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Construction update: Written statement - HLWS230

WS Ministry of Housing, Communities and Local Government

Made on: 13 May 2020

Made by: Lord Greenhalgh (Minister of State for Building Safety and Communities)

Lords HLWS230

Construction update

My Rt Hon. Friend, the Secretary of State for the Ministry of Housing, Communities and Local Government (Robert Jenrick) has today made the following Written Ministerial Statement:

Our Plan to Rebuild: the UK Government's COVID-19 recovery strategy published by the Government on Monday 11 May makes clear that construction work can be undertaken across England providing sites are able to operate safely in line with the new COVID-19 Secure guidelines. A number of developers have already announced plans to restart work on sites.

In doing so, the Government recognises that the construction industry needs to be able to adapt its normal practices. As part of this, temporary extensions to working hours may be required on some sites to facilitate safe working and allow tasks to be completed where social distancing can be challenging. Longer working hours may also be needed to facilitate social distancing in the wider community, for instance by reducing pressure on public transport. It might be necessary to start work earlier in the day or work until later in the evenings.

However, many construction sites in England are subject to controls which restrict their hours of operation. These controls include planning conditions, which might directly restrict working hours or which might restrict working hours through a construction management plan. These conditions may be necessary, for example, to make the development acceptable to local residents and businesses who might otherwise suffer from traffic, noise and other local amenity issues.

The purpose of this Written Ministerial Statement is to make clear that, with immediate effect, local planning authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19.

The National Planning Policy Framework already emphasises that planning enforcement is a discretionary activity and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action.

Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward brief plans to manage concerns, drawing on existing good practice. In return, local planning authorities should respond speedily and sympathetically and engage positively with applicants to find solutions. Local authorities should prioritise these types of applications and give early clarity on the acceptability of extended hours to developers. They should ensure that decisions are issued quickly – with the aim of doing so within 10 working days.

In allowing greater flexibility, the Government recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses. Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays.

However, local authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection. In some cases, such as in areas without residential properties, extending working hours beyond this, including allowing 24 hour working where appropriate, may be justified. In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should show best endeavours to facilitate such requests.

Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

Any temporary changes to construction working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.

This Statement covers England only. The need for the Statement will be reviewed when the requirement for social distancing on construction sites diminishes.

This statement has also been made in the House of Commons: HCWS234