materially add any further burden than is already expected under existing legislation. We suggest that the document is aligned to the existing duties contained within the Construction (Design and Management) Regulations 2015. In particular the role of the "developer's nominated representative" as many of these duties overlap with CDM duties.

The CoCP should also recognise the role of the Domestic Client and how their duties are automatically passed onto other members of the project team through the existing provisions of the CDM Regulations.

#### **Considerate Constructors Scheme (Section 3.18)**

Many members' projects register with the scheme as a matter of course and the feedback received through the regular monitoring assists projects to improve.

Although a minimum score of 7 (Very Good) in each section is often achievable on larger projects with greater resources, members' experience is that this is not always possible on smaller scale sites. It is suggested that the minimum score for each section is reviewed and a score of 5 (Compliant) set as this demonstrates that the Considerate Constructors Code of Practice is being met.

#### **Waste Management Section (Section 8.3)**

Developers active within Westminster generally make a concerted effort to minimise and manage waste at construction sites and seek to divert waste from landfill and re-use and recycle waste where possible.

On major projects BREEAM certification is a planning requirement and BREEAM waste credits are targeted. In members' experience the target to achieve less than 7.5m<sup>3</sup> or 6.5 tonnes of waste generate per 100sqm (gross internal floor area) is challenging due to the variant nature of project sites. We would suggest that this is not a requirement for all Level 1 and 2 projects, and any basement development, but a target that projects should aim to achieve where feasible.

#### **Conclusion**

WPA supports the objectives of the Code of Construction Practice and recognises the importance of effectively managing and coordinating construction activity. Whilst there are some detailed areas of construction management in which it considers some alterations to the proposed draft would be appropriate, in broad terms it welcomes the clarification of approach that the revised Code would bring, including the management of the process for agreeing SEMP's and CMP's.

If it would be helpful to discuss the content of this letter further, please do contact me.

Yours sincerely

**Charles Begley**  
Executive Director  
Westminster Property Association



**Dianne James**

**Ref: 2000-TDWAY-VCTEF-151-TZ-  
CO-100000-P01**

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Development Planning  
Growth, Planning and Housing  
PO Box 132  
Redhill  
RH1 9FL

Sent by email to:

[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

25 February 2016

Dear Ms James,

**The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (as amended)**

**City of Westminster – Consultation on new Code of Construction Practice**

Bazalgette Tunnel Limited (“Tideway”) is the new ‘Infrastructure Provider’ for the Thames Tideway Tunnel and welcomes the opportunity to comment on City of Westminster’s consultation on a new Code of Construction Practice (CoCP), which seeks to extend the principles of the code to all residential basements and new build major developments.

For major projects such as Tideway, bespoke project CoCPs are produced which enables mitigation to be included which is appropriate for the type and scale of the works. Whilst the Tideway CoCP was in its development, the local authority CoCPs were all reviewed to ensure that key items were included, including Westminster’s and the Council had input into the drafting of the Tideway CoCP. As such it is understood that the City of Westminster’s revised CoCP would not apply retrospectively to Tideway and we may not normally have responded to this consultation but it was discussed at our meeting on Tuesday 16 February 2016 that you would welcome our comments. We have therefore supplied these comments on the basis that we will be active in your administrative area and therefore have experience and expertise that is relevant to the proposal.

Tideway generally support the measures detailed within the updated CoCP as it provides clear guidance for mitigation and managing construction impacts uniformly.

**Contact: Tel. 020 3147 7700, Fax. 020 3147 7701  
[www.tideway.london](http://www.tideway.london)**

BAZALGETTE TUNNEL LIMITED, (trading as **Tideway**), The Point, 37 North Wharf Road, London W2 1AF  
Registered in England and Wales No. 9553573. Registered office: The Point, 37 North Wharf Road, London, W2 1AF

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## **Thames Tideway Tunnel**

The Secretaries of State for the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government granted the development consent order (DCO)<sup>1]</sup> for the Thames Tideway Tunnel on 12 September 2014, which came into force on 24 September 2014. It provides consent for the construction and operation of a wastewater storage and transfer project of national significance. This consent is a material consideration of substantial weight in the determination of all planning applications in the vicinity of the project. This consented project should be afforded considerable weight in the consideration of other nearby projects, plans and proposals.

The National Policy Statement for Waste Water, the Examining Authority's Report and Secretaries of State decision make clear that the Government considers that there is an established, urgent need for this nationally significant infrastructure. The tunnel alignments and sites that form part of the Thames Tideway Tunnel are safeguarded by means of Article 52 of the DCO.

The project is also supported by regional policy in the London Plan (further alterations to the London Plan) 2015 Policy 5.14 – Water Quality and Wastewater Infrastructure and in local policy in the Westminster City Plan (Policy S46 – Thames Tunnel) adopted in November 2013.

The Thames Tideway Tunnel project includes major construction works at sites located within and adjacent to the river, including the Victoria Embankment Foreshore construction site within the City of Westminster.

The enabling works, which comprise of the temporary upstream relocation of the Tattershall Castle vessel are programmed to commence in 2016 and last for approximately one year.

The proposed main works at Victoria Embankment Foreshore comprise of a work site in the river for construction of the combined sewer overflow (CSO) drop shaft, an overflow weir chamber along the Low Level Sewer no. 1 (LLS (N)) and a connection culvert to link the chamber to the drop shaft and into the main tunnel and other associated works. These will commence in 2017 and last for approximately 4.5 years.

## **CoCP Comments**

Please see the comments below specific to noise and vibration and the enclosed general and Section 5 Traffic and Transport comments. As stated above, these are meant to be constructive comments and it is not considered that the updated CoCP would apply to Tideway.

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<sup>1</sup> The Thames Water Utilities Limited (Thames Tideway Tunnel) Order (SI:2014/2384) as amended by The Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order (SI:2015/723) and the Notice of Variation No 1 to the Deemed Marine Licence

## Section 6: Noise and vibration

The requirements of the WCC CoCP are generally consistent with the Tideway CoCP. However the WCC CoCP Section 6.3 'Noise Control – General' states:

*"All personnel undertaking noise monitoring shall be sufficiently competent; as a minimum such personnel shall be a full or associate member of the Institute of Acoustics unless otherwise agreed with Westminster City Council in writing."*

It is considered that a minimum requirement of Full (MIOA) or Associate (AMIOA) membership is onerous, as even someone who has completed the Certificate of Competence Environmental Noise Measurement with the Institute of Acoustics is still not necessarily eligible for AMIOA, let alone MIOA.

In comparison, the Tideway CoCP states the following regarding suitably qualified persons in para 6.7.1:

*"The persons responsible for preparing applications for Section 61 consent or variation and for the associated noise and vibration calculations and/or monitoring shall demonstrate:*

- a. A summary of training and education relevant to managing construction noise and vibration*
- b. Experience of the Section 61 consent process and of monitoring noise and vibration*
- c. Confirmation that the individual is, at minimum, an associate member of the Institute of Acoustics.*
- d. A 'certificate of competence' from the Institute of Acoustics course, 'environmental noise measurement'."*

I trust the above information is of use but please do not hesitate to contact the Planning Consents Lead (Central) Tim Snell on [REDACTED] or [REDACTED] if you have any queries.

Yours sincerely

[REDACTED]

Roger Bailey

Asset Management Director

Cc:

[REDACTED]

Enc. Response doc. 2150-TDWAY-TTTUN-425-YT-CO-100001

<b>Document Title:</b>	Code of Construction Practice – Draft (Westminster City Council) – Section 5 Traffic and Transport		
<b>Original Doc No</b>	-	<b>Date:</b>	25.1.16
<b>Response Doc No</b>	2150-TDWAY-TTTUN-425-YT-CO-100001	<b>Review Date:</b>	18.2.16

Observations and comments:

Item	Reference: Page, Report Section, or Drawing No	Comment
1	Page 1 Section 1.5	The definitions should be clearer on floor space. This should be for offices, retail or commercial development
2	Page 24 Section 5.1 Para 2	'The nominated representative will be required to ensure the works are carried out in such a way so as to <b>avoid minimise</b> increases in traffic flows causing undue inconvenience to the public or undermining the safety of road users, particularly pedestrians and cyclists.'
		Suggest change of word from 'avoid' to 'minimise' as this could be interpreted as meaning no increase in traffic is permitted at all; which will by definition not be achievable to allow for vehicle activity essential for the development.
3	Page 25 Section 5.1 Para 3	'With this in mind applicants are advised to apply for licences in a timely <b>manager, manner</b> , and not wait until the last moment to apply.'
4	Page 26 Section 5.3 General	It would be very helpful to prospective developers and their contractors to understand what roads within the City Council's boundaries are the responsibility of Transport for London, and not the responsibility of City of Westminster. This will allow the direction of relevant queries and applications to be made with a clearer understanding of what authority to contact. Can such information be provided or accurately signposted?
5	Page 26 Section 5.3.1 Para 2	The City Council is mandating the giving of eight weeks' minimum notice by the developer or its contractor to apply for a Traffic Regulation Order (Temporary). The London Permit Scheme (LoPS) states that this timescale 'will be at least six weeks beforehand' (section 7.13.4). Does the City Council wish to maintain its stated eight-week notice period?
		In addition, a guide as to <i>how</i> the developer or its contractor actually applies for a TRO or TTRO would be beneficial to be included here, or signposted.
6	Page 27 Section 5.3.2 Para (iii)	Who agrees the sufficient number of competent banksmen. The onus should be on the contractor to provide sufficient.

**Contact: Tel. 020 3147 7700, Fax. 020 3147 7701**  
**www.tideway.london**

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**GERALDEVE**

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Tel. 020 7493 3338  
[www.geraldeve.com](http://www.geraldeve.com)

7 March 2016

**Our ref:**

**Your ref:**

Dear Sir

### **Code of Construction Practice, Consultation Draft**

We write on behalf of our client, 'Capital & Counties Covent Garden' (Capco Covent Garden) to respond to the City Council's Code of Construction Practice Consultation Draft.

Capco Covent Garden is a major landowner in Covent Garden and a very active member of the Westminster Property Association (WPA). Capco fed into the WPA response to this consultation (letter dated 22 February 2016) and sent a letter of support for this during the consultation period.

In our letter of 22 February 2016, Capco reserved the right to provide further representations within a reasonable period, given the short length of the consultation period (28 January to 22 February 2016) for this highly technical document.

### **Process**

In line with the WPA response, Capco agrees that the proposed mechanism for securing CMPs and SEMP's (effectively a planning condition which requires a developer to enter into a separate agreement to submit a CMP/SEMP in advance of start on site) is a pragmatic approach but also agrees with the WPA response that draft CMP's/ SEMP's should not be required as part of planning application submissions. This also reflects the recognition that a contractor is often not appointed at this stage, before permission has been granted.

Capco agrees with the WPA's request to amend the proposed Policy CM28.1 (within the Basements City Plan Revision) and the amendment to the City Council's Local Validation Checklist 4, to remove the Construction Management Plan requirement at Row E.

Separately, in some instances, timing is key and demolition/construction follows grant of planning permission very quickly. The document should therefore make it clear that, whilst not required, the flexibility remains to submit a CMP/SEMP with a planning application and have it approved as part of the application. This would save the time which may be required by approval of a CMP / SEMP which follows after permission is granted.

Further to the WPA's response, Capco would also propose that it is made clear that it should be possible to have separate demolition management plans and construction management plans. This

would reflect the procurement process as demolition and construction of buildings are often procured under separate main contracts, and procurement of construction following on at a later date.

### **Community Relations (Level 1 and Level 2 Projects Only) (Section 2.3)**

The CoCP suggests that community relations could include producing a weekly newsletter providing details of site progress. Capco considers that the regularity of the production of newsletters should be considered on project-by-project basis, but that in the main monthly newsletters provide the platform to keep the community updated on the general activities that are taking place onsite and most importantly the activities that could have any potential impact on their operations i.e. large deliveries, road closures and crane lifts etc.

As an example, where there are key interfaces with the adjoining neighbours Capco arranges fortnightly meetings to advise them on any works coming up for example noisy works adjacent to party walls etc.

### **Working Hours (Section 3.2)**

Capco agrees with the final sentence of the section that construction traffic should adhere to core working hours unless otherwise agreed with the WCC. Capco would also like to clarify that this is especially true of streets which have been pedestrianised. Vehicular access to sites on pedestrianised streets is limited and so particular consideration should be given to allow out of hours site access in these instances e.g. 18:30 to 20:00 in the evening. Capco considers that this should be recognised in the document and should be able to be agreed with WCC on a site by site basis.

### **Considerate Constructors Scheme (Section 3.18)**

As per Capco's support of the WPA's response, Capco's experience suggests that a minimum score of 7 (Very Good) in each section is often achievable on larger projects with greater resources, but not for smaller scale sites. Capco supports WPA's suggestion that the minimum score for each section is reviewed and a score of 5 (Compliant) set.

### **Health and Safety (Section 3.4)**

Capco agrees with WPA's proposal that the document is aligned to the existing duties contained within the Construction (Design and Management) Regulations 2015. In particular the role of the "developer's nominated representative" as many of these duties overlap with CDM duties.

### **Location of Huts, Equipment, Skips etc (Section 3.7.2)**

The draft document states that the location of site huts or office accommodation on or over the highway on gantries will not be permitted. However, from experience, Capco are aware that there will be occasions where site accommodation will need to be situated externally on gantries over the pavement due to site restrictions, for example where substantial, but not full demolition of a site is taking place with limited access and where there is lack of accommodation onsite facilities.

Generally prior to commencement of any project, Capco meets with a WCC representative to discuss logistics and site accommodation set-ups. Generally from our experience the approach from WCC would be to assess each of the projects on their individual basis to ensure a practical approach is taken in each instance.

### **Employment and Skills Plan (Level 1 Schemes Only) (Section 4.2)**

Capco makes efforts to employ members of the workforce from within Westminster and encourages its contractors and sub-contractor base to procure local labour as far as practicable. In Capco's experience though, the minimum requirement of 10% of the total workforce from within the boundaries of Westminster is very challenging. It is suggested that this requirement is re-positioned as an aspirational target.

### **Waste Management Section (Section 8.3)**

Capco supports WPA's response that the target of achieving less than 7.5m<sup>3</sup> or 6.5 tonnes of waste generate per 100sqm (gross internal floor area) is challenging due to the variant nature of project sites. Capco agrees with WPA's proposal that this is not a requirement for all Level 1 and 2 projects, and any basement development, but a target that projects should aim to achieve where feasible.

### **Parking Suspensions**

A further issue over which Capco would like to express its concern is the recent substantial increase in the cost of suspending commercial parking bays for construction. The increase in cost has not been explained and unfairly penalises construction sites where the space and opportunity does not exist for on-site facilities and deliveries.

### **Conclusion**

Capco wishes to support the draft CoCP subject to clarification of some items and adoption of the suggestions set out above.

We trust that these additional comments will be taken into consideration and look forward to the opportunity to be involved in the shaping of policy in the future.

Please contact Natalie Rowland or Nick Brindley of this office if you need any clarification of the points raised above.

Yours faithfully

**Gerald Eve LLP**

Direct tel. +

Mobile +

**From:** Fletcher, Katharine <Katharine.Fletcher@HistoricEngland.org.uk>  
**Sent:** 18 March 2016 16:33  
**To:** Planning Policy  
**Subject:** Code of Construction Practice

Dear Collette

Thank you for consulting Historic England on Westminster's Code of Construction Practice.

We note and welcome the useful information contained in section 11 relating to the conservation of heritage assets, including both designated and undesignated assets. The only comment we have is to ensure that the document is consistent with the final Archaeological Priority Areas approved for the Borough. These are currently under review and part of a consultation between the Greater London Archaeological Advisory Service (with Historic England) and Westminster. In this respect, you may wish to omit the reference in para 11.2.2 to 'five' APAs, thereby keeping the reference general. We have no further comments at this stage.

Should you wish to discuss this further please do not hesitate to contact me.

Regards

Katharine

Katharine Fletcher | Historic Environment Planning Adviser | London  
Direct dial [REDACTED]

Historic England | 1 Waterhouse Square | 138-142 Holborn | London | EC1N 2ST

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: [HistoricEngland.org.uk/EAS](http://HistoricEngland.org.uk/EAS)

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Questionnaire Responses - Anonymous

Anonymous	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	Yes, Level 2 AND any residential basements
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	Yes
	<b>Are there other areas that you feel the Code of Construction Practice should cover? No.</b>
	Enforcement where the practice is ignored or borken
	<b>Do you support the measures for different levels of site?</b>
	Yes, very strongly. Where people don't know what's going on the tendency can be either to exaggerate or ignore. Both add to cynicism and apathy.
	<b>Do you support the limits in residential areas on noisy working?</b>
	In more mixed use areas there may still be a case for limiting Saturday working where there is a clear evidence base of the disturbance that would occur on that day.
	<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>
	Yes, very strongly.
	<b>Do you have any further comments or suggestions that you would like to add?</b>
The way the code is enforced is a key to how well it is adhered to. Unless the City Council devotes some resource to enforcement many of its aspirations may not be achieved	

## CoCP Consultation Questionnaire Responses:

BAM Constructio n	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes? No</b>
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate? Yes</b>
	<b>Are there other areas that you feel the Code of Construction Practice should cover? No</b>
	<b>Do you support the measures for different levels of site? Yes</b>
	<b>Do you support the limits in residential areas on noisy working? understand other boroughs are also imposing the same requirement of no noisy work on a Saturday morning</b>
	<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes. We have engaged with Camden and they now allow the 8 key boroughs to be deemed as local. These are Camden, Islington, City of London, Southwark, Lambeth, Wandsworth, Kensington and Chelsea, Westminster. We would encourage Westminster to insert this wording in the 'local' labour section of the draft code.</b>
	<b>Do you have any further comments or suggestions that you would like to add?</b>
	With the introduction of the charges, it is not clear where the liability lies.
	The requirements seem very onerous eg twice weekly site visits to check environmental requirements.
	The statement around 'location of site hut office accommodation on or over the highway on gantries is not permitted' is too restrictive. there may be no other options. there could be a statement around demonstrating why this method is required and gaining approval from Westminster.
Regarding the Works Schedule and Recruitment Plan forecasting vacancies 6 months in advance. This needs more flexibility as the information may not be available from the supply chain. Supply chain may not be in place 6 months before commencing and we need to know their vacancies before we commit) Regarding 'a minimum of one apprenticeship or trainee start for £2million spend'. We would encourage this to include existing apprentices. by encouraging an apprentice to start on a project, you do not get the continuity of work. This sometimes leads to the apprentice being displaced once the trade has finished on site. The spirit is to give apprentices site experience rather than get a new apprentice to start.	
Regarding the waste targets set 'less than 7.5m <sup>3</sup> or 6.5 tonnes per 100m <sup>2</sup> floor area is difficult to achieve. We would encourage wording around contractor to set project specific waste reduction targets (which may align to BREEM target where applicable to the project).	

## CoCP Consultation Questionnaire Responses:

Bevan Watt	<p><b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b></p>
	<p>Are you including basements of residential homes in Level 2 automatically? I believe there should be open clear guidelines on what is built and fit for human use, especially bedrooms. I believe there should especially for residential homes be a clear limit to ONE SUBFLOOR . Commercial development with over 100 + units, should never be allowed to put human homes below one sub floor. Only operational rooms and garages should be allowed below one subbasement.</p>
	<p><b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b></p>
	<p>Yes, because - currently in London, the frame of mind is bigger is better, and regrettably bigger is often uglier. Especially in residential , which can also mean that truly qualified contractors, architects, engineers need to be employed so that existing residential buildings do not collapse or undermine the existing public areas like walk ways and streets, when the building's structural frame is pushed to structural limit in the guys of skirting regulatory planning for personal use. Private citizens with a bit of excess cash can make poor choices when their - wine cellars, pools, etc., are being designed to make their personal homes the "best". As well, I believe NEVER should 2 sub basements be granted. And, never should Staff quarters be allowed to be below basement - think of how vulnerable the person could be who is stuck 2 floors below ground. Really truly, no one wants to go down two subbasements to do anything. It should be an absolute NO.</p>
	<p><b>Are there other areas that you feel the Code of Construction Practice should cover? No.</b></p>
	<p>Clear Contact Details for Complaints</p>
	<p><b>Do you support the measures for different levels of site?</b></p>
	<p>I think that in large commercial scale this is appropriate, for residential use, it depends, on whether the development is just an average person with a stakehold in the community, or someone with no real connect to the community. If you really do not care about Westminster (which of course is hard to judge) then Westminster really has to watch out for its own interests - even against entities offering what might seem like a huge amount of money. Development by people who do not live in the UK or London, do not have the same interest, it is a balance. This needs to be flexible and available for application if it seems there is cause for monitoring.</p>
	<p><b>Do you support the limits in residential areas on noisy working?</b></p>
	<p>I do not necessarily think that time limits are as useful, as speed of completion. If a construction site (large scale only) can run 24/7 where quite activities occur at night. And where site deliveries are excluded from from RUSH hour (morning - 6-9am and night 5-8pm) but are allowed in non peak hours, it might be god send of management. May be pilot program could be tested.</p>
	<p><b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b></p>
	<p>I think this is great, so long as the employment scheme is supportive to the individual for several years. Those members of society that are at risk, really need time to establish themselves. these kinds of programs can be excellent, only if they are really transparent and supportive.</p>
	<p><b>Do you have any further comments or suggestions that you would like to add?</b></p>
	<p>On transportation, Westminster and all London boroughs must consider how poorly (and I don't mean this in a negative way) it currently plans for traffic flow. May be one street is technically impacted, but the actual model of impact in london is exponential because the random nature of the street plan. That is a blessing and a curse, much broader traffic planning should occur in order to keep flow. That means that if a building is being demolished in Westminster and it impacts Embankment all the way through Worlds Ends and down through the city as well south of the river, then may be the different boroughs should communicate and require the traffic schemes to be more comprehensive. This could means, the end to parking on red routes (even on weekends) or the end to turning off major roads, or better suspensions to allow for flow of traffic, may be better ticketing of poor parking - please remember that when an emergency vehicle cannot get through - someone should be held to account, it could also mean, the auto ticketing for running yellow red lights, when traffic becomes unbearable because of construction - this type of planning is doable, Transport for London just needs to work with all the boroughs. London is a valuable city to the world, think, think, think, before the planning is released, and please retain the right to amend the brief, if public needs are at risk.</p>

## CoCP Consultation Questionnaire Responses:

Build UK	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	We agree with the principles however the concern is the 40 days submission period as timescales can be challenging between contractors' appointment date and start date on site. We believe there is a need for some flexibility here if a full SEMP is required prior to commencement
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	This is a concern as this will affect procurement. The risk is that the additional requirements will fall under the responsibility of the contractor on site rather than the Developer. i.e. the Developer should be responsible for the additional costs associated with the upgraded requirements but in reality there is a risk for the contractor of having to bear the financial implications of such upgrade. If this is agreed through planning, before works commencement, then the issue would not arise. We would therefore not support the idea of potential upgrades once construction has started
	<b>Are there other areas that you feel the Code of Construction Practice should cover?</b>
	n/a
	<b>Do you support the measures for different levels of site?</b>
	Yes
	<b>Do you support the limits in residential areas on noisy working?</b>
	This is a good principle but it must be made absolutely clear to Developers at planning stage as this will have significant impact on programmes and project duration
	<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>
Yes as long as the Code requirements are aligned / integrated with the Section 106 conditions which normally include these requirements	
<b>Do you have any further comments or suggestions that you would like to add?</b>	
The Code states that the Developers are ultimately responsible for compliance with the requirements. We feel that it is crucial that Developers are aware of the changes at planning stage, so that the requirements and associated additional costs can be recognised and made clear to contractors when pricing	



## CoCP Consultation Questionnaire Responses:

MACE	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	We agree with the principles however the concern is the 40 days submission period as timescales can be challenging between contractors' appointment date and start date on site. We believe there is a need for some flexibility here if a full SEMP is required prior to commencement
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	This is a concern as this will affect procurement. The risk is that the additional requirements will fall under the responsibility of the contractor on site rather than the Developer. i.e. the Developer should be responsible for the additional costs associated with the upgraded requirements but in reality there is a risk for the contractor of having to bear the financial implications of such upgrade. If this is agreed through planning, before works commencement, then the issue would not arise. We would therefore not support the idea of potential upgrades once construction has started
	<b>Are there other areas that you feel the Code of Construction Practice should cover?</b>
	N/A
	<b>Do you support the measures for different levels of site?</b>
	Yes - planned and regular PR is key to a successful project
	<b>Do you support the limits in residential areas on noisy working?</b>
	This is a good principle but it must be made absolutely clear to Developers at planning stage as this will have significant impact on programmes and project duration.
<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>	
Yes we support the principle but we are unclear how this will tie in with the Section 106 agreements.	
<b>Do you have any further comments or suggestions that you would like to add?</b>	
The principles of the revised code are good however they do introduce significant new changes, obligations and costs which need to be fully understood by the Developers in the first place as they are ultimately responsible. We do have a concern with regards to how far has this consultation gone? We were only notified a week before the February deadline and the concern is that many of our clients (Developers) may have not been reached.	

## CoCP Consultation Questionnaire Responses:

Morris Zelkha	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	I agree with the definition of level 2 and the principal of charging these schemes
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	Yes
	<b>Are there other areas that you feel the Code of Construction Practice should cover?</b>
	How do WCC actually monitor what is flushed into the public sewers. What is set out in the Consultation document is fine as far as it goes but WCC is never going to effectively enforce any of this with infrequent scheduled site visits. It needs to be recognised that builders really do not care about residents and they push matters to limits and even breach agreed guidelines, particularly when affected residents are unable to monitor their operations. It is the case that builders are, however, wary of upsetting the Council, which is why it would be so valuable for the Council to be engaged during the building works. This is why a more hands on WCC monitoring person should be funded by the developer. I would have thought it entirely feasible for a Council monitor to oversee, say, 12 developments at a time, so a developer would only be funding some 8.5% of the monitor's annual, cost, which is not a huge amount. The monitoring proposed in the Consultation document does not go nearly far enough.
	<b>Do you support the measures for different levels of site?</b>
	These will only work if they are properly monitored. The biggest current problem is that developers submit a CMP that will get through WCC but they then pay no regard to it. There is no neighbour consultation and most workers do not speak any English. Hours of work, banksmen, communication, noise mitigation are all areas which bear no resemblance to what is in the CMP.
	<b>Do you support the limits in residential areas on noisy working?</b>
	I strongly disagree with continuing to allow Saturday working. This may have been appropriate in the past when building workers were more relaxed about the hours they worked, but it is inappropriate now. We currently have two developments affecting us and these are being undertaken by B&G Construction, staffed almost exclusively by Polish workers. They start arriving on site from 7.15 onwards and we can hear them clunking around and dead on 8.00 they start work with no respite until 6.00pm. When residents have to endure full on building works for 50 hours from Monday to Friday, it is unfair and inappropriate to subject them to further inconvenience on Saturdays and I would urge that WCC policy moves towards removing Saturday working and perhaps even shortening the weekday hours. There is only so much that residents should be asked to put up with. Whilst it can be argued that the current hours enable the building works to be completed earlier, SJW residents would rather have a better quality of life at weekends and for more of the working day. We want to be able to enjoy our houses and do not understand why the developers should be so hugely accommodated by the Council, particularly when they are not living on site.
<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>	
I cannot see this working when most of the builders in the area do not speak English. B&G Construction do a huge amount of work in Westminster and their workers are all Polish and we do not even have an English speaking foreman to communicate with. WCC have to make it a condition that there is a fluent English speaking foreman permanently on site.	
<b>Do you have any further comments or suggestions that you would like to add?</b>	

I have only just become aware of the Consultation document and hope my comments will be taken into account. I live in [REDACTED] and the council may care to note that the CMP for [REDACTED] is basically a copy of the one for [REDACTED], which itself is essentially a copy of the one for [REDACTED]. It needs to be understood that developers are only interested in having a CMP that will get through the Council and are not overly concerned about complying with its terms, particularly as there is almost no monitoring by the Council. They therefore tend to file a CMP similar to one that has already been accepted by the Council. We have already had over a year of building works next door at No [REDACTED] who are expanding the house from some 3,200 sq. feet to some 8,500 sq. feet, including a substantial basement. Every room in our house is a party wall and next door's works are unlikely to finish before the end of this year. We have also endured major works by the house almost opposite us in [REDACTED], with such works having been in progress for more than a year and still continuing. What I say below is based on our experience of living with these developments and whilst any change will be too late for us, I do feel most strongly that residents are left on their own by the Council and there is inadequate support from the Council. The proposal for regular monitoring is to be welcomed and I note the proposal that WCC's environmental officers visit the site on a regular basis. This should be extended to follow up with affected neighbours and providing a contact number to such neighbours so that they can speak to someone at WCC with knowledge of the development. Since the works started at No [REDACTED] we have seen practically no evidence of the Council monitoring compliance with the planning consent. The noise at times is terrible and we have no way of knowing whether the Construction Management Plan is being respected, in areas such as noise mitigation as set out in the plan. There are numerous breaches of what was promised in the CMP but we are not really in a position to monitor or challenge this. For example how do we know that hydraulic hammers are fitted with bafflers and we can see is no evidence of monaflex sheeting on the site perimeter to reduce the transfer of noise. Having a dedicated Council person to oversee compliance with the CMP for a particular development and to make contact with affected residents on a regular basis as well as being a point of contact for them would be a wonderful improvement. The current option of ringing the Council action or noise line is unsatisfactory as you really need someone familiar with the site.

## CoCP Consultation Questionnaire Responses:

Royal Parks	<p><b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b></p>
	<p>No comment for or against the principle of extension. The charge should closely match the costs of providing the monitoring service. However we believe there should be an exemption from the charge for public service bodies and charities.</p>
	<p><b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b></p>
	<p>Yes</p>
	<p><b>Are there other areas that you feel the Code of Construction Practice should cover?~</b></p>
	<p>No</p>
	<p><b>Do you support the measures for different levels of site?</b></p>
	<p>Yes</p>
	<p><b>Do you support the limits in residential areas on noisy working?</b></p>
	<p>No comment - does not affect The Royal Parks</p>
	<p><b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b></p>
	<p>No comment</p>
	<p><b>Do you have any further comments or suggestions that you would like to add?</b></p>

## CoCP Consultation Questionnaire Responses:

Sir Robert McAlpine	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	Yes. I think small construction projects spread all over London are more disruptive than the large ones which have to have controls in place.
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	I do as far as there is a room for negotiation. There may be areas of the Code which are not applicable to certain projects so each case should be approached individually.
	<b>Are there other areas that you feel the Code of Construction Practice should cover? No.</b>
	<b>Do you support the measures for different levels of site?</b>
	Yes. However, the frequency of newsletters mentioned is problematic. The construction is hardly ever progressing so quick to have different items to report on on a monthly basis what about weekly. Monthly newsletters at the beginning and when changes are happening are more reasonable approach. If there will be a dedicated liaison person anyway it may be arranged to have a catch-up with certain individuals on more frequent basis. Also a dedicated community liaison person working for the contractor have some difficulties with some of the developers who control all communication. I actually think that this document may help with communication between contractor and developer by mentioning a role of community relations personnel.
	<b>Do you support the limits in residential areas on noisy working?</b>
	This isn't a change to what is currently in place, so no objections to it. As far as heavy-loads and other 'special' deliveries or activities such as crane erection can be negotiated 'out of hours' then no problem.
	<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>
Yes, as far as it stays as the 'best endeavours' as it's extremely difficult to find local workforce in Westminster consistently throughout of the project's duration - this normally fluctuate depending on the type of work carried out and level of skills required. The benchmarks mentioned in the Code are extremely high. S106 requirements should reflect the length and type of contract. For example, only shell and core project is undertaken then work placements would be limited as well as apprenticeship opportunities as this comes in the fit out stages. Achieving some of the benchmarks may be extremely difficult if only local people should be considered. 14-16 years work placements - very hard to accommodate on site unless it's an office based position as health and safety is quite strict here. 16-19 years work placement - benchmark is quite high, if the age could be stretched to also university students the number would be a bit more workable. Apprentices - 14 existing from local area - very dependent on who contractor already has working for them and expected labour force numbers on site as need to make sure have enough fully skilled people available. Also dependent on package - this won't be relevant for high skilled trades. 7 apprentice completions - is this to complete while on site? If so, then main focus is on temporary works staff (temporary electricians etc) as packages aren't always on site for long periods of time. NVQ/s - these numbers are also very high and are dependent on projected numbers on site (need skilled labour as well as trainees). Training plans for sub-contractors - is this for the sub-contractors to provide the principle contractor with their plan or principle contractor giving the plan to the sub-contractor? Numbers will depend on number of contractors on site and duration they are on site for. H&S - sub-contractors are required to have a certain amount of people qualified in these before they come on site. We work this out at 1:5 for high risk activities, 1:10 medium and 1:25 for low. Does this count to numbers?	
<b>Do you have any further comments or suggestions that you would like to add?</b>	
The 'nominated person' - will this person be appointed by the developer in early design stages and then changed once the principal contractor is in place? It would be difficult to manage the construction aspects for person related to developer not the principal contractor. Does it mean that all communication between Local Authority and the site should be managed by this person? In our case many people dealing with different aspects such as road closures, crane erection or Section 61 applications and ongoing communications with the EHO	

. I appreciate the fee but shouldn't it be one set fee depending on the size of the project payable at the beginning rather than rated per each visit? Introduction of fee per visit sounds like this will be very reactive rather than proactive and some developers may not want to go into the expense and 'sweep issues/communication under the carpet'. The reference is made to the CDM Regs 2007 - there are new CDM Regs 2015 which are now in force. The reference is made to the PPG's - they have been moved to the archive and won't be revised. They are still listing out current best practice but it may change once new technologies will come into light and PPG's won't be updated.

CCS scoring - it is based on the CfSH and BREEAM requirements but setting minimum standards for scoring mechanism which is not uniform and highly dependent on the mood of the assessor is not fair. With BREEAM and CfSH if something will go wrong with CCS score contractor still have other credits to target. Those environmental schemes are also referring to 'other' equivalent to CCS schemes. However, CCS is the most popular we can't dismiss any other schemes. A competition throughout the scheme would be very healthy.

The log of all drivers that will include a written undertaking from them to adhere to the City Council's approved routes for construction traffic - this is seriously difficult to achieve for large construction sites who rely on the 3rd parties to deliver the goods and collect waste. The haulage companies are employing many self employed drivers or sub-contract it further. Also the same vehicle may serve multiple sites on one route which may pose further issues.

'An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice' - this is not fair. What is the point of Section 61 then? What is better than best practice? What insurance does the contractor have that he won't be prosecuted if doing everything right?

A waste target of less than 7.5m<sup>3</sup> or 6.5 tones per 100m<sup>2</sup> GIFA is unrealistic for any project which is not shell and core only. This scores BREEAM credits but is rarely achieved.

## CoCP Consultation Questionnaire Responses:

St John's Wood Society	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	Yes
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	Yes
	<b>Are there other areas that you feel the Code of Construction Practice should cover?</b>
	For all levels, the name, landline/ mobile numbers and email address of the site manager must be available to residents and the local amenity society during hours of construction.
	<b>Do you support the measures for different levels of site?</b>
	Yes as stated previously this is essential.
	<b>Do you support the limits in residential areas on noisy working?</b>
	Yes this is vital in St John's Wood where continual residential basement excavations are causing significant stress and loss of amenity to residents.
<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>	
Yes	
<b>Do you have any further comments or suggestions that you would like to add?</b>	
The implementation of an improved code of construction is only half the problem as rules are frequently flouted by aggressive workmen on site. The council must be more effective with enforcement and if a construction company ignores an enforcement order, it should be blacklisted.	

## CoCP Consultation Questionnaire Responses:

The Theatres Trust	<p><b>Do you have any further comments or suggestions that you would like to add?</b></p> <p>The Theatres Trust would like to see the Code encourage cooperation and coordination between construction companies/ developers and noise sensitive uses such as theatres that are next to construction sites. Theatres, particularly the older buildings that were not built with modern levels of noise and vibration insulation, are sensitive to surrounding noise sources during productions, and interruptions from adjoining construction sites can affect a theatre's ability to stage or attract shows, affecting the viability of the theatre. Most construction works are usually finished by the time the evening shows commence, however, many theatres run one or two matinees a week. We request the Code encourage good neighbourly practices and work with the theatre to avoid use of heavy machinery, etc during matinees (which is usually only a few hours each week), and to work together to coordinate deliveries, so theatres have full clear access to their loading docks when shows change over. The Trust is aware that this already occurs, for example the Land Securities development at Victoria came to such an agreement with Delfont Mackintosh who operate the Victoria Palace Theatre. The Trust usually recommends the following condition when commenting on planning applications adjacent to a theatre: A construction management plan is to be developed in consultation with XX (operators of the XX Theatre). This is to include no demolition, noisy construction works or deliveries during performances (including evening shows and the midweek and Saturday matinees). Deliveries and construction should also be coordinated with the theatre to avoid any performance change over period that would require clear access to the theatre delivery dock and stage doors. Purpose: To minimise the impact of construction on the operation of the XX Theatre.</p>
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## CoCP Consultation Questionnaire Responses:

Victoria BID	<b>Do you agree with the principle of extending the Code of Construction Practice Approach, and charging to Level 2 schemes?</b>
	Yes
	<b>Do you support the potential for sites to be 'upgraded' to a higher category where deemed appropriate?</b>
	Yes
	<b>Are there other areas that you feel the Code of Construction Practice should cover?</b>
	Not currently
	<b>Do you support the measures for different levels of site?</b>
	Yes
	<b>Do you support the limits in residential areas on noisy working?</b>
	Generally, yes, but what of noise from development sites impacting on the hotel trade yet outside a residential area - how might this be addressed?
	<b>Do you support the proposed approach to encouraging the use of 'local' labour on Level 1 schemes.</b>
	Yes.
	<b>Do you have any further comments or suggestions that you would like to add?</b>
	We welcome this proposed document however there are several areas where we believe Westminster City Council should be more progressive when dealing with impacts of development, and should be stipulating actions related to development that are beneficial to the local community rather than leave these to the discretion of others.
	1.8 – Table 1. Key issues for Level 1, Level 2 and Level 3 projects.

- Given that "In 2011, of the 16 cyclist deaths in London nine involved lorries, of which seven were construction vehicles" (draft Code of Construction Practice, p30), deliveries and traffic routes, traffic management plans should be required for all development, not just Level 2 and 3 developments.

- Given that in Westminster "there are two pollutants of major concern, nitrogen dioxide and particulate matter. The levels of these pollutants are in excess of nationally required standards and are having adverse effects on the environment and health of the people in Westminster." ((WCC Air Quality Action Plan 2013 – 2018, p2), dust monitoring and action levels should be required for all developments.

3.3 – Good housekeeping We encourage WCC to include reference to the need to have tunnels under gantries well-lit at all times as part of this bulleted list.

3.6 – Security We note that: "Alarms must connected [sic] to a 24 hour monitoring station and should adhere to HSE requirements, with a notice specifying contact details for the monitoring company, and must incorporate an appropriate cut-out period" (p15). What is an appropriate cut-out period and who should determine this? We believe the Met Police should be contacted and asked to specify an appropriate cut-out period that balances security with the need to minimise noise disturbance.

3.7.1 – Fencing and hoardings We believe that artwork, the use of climbing plants and viewing windows should be considered as standard on all hoardings adjacent to a footway and no longer be considered something to be taken forward under 'special circumstances'. Like blank returns on buildings, blank hoardings at development sites deaden the streetscape. In re-casting the criteria for a standard hoarding WCC will be raising the standard of hoardings in the capital and improving the lives of those living or working in Westminster or visiting it as tourists where they encounter these improved hoardings. We encourage WCC to seize this opportunity to create a step change in the functionality hoardings. The use of greenery in hoardings will also trap airborne particulates and reduce the air quality impacts of the demolition and construction. We note the proposal that: "when a horizontal length of more than 50 metres of hoardings needs to be erected adjacent to the public highway the incorporation of green hoardings will be encouraged. Where practicable this should incorporate a full cover of climbing plants, with the plants trimmed back only to allow for essential lighting and health and safety signage" (p15). It is not clear why 50 metres has been stipulated and so the number appears arbitrary. A website search reveals at least one contractor that provides ivy screening at lengths of 1 metre. We appreciate that there is a simple cost-benefit ratio of effort/cost versus reward in regards to installing green hoardings, but suggest that 50 metres as a minimum length is far too long. It is also not clear how WCC intends to encourage the use of green hoardings? We appreciate the cost of installing windows, artwork and greenery on hoardings and so perhaps there should be a time period beyond which artwork, viewing windows and green hoardings must be installed – e.g. for hoardings that will be in place for more than 12 weeks?

5.1. – Objectives The negative impacts of contractors not coordinating with other contractors working nearby are felt not just by residents and business but the contractors too. Please make this clear so as to highlight how coordination can benefit them.

5.3.2 – vii (signage) Development sites can often be typified by inadequate or confusing signage or both. We would like to see a wayfinding signage strategy or statement submitted for Level 1 and 2 developments with the planning application. Once development has got underway, signage should be assessed regularly for relevance and re-sited where necessary to take account of any changes – temporary or permanent – in the development site footprint.

5.9 SAFETY OF CYCLISTS (1. Safety Equipment for HGVs over 3.5 tonnes in the fleet) We support the cycle safety measures outlined in this section.. 5.9 – Safety of cyclists (2 – Driver Licence checks for all fleet drivers) Recalling the incidence in Glasgow in December 2014 where a lorry driver blacked out and where six people were killed and that "Mr Clarke failed to tell his employers and the DVLA of his history of blackouts" (BBC website, 30th October 2015) we are minded to suggest that as well the proposal that "Drivers must let their employers know of any penalty points incurred within 5 days of receiving their notice", WCC also specify that drivers must also give notice to their employers where health conditions may affect their ability to drive, or something to that effect. 5.9 – Safety of cyclists (4 – Fleet Operator Recognition Scheme (FORS) membership) FORS has three different levels for operators; Bronze, Silver and Gold. It is not clear why WCC is not stipulation Gold as the minimum standard. If the Bronze level is to be retained, we encourage WCC to recommend that contractors should see Bronze as the start of a process to achieving the Gold standard as there may be a tendency for contractors to achieve Bronze and remain at that level. In this way WCC is helping contractors to develop and stretch themselves in regards to cycle safety.

7.1 – Objectives We recommend WCC revises the text "By controlling dust levels the impact on local air quality can be reduced and nuisance complaints by local residents prevented" and refers also to the business community to raise awareness among developers, consultants, contractors and sub-contractors that the impacts of their projects are felt by more than one stakeholder group.

7.3 – Dust We believe this section should include a preamble on the harmful effects of particulate matter in Westminster so as to underpin the need to suppress dust from construction sites.

7.4 – Vehicle emissions (a) Traffic Marshals in Westminster can issue fixed penalty notice to drivers where they believe an idling offence has been committed and we encourage WCC to include something to this effect in this section to reinforce the need to tackle unnecessary engine idling and why it is being done.

10 – Urban Ecology We recommend that WCC include a preamble to this section outlining the economic benefits green infrastructure to raise awareness among all developers, consultants, contractors and sub-contractors of the vital role green infrastructure plays in creating a sustainable and liveable city.

Appendix B We encourage WCC to list Trees in the Hard Landscapes: A Guide for Delivery published by the Trees and Designs Action Group in this section, for example in the 'Urban Ecology' sub section.

General comments

- What new responsibilities is WCC ascribing to itself with this revision and is WCC confident that it has the capacity to take them on?
- Where developments involve gantries being built over WCC footways and where this results in rough sleepers bedding down within the resulting tunnels or street begging, does WCC consider it appropriate to stipulate that developers have a direct responsibility to assist in addressing incidences of rough sleeping and begging rather than leave such incidences to be dealt with by WCC and other outreach groups (including charities) and the Metropolitan Police which can often be the case? If so, we recommend this be referred to in the final document.
- It is not clear how construction projects that involve refurbishment are to be treated – do they also need to adhere to the proposed CoCP? Surely a large refurbishment has the potential to have significant impacts equitable with larger new developments. To be clear, is it the case that refurbishments are viewed as Level 3 and if large projects could be upgraded to Level 2/1?